



City of Chicago



SO2020-2891

Office of the City Clerk

Document Tracking Sheet

Meeting Date: 6/11/2020

Sponsor(s): Dept./Agency

Type: Ordinance

Title: Departmental regulations governing issuance of sidewalk cafe permits and special event liquor licenses to facilitate Expanded Outdoor Dining Program

Committee(s) Assignment: Committee on Transportation and Public Way

ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

ARTICLE I. SIDEWALK CAFÉS

SECTION 1. *Definitions.*

For purposes of this ordinance, the following definitions shall apply.

“Code” means the Municipal Code of Chicago.

“Neighboring property” means any property immediately adjacent to a property that contains a building or portion thereof in which a retail food establishment or indoor retail market operates.

Terms used in this ordinance that are defined in Section 10-28-800 of the Code shall have the meaning ascribed to those terms in that section of the Code.

SECTION 2. *Applicability and conflict.*

(a) In addition to other applicable law, this ordinance, Article XII of Chapter 10-28 of the Code, and rules promulgated thereunder shall apply to the regulation of sidewalk cafés.

(b) In the event of a conflict between this ordinance and Article XII of Chapter 10-28 of the Code and rules promulgated thereunder, this ordinance shall prevail.

SECTION 3. *Permit issuance.*

(a) If the Commissioner finds that an applicant for a sidewalk café permit meets the requirements of this ordinance, as well as the requirements in Article XII of Chapter 10-28 of the Code that are not in conflict with this ordinance and rules promulgated thereunder, the Commissioner is authorized to issue a sidewalk café permit.

(b) No separate ordinance authorization beyond authorization pursuant to this ordinance is required for the issuance of a sidewalk café permit.

SECTION 4. *Extension in front of neighboring property.*

If permit application is made for a sidewalk café that would extend to any portion of a public right-of-way in front of a neighboring property, in addition to all other applicable requirements, the following requirements shall apply and shall be required for continued operation:

- 1) The insurance coverages furnished in compliance with Section 10-28-815 of the Code must apply to the entire footprint of the sidewalk café as set forth in the approved plan;

- 2) The sidewalk café must extend to the public right-of-way in front of the neighboring property without interruption;
- 3) The sidewalk café cannot obstruct the view of any of the occupied neighboring property's windows from the street, or block the door of the neighboring property;
- 4) The sidewalk café cannot extend to a public right-of-way in front of a neighboring property that is used for the operation of a retail food establishment or retail liquor establishment;
- 5) The extension shall be limited to the public right-of-way in front of a single neighboring property; and
- 6) If the sidewalk café extends on the property side of the public right-of-way in front of the neighboring property, the applicant shall notify, in writing, the owner and occupant, if any, of such property of the applicant's plan to apply for a sidewalk café permit that that would extend on the property side of the public right-of-way in front of the neighboring property. A copy of such notice shall be included with the sidewalk café permit application. No such notice shall be required if the sidewalk café extension is entirely on the curb side of the public right-of-way in front of the neighboring property.

SECTION 5. *Permit fees.*

Permit fees for issuance of a sidewalk café permit shall be twenty-five percent of the fees that otherwise would have been charged for such permit under Section 10-28-805 of the Code. The Commissioner is authorized to issue a refund of any excess sidewalk café permit fee paid by an applicant to the City while this ordinance is in effect.

ARTICLE II. EXPANDED OUTDOOR DINING PROGRAM

SECTION 1. *Special event liquor licenses.*

In order to facilitate the Expanded Outdoor Dining Program ("Program") created by the Commissioner of Transportation in accordance with Section 2-102-030(v), to help restaurants open in an outdoor environment during the COVID-19 pandemic, special event liquor licenses issued pursuant to Section 4-60-070 under the Program shall be exempt from the eleven-day time limit set by subsection 4-60-070(c). Special event liquor licenses may be issued for the duration of the term set by the Program after the applicant pays the \$150 one-time fee, to a maximum of 180 days.

SECTION 2. *Private property.*

The Commissioner of Transportation and the Commissioner of Business Affairs and Consumer Protection are authorized to jointly promulgate rules to allow licensed retail food establishments to operate within the Program, both on public and on private property.

ARTICLE III. EFFECTIVE DATES AND REPEAL

SECTION 1. *Effective date and repeal.*

- (a) This ordinance shall take effect upon its passage and approval. ARTICLE I shall apply retroactively to March 1, 2020. ARTICLE II shall apply retroactively to June 11, 2020.

- (b) ARTICLE II of this ordinance shall be repealed of its own accord, without further action of the City Council, at midnight on December 31, 2020. The remainder of this ordinance shall be repealed of its own accord, without further action of the City Council, at midnight on March 1, 2021.