



Sidewalk Café Permit New & Renewal Application

SIDEWALK CAFÉ: A dining area located partially or wholly on a public sidewalk or parkway. (7-2-6(D)1.)

Submit to:

Community Development
 Building and Inspection Services
 2100 Ridge Avenue
 Evanston, Illinois 60201-2798
 T 847.448.4311
 E: PermitDesk@cityofevanston.org

Food Establishment _____

Address _____

Contact Name _____

Address, if different than Food Establishment _____

Café Hours of Operation _____

Phone1 _____ Phone2 _____

Email _____

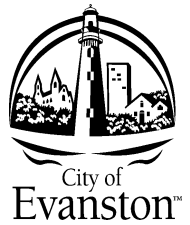
FEES (DO NOT INCLUDE PAYMENT WITH APPLICATION - YOU WILL BE EMAILED AN INVOICE)

Sidewalk Café Permit Type	Annual Permit Fee (required)	Permit Fee Per Square Foot*	Outdoor Storage (optional)**
Bakery, Ice Cream	\$250	\$2	\$250
Enoteca or Class K liquor licensee	\$250	\$2	\$250
Type-1 Restaurant	\$300	\$3	\$250
Type-2 Restaurant	\$300	\$3	\$300
Other Food Establishments	\$250	\$2	\$250

* Cost per square foot for the area of the public way occupied by the sidewalk café as determined by the City's Engineering Department following assessment and approval of site plan.

** For storage of tables, benches or chairs approved sidewalk café area on the city sidewalk

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THE FOLLOWING MUST BE INCLUDED WITH THIS APPLICATION

- Site plan – A new drawing is required if changes from the previous year are requested or a new sidewalk café application is being submitted
- Menu of proposed service
- Statement of Restaurant Use
- A certificate of insurance as described here and must include this statement: “The City of Evanston is named an additional insured pursuant to the City Code sections regulating sidewalk cafes, and all City staff regulations regarding sidewalk cafes.”
- The signed Release, Indemnification & Hold Harmless Agreement
- City of Evanston Liquor License (if applicable)

REQUIRED ADDITIONAL INFORMATION (Mark “Yes” or “No”)

- Reusable dishware/flatware will be used for café customers.
- Disposable dishware/flatware will be used for café customers.
- Public parking is available within 1 block.
- Valet parking is offered.
- Storage of tables, benches or chairs will be on the city sidewalk.
- Liquor service will be available at the café. **NOTE: NO SERVICE OR CONSUMPTION AT TYPE 2 RESTAURANTS.** (Include a copy of your current Evanston liquor license.)

PLEASE READ - CITY CODE 7-2-6 RULES AND REGULATIONS FOR ALL SIDEWALK CAFES:

5.a. (1) Licensed type 1 restaurants, possessing an alcoholic liquor license of any classification and located within the "core area" as defined in section 3-4-1 of this code, may sell alcoholic liquor on sidewalk cafe premises. Such sale of alcoholic liquor shall be for consumption on the premises only with the consumption of a meal. This provision must be clearly stated on sidewalk cafe menus.

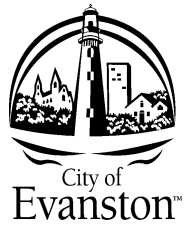
(2) Licensed restaurants, possessing an alcoholic liquor license of any classification, but located outside the "core area" as defined in section 3-4-1 of this code, unless otherwise permitted in subsection (D)5a(3) of this section, and all type 2 restaurants, are prohibited from serving alcoholic liquor on the sidewalk cafe premises or allowing any patron to consume or have in his or her possession, any alcoholic liquor on said cafe premises. Licensed restaurants outside the core area which serve alcoholic liquor in the principal establishment, unless otherwise permitted in subsection (D)5a(3) of this section, and type 2 restaurants which serve alcoholic liquor in the principal establishment must clearly state on the menu for outdoor service that the sale and/or consumption of alcoholic liquor is prohibited.

(3) Licensed type 1 restaurants, possessing an alcoholic beverage license of any classification, but located outside the "core area", may request a sidewalk cafe permit which allows the sale of alcoholic liquor on sidewalk cafe premises subject to the standards and procedures of subsection (D)6 of this section and in compliance with all other applicable provisions of this code.

