

**ORDINANCE NO. \_\_\_\_\_**

**ORDINANCE AMENDING CHAPTER 18, ARTICLE I, SEC. 20 AND CHAPTER 26,  
ARTICLE VII, DIVISION 1, SEC. 141 through 148 REGULATING SIDEWALK CAFES  
OF THE CITY OF JOLIET CODE OF ORDINANCES**

**(Adding language establishing regulations for sidewalk cafes allowing the sale  
and service of alcoholic beverages)**

**WHEREAS**, the Mayor and City Council of the City of Joliet, Illinois (City) has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and protect the public health, safety, and welfare of its citizens; and

**WHEREAS**, the Mayor and City Council have seen fit to establish regulations for the outdoor patios of adjacent restaurants and businesses, mainly those maintained as sidewalk cafes, within the City of Joliet; and

**WHEREAS**, the Mayor and City Council recognize the appeal to the public of these sidewalk cafes as they provide enhance the visual interest in the dining experience of the City; and

**WHEREAS**, the Mayor and City Council recognize the need to provide safe movement of pedestrians on the sidewalk and adjacent on-street parking that borders these sidewalk cafes; and

**WHEREAS**, the Mayor and City Council find that consistent and high-quality visual aesthetics, including furnishings, barriers, signage, and lighting, are necessary to preserve the character and appearance of the public streetscape; and

**WHEREAS**, the Corporate Authorities further find that clearly defined operational standards for sidewalk cafes, including hours of operation, maintenance requirements, and alcohol control, are necessary to minimize impacts on adjoining properties, pedestrian traffic, and public safety; and

**WHEREAS**, the existing regulations do not fully address the integration of alcohol service, aesthetic standards, and operational controls in a unified and comprehensive manner; and

**WHEREAS**, the Corporate Authorities desire to amend the Code to establish enhanced and uniform standards addressing the governing of appearance, design, and functional operation of these sidewalk cafes; and

**WHEREAS**, the City of Joliet is a home rule unit of local government pursuant to Section 6(a), Article VII of the 1970 Constitution of the State of Illinois, and as such may exercise any power and perform any function pertaining to its government and affairs including but

not limited to, the power to regulate for the protection of the public health, safety, morals, and welfare.

**BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF JOLIET, ILLINOIS, PURSUANT TO ITS STATUTORY AND HOME RULE AUTHORITY, AS FOLLOWS:**

SECTION 1: The Mayor and City Council hereby find that the recitals contained in the remainder of this Ordinance are true, correct and complete and are hereby incorporated into this Ordinance by reference.

SECTION 2: That Chapter 18 (Licenses and Business Regulations), Article I (In General), Sec. 18-20 (Fee Schedule), shall hereby be amended in part (additional language marked in **bold and underline** and deletions marked with ~~strikethrough~~) as reflected in the following:

<b><u>Sidewalk cafe</u></b>		<b><u>26-154</u></b>	<b><u>50.00 plus \$0.50 per square foot</u></b>
(1)	<b><u>Without alcohol</u></b>		<b><u>100.00</u></b>
(2)	<b><u>With alcohol</u></b>		<b><u>300.00</u></b>

SECTION 3: That Chapter 26 (Streets, Sidewalks, Public Grounds), Article VII (Commercial Use of Sidewalks), Division 1 (Generally), Sec. 26-141 through 26-148, shall hereby be amended in part (additional language marked in **bold and underline** and deletions marked with ~~strikethrough~~) as reflected in the following:

Sec. 26-141. - Definitions.

~~For the purposes of this article, u~~ **U**nless the context clearly indicates otherwise, the following words, terms and phrases shall have the meanings respectively ascribed to them in this section:

**Boundary means a semi-permanent structure, subject to approval by the City, that is required for all outdoor dining where alcohol service is proposed. The boundary must be no more than thirty-six (36) inches in height and must be durable so that it does not collapse or fall over due to wind or incidental contact. The boundary shall be maintained during operating hours and removed upon the conclusion of the dates of operation.**

Sidewalk cafe means an ~~unenclosed~~ dining area situated within a fixed location upon a public sidewalk operated as an integral part of an adjacent for-profit restaurant where food and beverages are served at tables only.

Sidewalk *sale* means the making of merchandise available for sale from any kind of table, counter, pushcart, wagon or the like or a delivery by any means, on any portion of a public sidewalk. This definition shall not be construed to include "tag days."

