



**CITY OF GENEVA
BUILDING DIVISION**
109 JAMES STREET
GENEVA, IL 60134
630/262.0280
630/262.0286 fax
www.geneva.il.us

Sidewalk Cafe Permit Information

Revised 10/2/18

A building permit is required annually prior to setting up a sidewalk café. The following are guidelines and comments for obtaining a permit.

Application and Drawing Procedures:

- An Application for Permit is to be filled out and submitted to the Building Division.
- Please read the attached Ordinance No. 95-51.
- Please read and sign the attached **Indemnification Statement**. This will need to be approved by the Building Commissioner.
- Submit a drawing of the layout for the tables and chairs showing the size of each and the distance they will be from the curb. The Code Enforcement Officer will verify compliance and check the layout.
- Submit a Certificate of Insurance naming the City of Geneva as an additional insured with a minimum coverage of \$500,000.00.
- Allow 10 business days for the permit application to be reviewed and approved. A staff member will call you when your permit is ready to be picked up and paid for.

Fees:

- **Sidewalk Café Permit Fee:** \$50.00 per year.
- **Type of Payment:** Cash, check (made payable to the City of Geneva), MasterCard, Visa, and Discover.

General Comments:

- **The application packet and stamped City approved plans are to be on the site at all times.**
- A minimum of 24-hour notice is required when scheduling any inspection.
- Compliance with the indicated codes, ordinances, and inspection(s) required.
- For specific requirements, please see enclosed sidewalk cafe ordinance.

Inspections – Clarification and Details:

The following is a list of inspections, which may be required for your project and the approximate amount of time it takes for each inspection.

- ✓ **Final Inspection** ¼ **hour**

The following are general guidelines and details of the types of inspections that may be required for your project. For further clarification please call our office and speak with one of our building inspectors.

Final:

- ✓ Confirm sidewalk café is installed per the approved plans.

Business Owner's Responsibilities:

- It is the responsibility of the business owner to maintain the proper placement of the sidewalk café per approved plan.
- See enclosed sidewalk café regulations for specific requirements.

ORDINANCE NO. 95-5

AN ORDINANCE AMENDING CHAPTER 18
(LICENSES & PERMITS)
OF THE GENEVA MUNICIPAL CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GENEVA, KANE COUNTY, ILLINOIS, as follows:

SECTION 1: That Chapter 18 of the Geneva Municipal Code be and the same is amended by adding Article XI, Section 18-180 through Section 18-187 in the following words and figures:

"Sec. 18-180. SIDEWALK CAFE'S

Sec. 18-181. PERMIT REQUIRED. Notwithstanding any other provision in this Code it is unlawful for any person, firm, corporation, organization or association to use the public sidewalk for any commercial purpose of any kind without obtaining a permit. Permits will be issued only to licensed restaurant businesses and owning or leasing property immediately adjacent to the sidewalk. Such permits may be purchased at anytime during a calendar year but all permits shall expire on December 31 of the same calendar year. No permit shall be issued to any business which is not in compliance with all provisions of the Geneva Municipal Code.

Sec. 18-182. APPLICATION AND APPEAL. All applicants for sidewalk cafe permits must complete an application in a form approved by the City and submitted to the Geneva Building Commissioner. All applications shall include the following information:

A. A dimensioned plan drawn to scale and done in a professional manner showing the sidewalk and all public improvements such as light posts, benches, planters, trees and tree grates in the area, location of the curb relative to the building, and the proposed location of all cafe furniture, furniture described by height, color and type of materials, to be placed on the sidewalk.

B. Certificate of Insurance naming the City of Geneva as an additional insured with a minimum coverage of \$500,000.

C. A signed indemnification statement on a form provided by the City.

D. An application denied by the Building Commissioner may be appealed to the City Council.

E. Furniture items (sometimes referred to herein as "items") may include the following: tables, chairs, benches, trash receptacles, ashtrays, planters or other articles of a character, nature, material and color conducive to an attractive outdoor cafe atmosphere as determined by the Geneva Building Commissioner.

Sec. 18-183. INSPECTION. An inspection of the property to document existing conditions of public improvements shall be performed by the City prior to issuance of a permit. Applications should be filed at least two weeks prior to scheduled use to allow sufficient time for such inspection.