(4) An enoteca possessing a Class K liquor license sell wine within the boundaries of the sidewalk cafe premises.

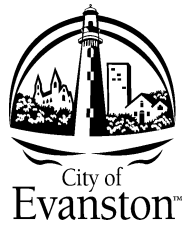
(5) A Class K liquor licensee may sell beer, wine, or liquor within the boundaries of the sidewalk café premises.

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- b. At all times, including while being stored, prepared, displayed, served or transported to the table, food shall be protected from potential contamination by being covered and/or refrigerated if necessary.
- c. Reusable, nondisposable flatware, dishware and beverage containers, are required for use in association with all sidewalk cafes. No food or beverage, including water, shall be served in, on, or with single use paper, plastic, or polystyrene plastic dishes or utensils, nor shall any food or beverage be served to the customer wrapped or packaged in foil, paper, plastic, or polystyrene plastic. The prohibition on the use of single use dishes, utensils, beverage containers or foil, paper, plastic, or plastic wrapping or packaging may be waived by the Design & Project Review Committee or City Council upon a showing of good cause. Such good cause includes, but is not limited to, provisions of table bus service, a litter control and disposal plan, or equivalents, sufficient to obviate any adverse off site effects of the grant of the waiver.
- d. When associated with type 1 restaurants, food or beverages consumed at sidewalk tables, benches, or chairs must be served by a waiter or waitress of the restaurant at said tables, benches, or chairs. When associated with type 2 restaurants, bakeries, ice cream stores or any other licensed food service establishment or other licensed retail food store, a sidewalk cafe shall provide bus service during all hours of operation. When associated with enotecas or Class K liquor licensees, food or beverages consumed at sidewalk tables, benches, or chairs must be served by a waiter or waitress of the enoteca or Class K liquor licensees at said tables, benches, or chairs.
- e. The operator of any licensed food service establishment or licensed retail food store or enoteca or Class K liquor licensees must maintain the exterior of the premises, including the sidewalk cafe area, in accordance with applicable regulations of the Evanston Health Department and Public Works Department. This duty to maintain extends to the removal of all litter, regardless of its source.
- f. Sidewalk tables, benches, or chairs may not be attached by any means to the public sidewalk or any other public property.
- g. Sidewalk tables, benches, or chairs may be stored on the City sidewalk, in an area approved by the City, upon the payment of a three hundred dollar (\$300.00) fee for type 2 restaurants or a two-hundred and fifty (\$250.00) for all other types of businesses.
- h. A sidewalk cafe shall not be open for business when the interior aspect of the business is not open for business.
- i. The outdoor seating area shall be accessible to the disabled, and the licensee shall at all times comply with all applicable federal, state, and City laws, ordinances, and regulations concerning accessibility and nondiscrimination in the providing of services.
- j. No animals, except those assisting the disabled, shall be allowed in the outdoor restaurant seating area.
- k. Except for an enoteca business or Class K liquor license establishment, alcohol will only be served at sidewalk cafes in conjunction with a full meal. The sidewalk cafe shall not function as a "bar," as that term is defined in Section 3-4-1, the City's liquor control regulations, of this Code.
- l. Alcohol will not be served at sidewalk cafes after 9:30 p.m. on weekdays and after 10:30 p.m. on weekends.

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m. Any violation of the City's liquor control regulations at the sidewalk cafe premises may result in the revocation of the liquor license for the entire licensed premises in accordance with the provisions of Title 3, Chapter 5 of this Code.

n. Revocation or suspension of a sidewalk cafe permit by the City Manager or his/her designee pursuant to Section 7-2-6(D)(7) prohibits service of alcoholic liquor on the sidewalk cafe premises for the duration of the revocation or suspension.

o. No amplified music, whether live or recorded, is allowed on sidewalk café premises.

p. The sidewalk café permit and approved plan shall be conspicuously displayed on the exterior wall or window of the main entrance of the licensed retail food establishment during all hours of operation. The boundaries of the Sidewalk Café, including the physical boundary separating the permitted outdoor seating from the remainder of the public way, shall reflect the approved plan and shall not be modified or altered unless approved by the Design & Project Review Committee or City Council.