(Ord. No. 11051, § 10, 3-5-96)

Sec. 26-142. - ~~Hours of operation.~~ **Regulations and Operation.**

(a) Sidewalk sales shall be held only during the normal business hours or special predetermined business hours of the stores or business places abutting or closest to the location of the sidewalk sale. **The Business Services Department shall be authorized to promulgate and enforce regulations pertaining to the commercial use of public sidewalks which are consistent with this article.**

(b) Sidewalk cafes shall only be open to the public ~~during the normal business hours of the adjacent restaurant but not later than 11:00 p.m. on Fridays and Saturdays, and 10:00 p.m. on all other days.~~ **for the dates of operation from April 1 through November 1 of each year. The permitted hours of operation for the outdoor sidewalk cafés are 7:00 a.m. through 12:00 a.m. (midnight), or the normal business hours of the adjacent restaurant if the business is trying to close up and clean the permitted café furniture.**

(Ord. No. 11051, § 10, 3-5-96)

Sec. 26-143. - Obstruction of traffic.

The commercial uses permitted by this article shall be conducted so as to not obstruct vehicular or pedestrian traffic in an unsafe or unreasonable manner. In no event shall the permitted commercial uses reduce the unobstructed portion of the sidewalk **as follows:** ~~to less than five (5) feet in width.~~

- (a) **At least sixty (60) inches of clear, unobstructed sidewalk space must be maintained for pedestrian passage, with a minimum clear path of forty-two (42) inches.**
- (b) **A clearance of at least sixty (60) inches maintained between the café and all public way encumbrances.**
- (c) **When a café is located along the curb, there must be a minimum clearance of twenty-four (24) inches between the café boundary and the curb edge.**

(Ord. No. 11051, § 10, 3-5-96)

Sec. 26-144. - Duties of persons making commercial use of sidewalk space.

Any person making commercial use of a public sidewalk shall do so in a reasonable manner with due regard for the health and safety of persons and property. No person shall make any alteration to public property which creates an unreasonable risk of harm to persons or property. Persons making commercial use of public property at a fixed location shall owe a duty to the city and third persons to maintain said property in a reasonably clean, safe and sanitary condition.

(Ord. No. 11051, § 10, 3-5-96)

Sec. 26-145. - Conditions of usage.

- (a) *Outdoor cooking **and operation of outdoor bars** prohibited.* No cooking or food preparation, **or outdoor bar including the preparation, mixing, or dispensing of alcoholic beverages outside the licensed premises** shall be permitted in a sidewalk cafe.
- (b) *Maintenance.* The permittee shall at all times maintain the sidewalk cafe in a clean, safe and sanitary condition. The permittee shall properly collect and dispose of all litter, trash, and other waste materials associated with the sidewalk cafe, including material in the adjacent public right-of-way originating from the sidewalk cafe.
- (c) *Removal of equipment.* Upon the expiration, **conclusion of dates of operation, suspension or revocation,** or other termination of a sidewalk cafe permit, the permittee shall immediately remove all tables, chairs, furnishings, equipment and other items of personal property from the public sidewalk. Any such items remaining upon the sidewalk may be removed and disposed of by the city at the sole cost and expense of the permittee and the city may maintain an action at law to recover the same. **Furnishings may remain outdoors during dates of operation in compliance with this section, but chairs shall be stacked or pushed in, umbrellas closed, and tables cleared when the business is closed. Business owners retain the right to request the members of the public to clear the space for means of cleaning furnishings and closing down the business.**
- (d) *Alterations.* No person shall alter, damage or deface any public sidewalk or other public property.
- (e) **Furnishings. All outdoor furnishings shall comply with the pre-approved standards of the City of Joliet to contribute to the character of the streetscape.**
- (f) **Amplification. No outdoor amplification is permitted unless otherwise pre-approved by the City staff through a Sound Amplification Permit.**

(Ord. No. 11051, § 10, 3-5-96)

Sec. 26-146. - City manager authorized to promulgate regulations. Regulation of Alcohol.

The city manager shall be authorized to promulgate and enforce regulations pertaining to the commercial use of public sidewalks which are consistent with this article. Sidewalk cafes seeking to serve alcohol must hold a current and valid liquor license and any required permits in accordance with Chapter 4 of the City Code. Any sidewalk café serving alcohol shall be enclosed by a defined boundary and shall comply with the following requirements:

- (a) The boundary must enclose the sidewalk café from the remainder of the public way and be maintained in accordance with approved design guidelines.
- (b) The boundary must be no more than thirty-six (36) inches in height and must be durable to that it will not collapse or fall over due to wind or incidental contact.
- (c) Moveable sections are permitted to allow access, provided the boundary continues to comply with all requirements.
- (d) The boundary must be maintained in place during operating hours and may not be stabilized by bolting it to the sidewalk.
- (e) Café boundaries and furniture may be placed in the public way once the permit is issued and must be removed at the conclusion of the dates of operation.
- (f) Alcoholic beverages shall not leave the sidewalk café permitted boundary unless DT Permit has authorized such movement.
- (g) Alcoholic beverages permitted are subject to those types and quantities authorized under the licensee's primary liquor license.
- (h) Service and consumption of alcohol within a sidewalk café shall be limited to the hours authorized under the applicable sidewalk café permit. If the licensee's authorized liquor service hours extend beyond the permitted sidewalk café hours, all patrons shall cease alcohol service within the sidewalk café area and be required to relocate inside the licensed premises for continued service.