Sec. 18-184. REGULATIONS. All permit holders shall be subject to the following regulations:

A. Items on the sidewalk shall at all times be placed in accordance with the approved plan.

B. 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.

C. All items shall be removed from the sidewalk and placed indoors at the end of each business day.

D. 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. Permit holder shall immediately report any damage to such improvements to the Building and Code Enforcement Department. The City shall repair or replace such improvement at its discretion and shall charge the cost of repair or replacement 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.

E. Operations of the sidewalk cafe shall be conducted in a manner that does not interfere with pedestrians, parking or traffic.

F. The area and materials must be maintained and in good condition at all times. Broken, rusting, torn or tattered furnishings shall be removed promptly.

G. The permit shall be posted in a conspicuous place inside the business so as to be visible from an adjacent window.

Sec. 18-185. RESTRICTIONS.

A. Items shall be placed so that a five (5) foot wide unobstructed pedestrian walkway is maintained at all times; clearances will be maintained when any chair is pulled out from a table, particularly where chair backs face the street or pedestrian walkway;

B. A five foot (5') "clear zone" shall be maintained at corner locations of two public sidewalks. No item shall be placed within 5' of the corner of the building on either side.

C. Items shall be immediately adjacent to the building and shall not extend beyond the permit holder's storefront on any side;

D. Items shall not obstruct normal ingress and egress from the business or from other businesses;

E. Items shall be at least 20 inches (20") in height and tables shall not exceed twenty-two inches (22") in diameter, and shall be of a design and/or weight that will not create a wind-blown hazard;

F. Umbrellas shall be prohibited as intrusionary and may pose a health risk to pedestrians or break free on windy days.

G. The consumption of alcoholic beverages in the area shall be prohibited. The proprietor shall be responsible for monitoring this provision.

H. Hours of outdoor operation shall coincide with the hours of operation of the principal establishment.

I. Tables and chairs must be removed during Swedish Days Festival due to the volume of pedestrian traffic and other uses on the public sidewalks.

J. Amplified music and music speakers shall be prohibited from the area.

Sec. 18-186. FEES. The fee for a permit for a sidewalk cafe shall be ~~twenty-five dollars (\$25.00)~~ ^{forty - \$ 50.00} per year.

Sec. 18-187. ENFORCEMENT AND REVOCATION.

A. Failure to comply with the provisions of this chapter shall result in a fine of \$25.00 for each day on which the violation occurs or continues to occur and revocation of the permit.

B. The prohibition on consumption of alcoholic beverages within the area, as provided in Section VI, G of this ordinance, shall be the responsibility of the permit holder. Two (2) violations of this provision shall result in the immediate revocation of the permit and permit holder shall be prohibited from reapplication for a period of 12 months. Violations of Section VI, G of this ordinance shall be subject to review by the Geneva Liquor Commissioner.

C. The enforcement of all other sections of this ordinance including, but not limited to, the maintenance provisions and restrictions shall be the responsibility of the permit holder. Any three (3) 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.

D. The Building Commissioner for the City of Geneva or his designate, upon determining that the method or manner of use or conduct of persons using such facilities pose a threat to the public health, safety or welfare shall have the power and authority to cause the items to be removed immediately and to revoke the permit."

SECTION 2: This Ordinance shall become effective from and after its passage as in accordance with law. Publication of this Ordinance is approved to be in pamphlet form.

PASSED by the City Council of the City of Geneva, Kane County, Illinois, this 21st day of August, 1995.

AYES: 7 NAYS: 0 ABSENT: 3 ABSTAINING: 0 HOLDING OFFICE 10

APPROVED by me as Mayor of the City of Geneva, Kane County,
Illinois, this 21st day of August, 1995.



Mayor

ATTEST:



City Clerk

INDEMNIFICATION STATEMENT

This agreement, entered into this _____ day of _____, 20____, between _____ (hereinafter referred to as "owners") and the City of Geneva, a Municipal Corporation (hereinafter referred to as "City").

SIDEWALK CAFÉ PERMIT

Whereas, by virtue of the issuance of the permit for a Sidewalk Café, the City is the owner of the property directly abutting the property located at _____, said City property being the right of way for _____; and,

Whereas, owners would like to occupy a portion of the City right of way for the purpose of a Sidewalk Café as depicted on the attached plat titled Exhibit "A".

