



Community Development Department

City Hall

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Lockport, IL 60441

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www.lockport.org

Temporary Sidewalk Café or Restaurant Application

Last revised 4/9/21

The City of Lockport welcomes your interest in establishing an outdoor dining area for the enjoyment of your patrons. There a number of outside dining areas which are allowed by the City, either as a permitted use or as a special use. We have tried to address each of these. Of course, different standards may apply to each individual activity. Additionally, please remember that this permit is separate from other permits that may be necessary for you to create and operate a sidewalk area dining facility, such as but not limited to: liquor licenses, building permits, occupancy permits, health department permits, etc. Below is a brief summary of the types of outdoor eating/drinking permits in Lockport. More detailed regulations for each are attached to this application.

SIDEWALK CAFÉ: A restaurant with an outside area for eating and drinking having ten or fewer tables (20 square foot each maximum) and located on public sidewalks. Businesses wanting to sell alcoholic beverages in the sidewalk café must apply for a liquor license through the City Clerk's office and such licenses are limited to businesses holding a C-1, C-2, D-1, or D-2 liquor license.

GENERAL INFORMATION

Restaurant Name: _____

Address: _____

Contact Name: _____

Contact Number: _____

Email address: _____

Anticipated date to begin outdoor dining: _____

Electrical (Lighting/Speakers): _____

Liquor License to sell liquor: Yes _____ No _____ Hours of Operation: _____

By signing the application, the applicant is affirming that proper commercial premise liability insurance and if applicable, dram shop insurance have been obtained to cover the potential loss and/or claim of damage arising from the use of the outdoor space for dining and/or drinking.

Applicant Signature: _____ Date: _____

REQUIRED SUBMITTAL ITEMS

- Copy of a valid food handler's permit.
- A plat of survey of the property. (If applicable).
- A dimensioned plan drawn to scale and done in a professional manner*** showing proposed outdoor area. Indicate entrance and exit locations, furniture locations, improvements such as light posts, benches, planters, trees and tree grates in the area, location of the curb relative to the building.
- Completed indemnification statement is required on the form provided by the city.
- Provide an insurance certificate naming the City of Lockport as an additional insured with comprehensive general liability limits in the amount of \$500,000 combined single limit shall be in full force and effect during the life of the permit.

INDEMNIFICATION

WHEREAS, the undersigned desires to maintain an outdoor restaurant seating area on a portion of the public sidewalk in the City of Lockport;

WHEREAS, the City of Lockport is willing to permit the undersigned to maintain such an area, provided that the City will not thereby incur the risk of any liabilities to the undersigned, or to any third party or employee of the undersigned, by virtue of the presence or actions of the undersigned;

NOW, THEREFORE, the undersigned agrees to indemnify, defend and hold harmless the City of Lockport, its officers, employees and agents against any and all loss, liability, damage, claims, costs and expenses, including attorney's fees which it may hereafter suffer, incur, be put to or pay out as a result of the undersigned's operation of the restaurant outdoor seating area and the undersigned shall at his or her own expense, appear defend and pay all fees of attorneys and all costs and other expenses arising therefrom or incurred in connection therewith; and, if any judgments shall be rendered against the City in any such action, the undersigned shall satisfy and discharge the same excluding only such claims, demands or losses, which result from the sole negligence of the City of Lockport or its officers, agents or employees.

Signed at _____ Illinois, this _____ day of , 20_____

WITNESS: _____

Signature

Name (Please Print)

Title

Address

City, State, Zip

SIDEWALK CAFÉ PERMIT – Section 91.80, 91.83

Restaurant businesses placing chairs and tables outside their buildings on public and private sidewalks (including patios) are required to apply for a sidewalk café permit. Sidewalk cafés are limited to a maximum of ten tables (20 square foot each maximum) subject to city staff review of specific site limitations. Outdoor dining areas permits shall expire on December 31 of the same calendar year. No permit shall be issued to any business that is not in compliance with all provisions of the city code. State limitations and requirements shall apply to all state right-of-ways.