(Ord. No. 11051, § 10, 3-5-96)

Secs. 26-147, 26-148. - Reserved.

DIVISION 2. - PERMITS

Sec. 26-149. - Required.

- (a) Sidewalk *sales*. It shall be unlawful for any person to conduct sidewalk sales or operate a sidewalk cafe without first obtaining a written permit from the ~~city manager~~ **Business Services Department**. No more than five (5) permits may be issued to any one (1) person or organization calendar year.
- (b) Sidewalk cafe. A permit to operate a sidewalk cafe may only be obtained by a person operating a duly licensed and permitted restaurant upon the property adjacent to the public sidewalk designated in the permit application.
- (c) *All permits*. A permit issued pursuant to this article shall not be transferable or assignable and may be revoked by the city upon twenty-four (24) hours' notice. The permit shall not confer any property rights in the underlying right-of-way.

(Ord. No. 11051, § 10, 3-5-96)

Sec. 26-150. - Application; contents; filing; time limit.

- (a) Sidewalk *sales*. Applications to conduct a sidewalk sale shall be made in writing to the ~~city manager~~ **Business Services Department** at least seven (7) business days prior to the date of the event by a representative of the person seeking the permit, and shall set forth the following information:
  - (1) The name, address and telephone number of the person or organization seeking to conduct the sidewalk sale.
  - (2) If the sidewalk sale is proposed to be conducted for or on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization.
  - (3) The name, address, telephone number and position or title, if any, of the person in charge of the sidewalk sale.
  - (4) The date or dates, and the hours on the dates, when the proposed sidewalk sale is to be held.
  - (5) The location of said sidewalk sale.
  - (6) The amount of space on the sidewalk to be occupied by the apparatus connected with the sidewalk sale.
- (b) Sidewalk cafes. Application to operate a sidewalk cafe shall be made in writing to the ~~city manager~~ **Business Services Department** and shall set forth the following information:
  - (1) The name, address and telephone number of the applicant and of the adjacent restaurant and its manager.
  - (2) An overall site plan showing the proposed location and dimension of the sidewalk cafe in relation to the adjacent street and sidewalk including that part of the sidewalk to remain outside of the cafe.

- (3) A floor **design** plan specifying the location of ingress, egress, tables, decorations, furnishings, equipment, removable perimeter barriers, the total square footage to be occupied by the sidewalk case and the maximum seating.
- (4) An operations plan specifying the proposed dates, days and hours of operations of the sidewalk cafe, the hours of operation of the adjacent restaurant, the number of wait staff, security staff and maintenance personnel and a proposed menu, including alcoholic beverages, if applicable.
- (5) The carrier, policy number, coverage amounts, and policy periods of the applicant's general liability policies and liquor liability powers, if applicable.
- (6) The license number of the applicant's current food service establishment license and, if applicable, the license number of its city retail alcoholic liquor license.

(Ord. No. 11051, § 10, 3-5-96)

Sec. 26-151. - Waiver of liability required; execution of waiver; failure to execute waiver.

- (a) The applicant shall submit a release and waiver of all claims for damages against the city arising out of injuries which may be incurred as a result of the use of the sidewalk by the applicant.
- (b) The waiver of liability must be signed by all persons who will perform services for the applicant on the sidewalk. If any of these persons are minors, the waiver must be signed by at least one (1) parent if living, or the legally appointed guardians of the minors, stating the full name of the minors they are signing for.
- (c) Persons whose signatures do not appear on the waiver of liability form do not have the permission of the city to use a public sidewalk for commercial purposes.
- (d) As an alternative to the provisions of the preceding subsections of this section, the applicant may submit an agreement whereby the applicant will agree to defend, indemnify and save harmless the city from all claims for damages arising out of or in connection with its use of the sidewalk. If the applicant represents organizations or businesses other than itself, each organization or business so represented shall submit a like agreement.

(Ord. No. 11051, § 10, 3-5-96)

Sec. 26-152. - Liability insurance required; amount; terms; conditions.