Whereas, the parties have had discussions in regard to the rights of the owners and the City to maintain the City property, which discussions have resulted in this agreement.

Now, therefore, the fifty dollars (\$50.00) and other valuable considerations, the receipt and sufficiency of which is hereby acknowledged, the parties are agreed as follows;

1. City hereby grants to owners a revocable permit to use the City's aforementioned property to maintain a Sidewalk Café as reflected on Exhibit "A" dated _____. If in the future, the Sidewalk Café ceases to be maintained in its proposed location and position, then the right to maintain said Sidewalk Café pursuant to this agreement shall cease.
2. The owners will not allow or cause the above mentioned occupation to be considered in any way to be in derogation of the right of the City to maintain its property as indicated above, nor shall said occupancy in any manner be allowed to extinguish the City's ownership of said property. If said Sidewalk Café ceases to be maintained in its proposed location and position by owners, or in the event the City requires the use of said property for roadway, sidewalk or public utility purposes, then the right to maintain said Sidewalk Café pursuant to this agreement shall cease.

3. The owners shall hold the City harmless and indemnified against any and all claims, losses and causes of action for personal injury or property damage arising out of the use, construction, maintenance and occupation of said Sidewalk Café upon City owned property.

THIS AGREEMENT shall cease to exist at midnight Dec 31, 20____.

IN WITNESS WHEREOF, the parties have hereunder set their respective hands and seals as of the date first above written.

Owners:

City:

Owner

Building Commissioner

Owner



CITY OF GENEVA
BUILDING DEPARTMENT
109 JAMES STREET
GENEVA, IL 60134
630/262.0280
630/262.0286 fax
pdf@geneva.il.us

For Office Use Only

PERMIT NUMBER _____

BIN NUMBER _____

APPLICATION FOR PERMIT

PROJECT ADDRESS

APPLICANT

Check here if applicant is property owner

Name _____

Address _____
City State Zip

Email _____ Phone _____

PROPERTY OWNER

Name _____

Address _____
City State Zip

Email _____ Phone _____

CONTRACTOR

Name _____

Address _____
City State Zip

Email _____ Phone _____

Roofing License _____ Plumbing License _____

BUILDING TYPE

- Residential
- Commercial
- Other

TYPE OF WORK - GENERAL

- Change of Tenant
- Remodel
- New construction
- Addition
- Demolition
- Other

TYPE OF WORK - SPECIFIC (Check all that apply)

- Driveway/Parking
- Sidewalk
- Basement/Attic
- Kitchen/Bath
- Replace Windows
- Roof/Siding
- Sign/Awning
- Irrigation System
- Fence
- Patio
- Shed
- Deck
- Electric
- Plumbing
- HVAC
- Other

DESCRIPTION OF WORK

Applications will not be accepted without supporting documentation, attach additional sheets and submit plans/drawings, plat of survey, etc. as needed to illustrate proposed work

HISTORIC PRESERVATION

Is subject property located in the Historic District or a Historic Landmark? Historic Preservation Commission review is required for exterior improvements.

Yes No

ZONING

What zoning district is the property located in? _____

Is the use permitted at this location? Yes No

Is a variance needed? Yes No

PROJECT COST

What is the estimated project cost? _____

I HEREBY CERTIFY THAT I AM THE OWNER OF RECORD OR THAT THE PROPOSED WORK IS AUTHORIZED BY THE OWNER OF RECORD; THAT I HAVE BEEN AUTHORIZED BY THE OWNER TO MAKE THIS APPLICATION AND TO SCHEDULE ALL NECESSARY INSPECTIONS AS AN AGENT, AND THAT I AGREE TO CONFORM TO ALL APPLICABLE CODES, LAWS, AND ORDINANCES OF THE CITY OF GENEVA.

Signature _____

Date _____

For Office Use Only

FEES

ROUTING

Building Permit Fee _____
 Fire Department Fee _____
 Plumbing Fee _____
 Public Works Fee _____
 Tree Preservation Fee _____

Engineering _____
 Fire _____
 Electric _____
 City Engineer _____

Historic Preservation _____
 Tree Preservation Review _____
 Planning/Zoning _____
 First Inspection Services _____

TOTAL FEES _____