Sidewalk cafés are subject to the following regulations:

- Items on the sidewalk shall at all times be placed in accordance with the approved plan. Any changes made without the approval of the city will be considered a violation of this subchapter and subject to penalty as outlined in § 91.99.
- The sidewalk shall be kept clean and free of refuse and clutter at all times by the permit holder regardless of the source of such refuse and clutter, including but not limited to overflowing trash receptacles (private and public), cigarette, and paper refuse. Private trash receptacles may be required by the City where there is no wait staff serving the outdoor area.
- The temporary sidewalk café / outdoor eating area must be cleaned or power-washed once every two weeks while the outdoor seating area is in use.
- All public improvements on the sidewalk, including but not limited to benches, light poles, and trees shall be maintained in the condition in which they existed immediately prior to the issuance of the permit, excluding normal wear and tear. The permit holder shall immediately report any damage to the city. The city shall replace or repair such improvements at its discretion and shall charge the cost of such replacement or repair to the permit holder unless the damage can be clearly shown to have resulted from a cause not related to the issuance of the sidewalk use permit. It is entirely the permit holder's responsibility and obligation to provide any such evidence that the aforesaid damage resulted from a cause not related to the issuance of the sidewalk permit.
- Operations of the sidewalk café shall be conducted in a manner that does not interfere with pedestrians, parking, or traffic.
- The area and materials must be maintained and in good condition at all times. Broken, rusting, torn or tattered furnishings shall be removed promptly.
- Furniture items must be made to a professional standard and may be constructed of the following materials: wood, iron, steel, canvas (as in director's chairs), aluminum, plastic or resin.
- Site furnishings must be removed at the conclusion of the outdoor use season, during any period of permit suspension or revocation, or in the event the outdoor use is discontinued for a period in excess of seven (7) days.
- The proposal must meet all other regulating codes and requirements including but not limited to zoning, building, development, health, fire, police, etc.
- Items shall be placed so that a five-foot wide unobstructed pedestrian walkway is maintained at all times. The walkway shall be located so as to be parallel to the curb line, and include an unobstructed five-foot path measured from the curb. Pedestrian clearances must be clearly evident.
- A five-foot clear zone shall be maintained at corner locations of two public sidewalks. No item shall be placed within five feet of the corner of the building on either side. This "clear zone" shall be defined as a space measured five feet from the corner of a building on both sides facing the sidewalk, so that the corner of the building is entirely free from obstruction.
- Sidewalk cafés on public sidewalks must delineate the space with fencing, planters (continuous), or other such temporary means when alcohol is served and is encouraged where it is not. In the public right-of-way, the barrier is not to exceed 42 inches. Demarcation fences shall not require, nor shall be permitted to have postholes drilled into any sidewalk surface. Fences shall be easily removable without leaving any lasting impression on the sidewalk.
- Items shall be adjacent to the building and shall not extend beyond the permit holder's property on any side.
- Items shall not obstruct normal ingress and egress from the business or other businesses.
- Items shall be at least 20 inches in height and shall be of a design and/or weight that will not create a wind-blown hazard.
- Umbrellas shall not encroach upon the five-foot clear zone or upon the five-foot walkway. Umbrellas shall be secured so as not to create any safety hazard. During any severe weather conditions, the permit holder

shall be responsible for removing and/or securing the umbrella so as not to create any safety hazard. The design is limited to a solid color or striped design. Natural, earth-toned colors are encouraged. No advertising is permitted on the umbrellas with the exception that one business or product logo may be displayed, up to a maximum of four (4) square feet.

- If it determined that the hours of operation of the outdoor area will not negatively impact the use and enjoyment of the neighboring properties, outdoor activities shall not exceed the hours of operation for the principal use, excluding the sale of liquor which may be further limited by the liquor license. Amplified music and music speakers are prohibited from the area.
- Access to interior bathrooms for customers must be provided at that property during hours of operation.
- Tables and chairs of establishments may, at the discretion of the city, be required to be removed during Canal Days, or other such events, potentially causing a conflict due to the volume of pedestrian traffic and other uses on the sidewalks.
- When there are sales and consumption of alcoholic beverages in the outdoor area additional standards apply and it shall be licensed as set forth in §111.09.
- Provide a certificate of insurance naming the city as an additional insured with minimum liability coverage of \$500,000.
- A signed indemnification statement is required on the form provided by the city.
- A copy of a valid food handler's permit is required.
- A failure to comply with the provisions of this subchapter may result in a fine as provided in § 91.99.
- The enforcement of all other sections of this subchapter including, but not limited to, the maintenance provisions and restrictions, shall be the responsibility of the permit holder. Any two violations of the provisions shall result in the revocation of the permit and permit holder shall be prohibited from reapplication for a period of 12 months.
- The city, upon determining that the method or manner of use or conduct of persons using such facilities pose a threat to public health, safety or welfare shall have the power and authority to cause the items to be removed immediately and to revoke the permit. (30) Annual permits for sidewalk cafés shall be granted upon administrative review of the sidewalk café application and approval by the City Planner. The City Administrator shall have the authority to revoke a permit after holding a hearing on the matter. An appeal from a denial of a sidewalk permit or from a revocation shall be heard and decided by the City Council and Mayor. Such appeal shall be made to the City Council within ten working days from the date of the decision of the denial or revocation.