



## **RULES FOR OUTDOOR SEATING AREAS ON PUBLIC RIGHTS-OF-WAY**

(Last revised 3/18/2022)

Food and beverage establishments that wish to establish and operate new, or expand existing outdoor seating areas shall abide by the following rules:

### **General Rules**

1. Outdoor seating areas shall be auxiliary to the business conducted on premises.
2. Outdoor seating area hours of operation shall not exceed normal hours of operation for the business. Unless specifically approved by the City Council, the outdoor seating area shall not be operated before 7:30 a.m or after 10:00 p.m.
3. Outdoor seating areas must be functionally adjacent or contiguous to the business.
4. Outdoor trash receptacles shall be provided and maintained in a clean and sanitary manner.
5. Outdoor seating area shall be operated in a manner to minimize negative impacts on nearby properties.
6. Public property, including public sidewalks, parking areas, or other City-owned right-of-way may not be used for outdoor seating areas unless and until the business owner provides the City with certificate of insurance naming the City as an additional noncontributory primary insured with limits not less than \$1,000,000.

### **Location and Improvement Requirements**

1. Sidewalks may be utilized provided sufficient clear sidewalk width is maintained for safe pedestrian and wheelchair traffic.
2. All outdoor seating areas shall be installed and operated on a dustless all-weather surface. Natural grass does not qualify as an all-weather surface.
3. If off-street parking is used for the outdoor seating area, a sufficient number of parking spaces, including ADA spaces, shall be preserved for employee and customer use.
4. A physically substantial barrier possessing a quality aesthetic, approved by the Director of Community and Economic Development, and consisting of items such as, but not limited to, an elevated deck platform, short walls, landscape/flower planters, and/or securely anchored ornamental fencing shall be installed to protect patrons and separate outdoor seating areas from parking spaces, parking lot drive aisles, and adjacent public sidewalks and streets.
5. Furniture installed in outdoor seating areas shall be of commercial quality, designed for outdoor use, maintained in a quality condition, and secured or actively operated in a manner that minimizes the potential for it to become a safety concern in windy conditions.

### **City Approval Requirements**

1. An annual license application must be submitted for City review and approval for all privately installed and operated outdoor seating areas in the public right-of-way. Refer to section 7-2-2 of the Warrenville City Code for more information regarding outdoor seating areas on public rights-of-way.
2. An annual City approved Non-Exclusive Outdoor Seating License Agreement is required for all privately installed and operated outdoor seating areas and parklets on public right-of-way or other City owned property. Refer to section 7-2-2 of the City Code for more detailed licensing requirements.

3. A Site Plan drawn to scale, with dimensions, illustrating the proposed outdoor seating location and layout, and identifying all proposed temporary and permanent improvements (barriers, fencing, signs, etc), shall accompany all License Applications for outdoor seating areas on public right-of-way areas accessory to food or beverage service establishments.
4. No permanent barriers may be installed without proper City building permits.
5. Temporary tents over 120 square feet in area may be installed in outdoor seating areas pursuant to a Building Permit issued by the City.
6. Permanent plumbing, electrical, and lighting fixtures shall not be installed unless a building permit for those improvements has been issued by the City.
7. The City's Director of Community and Economic Development may impose additional special conditions or restrictions on outdoor seating licenses and permits if parking, noise, safety, or other operational issues arise.
8. The City's Director of Community and Economic Development reserves the right to revoke a permit or license agreement for a permanent outdoor seating area if the permit holder consistently violates conditions of an approved City permit or otherwise operates the outdoor seating area in violation of these rules or other applicable City ordinances.

### **Liquor License**

The service of alcohol in an outdoor seating area is permissible provided the business owner has a valid liquor license and the outdoor seating area is installed and operated pursuant to a valid City license agreement and in compliance with these rules, the conditions of the City license agreement, and the following additional conditions:

1. Follow all liquor service laws and best practices.
2. Provide adequate supervision and control of the outdoor seating area to ensure customers are not leaving the designated premises with open containers and minors are not consuming alcoholic beverages in or near the area.
3. The liquor licensee has dram shop insurance covering the outdoor seating area. The licensee shall provide a certificate of dram shop insurance evidencing compliance with this requirement upon request of the City.

### **Fire Safety**

1. Fire hydrants and fire lanes (20 feet in width) cannot be blocked or used for outdoor seating.
2. Propane fueled patio heaters shall not be located closer than 10 feet to any building entrance/exit.
3. Heaters of any kind shall be prohibited under tents or umbrellas.
4. Smoking is prohibited in all outdoor seating areas.
5. All electrical improvements shall comply with the provisions of the most current version of the National Electrical Code adopted by the City of Warrenville.

### **Signage**

1. Signs shall not interfere with traffic, must be properly secured and well maintained (not tattered or flapping) and must comply with all applicable requirements of the City of Warrenville Sign Ordinance.

### **Public Health**

1. The operation of the outdoor seating area must comply with protocols and guidelines issued by the Illinois Department of Public Health, Centers for Disease Control, DuPage County Health Department or other official authority. Follow updated guidance as it is released.
2. Adequate safeguards shall be in place for safety, security, crowd control, lighting, and the protection of minors.
3. Restrooms shall to be provided as required by the State of Illinois Plumbing Code.