ADDITIONAL RULES AND REGULATIONS FOR ALL SIDEWALK CAFES:

- Smoking will be prohibited at both the sidewalk café and interior of the restaurant in accordance with § 8-21 Clean Air Act – Smoking of the Evanston City Code and that wait staff and management will actively enforce this.
- A clear distance of a minimum of six (6) unobstructed feet in width, measured from the sidewalk curb and from any public improvements within the right of way, including, but not limited to, parking meters, signs, and planters to the ropes or chains delimiting the sidewalk cafe area as indicated on the approved site drawing will be maintained.
- As per § 7-2-6(C)(3)(f), a Certificate of Insurance showing coverage through November 1 of the permit year must be submitted as part of the application. If coverage expires before November 1, a Certificate of Insurance must be submitted 30 days before the expiration date.
- No BYOB liquor service or consumption is allowed at the sidewalk café; the food establishment must have a valid liquor license.
- Outdoor amplified music is not allowed at the sidewalk café.

Please check appropriate box:

- I intend to set up the café area exactly as designated in the site plan approved for the previous year.
- I am submitting a revised site plan with this application for review.
- I am submitting a new site plan and new application for review.

My signature on this application indicates that the information submitted is accurate and that I understand and accept the responsibility to operate the sidewalk café in compliance with all the relevant City rules and regulations.

Name (please print) _____ Title/Position _____

Signature _____ Date _____

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SITE PLAN DRAWING GUIDELINES

(Site assessment and approval by the Planning & Zoning Division required for permit issuance)

A detailed drawing to scale of the proposed site indicating the following: the existing facade; the points of ingress and egress; and the proposed location of the tables, chairs, serving equipment, planters, awnings, lighting, delimiting ropes or chains and other facilities to be included in the cafe operation. The detailed scale drawing must indicate the location of the existing public improvements including the following: fire hydrants, parking meters, streetlights, traffic signals, street signs, bus shelters, trees, tree grates, planting boxes and/or planting areas, and any other public or private obstruction. A plat of survey may be required.

Provide clear distance of a minimum of six (6) unobstructed feet in width, measured from the sidewalk curb and from any public improvements within the right-of-way, including, but not limited to, parking meters, signs, and planters to the ropes or chains delimiting the sidewalk cafe area. Please note: the six (6) feet requirement should consider occupied seating where the chair is pushed away from the table to accommodate the space of a patron.

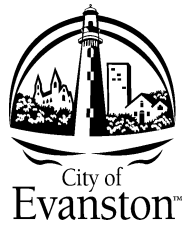
There should be unobstructed passage for pedestrians, with consideration for those with disabilities, vehicle flow, or access to buildings.

Do not place sidewalk tables, benches, or chairs in a location that interferes with the operation of fire hydrants, pedestrian crosswalks, intersections, bus stops, or taxi stands, or in a location that is harmful to trees or other plantings.

Do not utilize any of the required or non-required parking space area for sidewalk tables, benches, chairs, or other furniture and materials associated with the sidewalk café.

The sidewalk café permit and ground plan shall be conspicuously displayed on the exterior wall or window near the main entrance of the establishment during all hours of operation.

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STATEMENT OF RESTAURANT USE (Sidewalk Café)

Name of Establishment _____

Address _____

(Check the definition that best describes your operation.)

____ RESTAURANT, TYPE 1: An establishment in which the principal use is the service of prepared food and beverages for consumption on the premises. All service of prepared food and beverages for consumption on the premises shall require customers to order at a table, booth or dining counter with service by a waiter or waitress at said table, booth or dining counter and also shall require the use of reusable (non-disposable) flatware and dishware. Drive-through facilities are prohibited. (7-2-6(D)1)

