

**AN ORDINANCE AMENDING CHAPTER 22 “BUSINESSES”
OF THE CODE OF ORDINANCES**

WHEREAS, the COVID-19 virus (“Pandemic”) has caused restaurants in the City to close as of March 17, 2020 due to the Pandemic in accordance with Illinois Governor J.B. Pritzker’s Executive Order; and

WHEREAS, on May 24, 2020, the Governor has partially allowed restaurants bars, cafes and coffee shops to conduct business provided the restaurant bars, cafes and coffee shops comply with the guidelines as set forth in the Illinois Department of Commerce and Economic Opportunity entitled “Restaurants and Bars for Outdoor Dining Guidelines” (“Regulations”); and

WHEREAS, the City Council of the City of Rolling Meadows has determined that it is in the best interests of the City to amend the City’s Code of Ordinances to allow outdoor seating, provided the outdoor seating is in accordance with and in compliance of the Regulations; and

WHEREAS, the City is a home rule municipality pursuant to Article VII, Section 6 of the Illinois Constitution.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Rolling Meadows, Cook County, Illinois, as follows:

SECTION ONE: The recitals set forth above are hereby incorporated herein as thought set forth herein, verbatim.

SECTION TWO: Chapter 22, "Business" is hereby amended by adding the following:

Article V. Temporary Regulations for Restaurants, Bars Cafes and Coffee Shop Seating.

Section 22-1900. Illinois Regulations for Restaurants and Bars.

The City hereby adopts by reference the Regulations as though fully set forth herein. Restaurants, cafés, coffee shops and bars shall strictly comply with the Regulations. Tents may be allowed as approved by City staff and pursuant to the issuance of a permit by the City. Umbrellas for tables may be allowed.

Section 22-1901. Additional Regulations.

The following regulations shall apply to restaurants, cafe and coffee shop and bars that have not been granted a special use permit in accordance with Section 122-27 of the Code of Ordinances:

1. All requests for outdoor seating shall be submitted to the community development department for review. A site plan shall be submitted that clearly identifies the area to be used for outdoor seating in relation to the existing restaurant, cafe and coffee shop and bar and all tables, chairs, waste containers and other items shall be clearly marked and to scale.
2. A permit shall be obtained for all outdoor seating areas.
3. The outdoor seating area shall be incidental to the operation of a restaurant, bar, coffee shop or cafe appropriately located on the premises and adequately landscaped as determined necessary by the Director of Public Works or his authorized designee.
4. All outdoor seating areas shall be placed on an all-weather hard surface area.
5. The outdoor seating area shall be abutting the principal building and the space which is occupied by the restaurant.
6. All outdoor seating areas shall comply with current life, safety, health and exit code requirements adopted by the City as now existing or hereafter amended.
7. Seating may be located on sidewalks or pedestrian walkways (public or private) provided that five feet of the sidewalk or walkway remains unobstructed.

8. If seating is provided on public property, the following shall apply:

i. The applicant shall submit a hold harmless agreement which indemnifies the City from any and all liability that may arise relating to the outdoor seating activity.

ii. The applicant shall submit evidence of general liability and dram shop insurance (if required), in an amount acceptable to the City. The policy shall include the City as a named insured and insuring the City against any liability resulting from the operation of the outdoor seating. The minimum coverage shall be at least \$1,000,000.00 for general liability insurance and \$300,000.00 dram shop insurance and shall have no less than an "A" rating by the most recent AM Best Insurance Guide.

iii. All maintenance of the public right-of-way associated with the operation of the outdoor seating area shall be the responsibility of the owner of the property and the restaurant, coffee shop, café or bar including the replacement of damaged public property.

9. All seating shall be a minimum of five feet from any drive aisle or point of vehicular access.

10. Seating shall not occupy or interfere with the use of required parking spaces, aisles, driveways, fire lanes and fire exits.

11. Seating shall not occupy or interfere with the use of building entrances, exits and pedestrian walkways.

12. Music shall remain at a conversational level and be discontinued by 10:00 p.m.

13. Exterior lighting shall be inwardly directed so that no direct lighting is cast off-premises.

14. Hours shall be limited to 6:00 a.m. to 10:00 p.m. on Sunday through Thursday and 6:00 a.m. to 11:00 p.m. on Friday and Saturday.

15. Outdoor seating areas shall be permitted from April 1 to November 1.

16. All tables, chairs and other items are to be removed at the end of the permitted time period and not stored outside.

17. All furnishings shall be durable, kept in a neat, orderly and clean condition.

18. Outdoor furnishings and their color should be selected for harmony and aesthetic quality with the adjoining buildings and streetscape and be capable of withstanding a wind force of 30 mph. Materials shall be of durable quality such as wrought iron and not plastic, aluminum or other light gauge material.

19. Any other conditions deemed necessary by the City Manager to protect the public health, safety and welfare may be imposed.

Section 22-1902. Alcoholic Liquor Sales.

The sale of alcoholic beverages as to patrons seated outdoors as provided in this Article shall be considered as the sale on the premises of the licensed liquor licensee.

Section 22-1903. Use of Parking Lots for Outdoor Seating.

Parking lots adjacent to restaurants coffee shops cafes and bars may be permitted by the City subject to the following conditions:

1. The restaurant coffee shop, cafe or bar shall file with the City a design layout of the proposed use of the parking lot for outdoor seating along with written approval and consent from the owner of the property of the use and design of the outdoor seating.
2. The design for the use of the parking lot shall consist of an entry 12 feet in width. The remainder of the area shall be completely surrounded with jersey barriers or similar barriers to protect the patrons.
3. The property owner and the restaurant, coffee shop, cafe or bar shall provide the City with an indemnification agreement in a form acceptable to the City Attorney.
4. The restaurant, coffee shop, cafe or bar shall submit evidence of general liability and dram shop insurance (if required), in an amount acceptable to the City. The policy shall include the City as a named insured and insuring the City against any liability resulting from the operation of the outdoor seating. The minimum coverage shall be at least \$1,000,000.00 for general liability insurance and \$300,000.00 dram shop insurance and shall have no less than an "A" rating by the most recent AM Best Insurance Guide.

SECTION FOUR: This Ordinance shall be in full force and effect from and after its passage and approval as provided by law and shall be repealed on November 1, 2020.

SECTION FIVE: This Ordinance shall be printed and published in pamphlet form by order of the City Council of the City of Rolling Meadows.

PASSED AND APPROVED by the City Council of Rolling Meadows, Cook County,
Illinois this 3rd day of June, 2020.

YEAS: Budmats, O'Brien, Vinezeano, Bisesi, D'Astice, Sanoica, Cannon

NAYS: 0

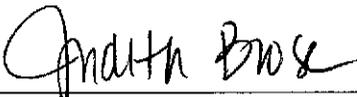
ABSENT: 0

*written and non-verbal
due to technical audio
difficulties.



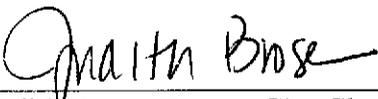
Joe Gallo, Mayor

ATTEST:



Judith Brose, Deputy City Clerk

Published this 4th day of June, 2020.



Judith Brose, Deputy City Clerk