In addition to the waiver of liability required by section 26-151, the application for a permit shall have attached to it proof of liability insurance of three hundred thousand dollars (\$300,000.00) for each person injured and five hundred thousand dollars (\$500,000.00) aggregate per accident and three hundred thousand dollars

(\$300,000.00) for property damages for each accident. This insurance must name the city as an additional insured with right to notice of cancellation. The insurance required by this section shall be occurrence-based and shall remain in effect for the period of time the applicant occupies any part of the public sidewalk.

(Ord. No. 11051, § 10, 3-5-96)

Sec. 26-153. - Action on application.

- (a) Sidewalk *sales permit*. To the extent practicable, the ~~city manager~~ **Business Services Department** shall determine an application for a sidewalk sales permit within three (3) business days of submittal. Permits may be denied on the basis of an incomplete or improper application, noncompliance with applicable laws or ordinances, delinquency in any account or debt owed to the city, inadequate safety precautions for public use of the sidewalk, substantial conflict with the public use of the sidewalk or adjacent street or some other reason having a proper basis in law. The reasons for denial shall be made known to the applicant, in writing, at the time of rejection. Amended applications may be submitted at least seven (7) days in advance of the event.
- (b) Sidewalk *cafe permit*. To the extent practicable, the ~~city manager~~ **Business Services Department** shall determine an application for a sidewalk cafe permit within thirty (30) business days of submittal. Permits may be denied on the basis of an incomplete or improper application, noncompliance with applicable laws or ordinances, delinquency in any account or debt owed to the city, inadequate safety precautions for public use of the sidewalk, substantial conflict with the public use of the sidewalk or adjacent street or some other reason having a proper basis in law. The reasons for denial shall be made known to the applicant, in writing, at the time of rejection.

(Ord. No. 11051, § 10, 3-5-96)

Sec. 26-154. - Fees.

- (a) Sidewalk *sales*. The fee for a sidewalk sales permit shall be as provided in the schedule of fees set forth in [section 18-20](#). There shall be no fee for sidewalk sales sponsored by and operated for the exclusive benefit of a duly recognized not for profit organization.
- (b) Sidewalk *cafes*. The fee for a sidewalk cafe permit shall be as provided in the schedule of fees set forth in [section 18-20](#).

(c) *Payment of fee.* Fees shall be paid to the city collector at the time the application for a permit is made. No permit shall be issued unless the entire fee is paid.  
(Ord. No. 11051, § 10, 3-5-96)

Sec. 26-155. - Exemptions.

Vendors of newspapers regularly published are exempt from the provisions of this division.

(Ord. No. 11051, § 10, 3-5-96)

Sec. 26-156. - Issuance; contents.

(a) *Sidewalk sales permits.* Sidewalk sales permits issued by the ~~city manager~~ **Business Services Department** shall contain the following terms and conditions:

- (1) The exact location of the proposed sidewalk sale.
- (2) The dates and times the sidewalk sale is permitted.
- (3) The maximum number of sales persons to be permitted at any one (1) time.
- (4) Other reasonable terms and conditions deemed necessary and proper given the objectives of this article.

(b) *Sidewalk cafe permits.* Sidewalk cafe permits issued by the ~~city manager~~ **Business Services Department** shall contain the following terms and conditions:

- (1) The exact location of the proposed sidewalk cafe.
- (2) The dates and times the sidewalk cafe is permitted to be open to the public.
- (3) The maximum number of tables permitted in the sidewalk cafe.

Other reasonable terms and conditions deemed necessary and proper given the objectives of this article.

(Ord. No. 11051, § 10, 3-5-96)

Sec. 26-157. - Revocation.

The ~~city manager~~ **Business Services Department** may revoke or suspend any permit issued hereunder for cause after affording the permittee reasonable notice and an opportunity to be heard. If the ~~city manager~~ **Business Services Department** has an objectively reasonable belief that the presence or operation of the sidewalk cafe or sales constitutes clear and present risk to the public health and safety, the ~~city manager~~ **Business Services Department** may revoke the permit prior to hearing. In such event a hearing shall be conducted within seven (7) business days of revocation.

(Ord. No. 11051, § 10, 3-5-96)

SECTION 3: In the event that any provision or provisions, or portion or portions of this ordinance shall be declared to be invalid or unenforceable by a Court of competent jurisdiction, such adjudication shall in no way affect or impair the validity or enforceability of any of the remaining provisions or portions of this ordinance that may be given effect without such invalid or unenforceable provision or provisions, portion or portions.

SECTION 4: All ordinances directly in conflict with the terms of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 5: This Ordinance shall be deemed severable and the invalidity of any portion hereof shall not invalidate the remainder.

SECTION 6: This Ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

VOTING YES: \_\_\_\_\_

VOTING NO: \_\_\_\_\_

NOT VOTING: \_\_\_\_\_