____ RESTAURANT, TYPE 2: An establishment in which the principal use is the service of prepared food and/or beverages for consumption on and/or off the premises and that is not a "restaurant type 1" as defined in this section. This definition shall not include establishments wherein incidental prepared food and beverage service is accessory to a bakery, food establishment, convenience store, food store establishment, meat market, or similar principal use nor shall it include cafeterias that are accessory to hospitals, colleges, universities, schools or other similar principal uses. (7-2-6(D)1) Type 2 Restaurants are required to post the enclosed LITTER COLLECTION PLAN on site. **NOTE: NO LIQUOR SERVICE OR CONSUMPTION ALLOWED AT THE SIDEWALK CAFÉ.**

____ ICE CREAM STORE: An establishment selling primarily ice cream, soda water, frozen yogurt and soft drinks.

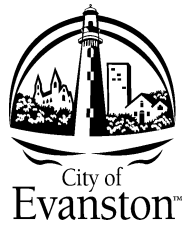
____ BAKERY: An establishment for any process of mixing, compounding and baking any bread, biscuits, crackers, rolls, cakes, pies, or any food products of which flour or meal is the principal ingredient, for sale at retail or at wholesale.

____ OTHER FOOD SERVICE ESTABLISHMENT or RETAIL FOOD STORE

____ ENOTECA or CLASS K LIQUOR LICENSEE: a special type of local or regional wine shop

*If you have questions or need assistance completing **this document**, contact the Planning & Zoning Division, zoning@cityofevanston.org or call 847-448-4311.*

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RELEASE, INDEMNIFICATION & HOLD HARMLESS AGREEMENT (Sidewalk Café)

WHEREAS, the undersigned desires to maintain a sidewalk café (e.g. an outdoor dining seating area) on a portion of the public sidewalk in the City of Evanston; and

WHEREAS, the City of Evanston may permit the undersigned to maintain such an area, provided that the City shall 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 release, indemnify, defend and hold harmless the City of Evanston, its officers, employees and agents against any and all loss, liability, damage, claims, costs, attorney's fees, and expenses which it may hereafter incur as a result of the undersigned's operation of the sidewalk café/outdoor dining seating area. The undersigned shall at his or her own expense, appear, defend, and pay all attorney's fees, and all costs and other expenses arising therefrom or incurred in connection with the undersigned's operation of the sidewalk café/outdoor dining seating area. 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 Evanston or its officers, agents or employees.

I HAVE CAREFULLY READ THIS RELEASE AND FULLY UNDERSTAND ITS CONTENTS. I AM AWARE THAT THIS IS A RELEASE AND HOLD HARMLESS AGREEMENT, AND A CONTRACT BETWEEN THE CITY OF EVANSTON AND ME, AND I SIGN IT OF MY FREE WILL.

Signed at _____ this _____ day of _____, 20__.
City, State *Date* *Month*

Signature

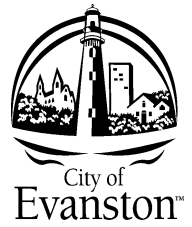
Name (Please Print)

Title

Address

City, State, Zip

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LIABILITY AND INSURANCE REQUIREMENTS (Do Not Return This Instruction Sheet With Your Application)

Sidewalk Café Permit applicants shall, during the entire term hereof, keep in full force and effect, at its own expense, the following insurance requirements **for the entire permit period (April 1 – Nov 1)**. Please submit certificate on insurance with the following:

1. Commercial general liability insurance in the amount of \$1,000,000 per occurrence for bodily injury and property damage. The City must be named as an additional insured on this policy and an endorsement must be issued as part of the policy evidencing compliance with this requirement. A certificate of insurance as described here and must include this statement: "The City of Evanston is named an additional insured pursuant to the City Code sections regulating sidewalk cafes, and all City staff regulations regarding sidewalk cafes."
2. Worker's compensation and employer's liability as required by the State of Illinois.
3. All policies must be issued by companies authorized to do business in the State of Illinois and rated B+: VE or better per Best's Key Rating guide, latest edition.
4. The City shall receive at least thirty (30) days written notice prior to any cancellation, nonrenewal or material change in the coverage provided.
5. The permittee must provide and have approved by the City's Risk Manager an original certificate of insurance as evidence that the above requirements have been met prior to the permit becoming effective. Failure to comply with these requirements shall cause a suspension or revocation of this permit.