

**AN ORDINANCE DECLARING
OBSTRUCTIVE DRIVE-THRU RESTAURANT QUEUEING
TO BE A PUBLIC NUISANCE**

WHEREAS, the City of Rolling Meadows, as a home rule unit of local government as provided by Article VII, Section 6(a) of the Illinois Constitution of 1970, has the authority to exercise any power and perform any function pertaining to its government and affairs including the power to regulate for the protection of the public health, safety, morals, and welfare; and

WHEREAS, it is the legislative finding of the Corporate Authorities of the City that drive-thru restaurants, including pick-up windows and other types of food service to vehicles, can create a public nuisance by obstructing vehicular and pedestrian traffic if improperly operated, which nuisances are the responsibility of the drive-thru restaurant operator to control and prevent; and

WHEREAS, the Corporate Authorities of the City of Rolling Meadows have therefore determined that it is in the best interest of the City and its residents to amend the Municipal Code to designate obstructive drive-thru restaurant queueing as a public nuisance as set forth herein.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Rolling Meadows, Illinois:

Section 1: The recitals set forth above are incorporated herein by reference as the findings of the Corporate Authorities.

Section 2: Section 38-34, entitled "Specific nuisances enumerated," of Division 1, entitled "Generally," of Article II, entitled "Nuisances," of Chapter 38, entitled "Environment" of the Rolling Meadows Municipal Code shall be and is hereby amended to insert a new paragraph (15) as follows (additions are **bold and underlined** and deletions are ~~struck through~~):

** * *

(15) Obstructive Drive-Thru Restaurant Queueing. To operate the drive-thru facilities associated with a drive-thru restaurant in such a manner as to cause, for a continuous period of ten minutes or greater, the queue of drive-thru customer traffic to encroach upon and obstruct, in part or in whole, any of the following:

- i. **Public Roadways. Any part of any public roadway.**
- ii. **Private Access Aisles. One or more lanes of any private roadway leading from a public right-of-way to an off-street parking area, except for any portion of such a roadway that is owned by and exclusively serves the parcel where the drive-thru restaurant is located.**
- iii. **Bicycle and Pedestrian Facilities. Any part of any public or private: sidewalk; bicycle lane or path; shared use path or trail; or crosswalk, whether marked or unmarked, except where the crosswalk is located entirely within a designed drive-thru queueing lane.**
- iv. **Fire Safety. On any public or private property, any fire hydrant or any part of a marked fire lane.**

v. **Loading Zones. Any public or private loading zone.**"

Section 3: If any provision of this Ordinance or part thereof is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance shall remain in full force and effect, and shall be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Ordinance to the greatest extent permitted by applicable law.

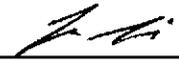
Section 4: This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form in the manner provided by law.

PASSED AND APPROVED by the City Council of Rolling Meadows, Cook County, Illinois this 25th day of July, 2023.

AYES: Boucher, Reyez, Koehler, McHale, Budmats, O'Brien

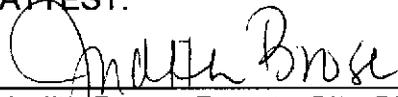
NAYS: 0

ABSENT: Vinezeano



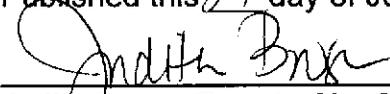
Lara Sanoica, Mayor

ATTEST:



Judith Brose, Deputy City Clerk

Published this 27th day of July, 2023.



Judith Brose, Deputy City Clerk