

**ORDINANCE**

**AN ORDINANCE AMENDING CHAPTER 2 (“ADMINISTRATION”), ARTICLE 18 (“COMMUNITY DESIGN COMMISSION”) OF THE OAK PARK VILLAGE CODE AND VARIOUS OTHER PROVISIONS TO ELIMINATE THE COMMUNITY DESIGN COMMISSION AND REASSIGN ITS DUTIES**

**WHEREAS**, the Village of Oak Park (“Village”) as a home rule unit of local government as provided by Article VII, Section 6 of the Illinois Constitution of 1970 has the authority to exercise any power and perform any function pertaining to its government and affairs except as limited by Article VII, Section 6 of the Illinois Constitution of 1970; and

**WHEREAS**, the Village Board has determined to adopt this Ordinance amending the Oak Park Village Code to eliminate the Community Design Commission and various other provisions from the Oak Park Village Code; and

**NOW THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Oak Park, Cook County, Illinois, in the exercise of their home rule powers, as follows:

**Section 1. Recitals Incorporated.** The above recitals are incorporated herein as though fully set forth.

**Section 2. Village Code Amended.** Chapter 2 (“Administration”), Article 18 (“Community Design Commission”), Section 2-18-1 (“Creation”) and Section 2-18-2 (“Objectives”) of the Oak Park Village Code is amended by deleting the overstricken language to read as follows:

**ARTICLE 18**

**RESERVED**

**~~2-18-1: Creation~~**

**~~2-18-2: Objectives~~**

**~~2-18-1: CREATION:~~**

~~There is hereby created and established in and for the Village of Oak Park a commission to be hereafter known as the Community Design Commission, which shall consist of a Chairperson and ten (10) members.~~

~~The members and Chairperson shall be appointed on a staggered basis by the President with the consent of the Village Board. Members shall serve without compensation for three (3) year terms. At least five (5) of the members shall be trained as design professionals. At least two (2)~~

~~members shall be trained in urban forestry or horticulture. The remaining members can be from other backgrounds and professions, provided they share an interest in the work of the commission.~~

## **~~2-18-2: OBJECTIVES:~~**

~~The commission shall function with the objective of developing a continuous program to enhance the aesthetic quality of life in the Village with a view to maintaining and strengthening the Village as a flourishing community of growth, quality and beauty. Its functions shall include, but not necessarily be limited to:~~

~~A. Actively promoting ever increasing pride of ownership and higher level maintenance of Oak Park dwellings, apartment buildings, commercial buildings and other structures; including, but not limited to, promoting, organizing, and conducting house, garden and/or forestry educational programs, exhibits or shows, and/or awards programs for buildings or areas of exceptional or superior maintenance; and maintaining an annual pictorial record book of Community Design Commission activities, related to beautification.~~

~~B. Holding public hearings and rendering decisions in connection with applications for sign variances which may be appealed to the President and Board of Trustees regarding said applications pursuant to section 7-7-5 of this Code.~~

- ~~1. Conflict Of Interest: No member of the commission shall participate in discussion or vote on requests for a sign variation from any client he/she is serving or from any business or property in which he/she has a financial interest or of which he/she is an owner, officer or employee.~~
- ~~2. Commission Secretary For Sign Variation Hearings: The Zoning Administrator shall serve as Secretary to the commission for all sign variation hearings, but shall not be a member thereof.~~
- ~~3. Duties Of The Chairperson: The Chairperson shall have the duty of calling all meetings and shall preside at all hearings.~~
- ~~4. Meetings Of The Community Design Commission:
  - ~~a. Six (6) members of the commission (including the Chairperson) shall constitute a quorum. A majority decision of the full commission at a duly constituted meeting shall be required to approve a sign variation.~~
  - ~~b. The commission may promulgate its own rules of procedure, not inconsistent with this section and recommend adoption of same to the President and Board of Trustees.~~~~

~~c. All meetings of the commission shall be open to the public.~~

~~d. The commission shall keep minutes of its proceedings and official actions.~~

~~e. The commission may consult with and cooperate with other commissions, Village departments, other governmental bodies and interested persons on matters affecting a sign variance request.~~

~~C. Researching and recommending to the Board of Trustees public improvements in streets or alleys, cul de sacs, public yard and building improvements, and possible sites for additional recreational facilities, walks and/or malls; and in connection therewith, researching and recommending decorative paving, signs, lighting, flowers, plants, shrubbery, trees and landscaping and/or seasonal plantings therefor.~~

~~D. Studying and recommending action to alleviate and/or eliminate eyesores and/or litter on both public and private property; and/or conducting active antilitter campaigns.~~

~~E. Stimulating civic organizations' care of small plots of relatively visible public lands as so called "minigardens", and maintaining and coordinating an active program of such minigardens.~~

~~F. Researching and recommending revisions and additions to ordinances which relate to aesthetic values with particular attention to signs.~~

~~G. Acting as a resource in aesthetics and design to other government agencies and civic organizations, maintaining liaisons with these organizations when appropriate to achieve a uniform approach to Village beautification.~~

~~H. Consulting with the forester on matters pertaining to forestry, including the following:~~

~~1. Amendments to this Code dealing with forestry, and alterations or revisions to the Arboricultural Specifications Manual.~~

~~2. Policy concerning selection, planting, maintenance and removal of trees and shrubs within the Village.~~

~~3. Establishment of educational and informational programs whereby the public may be notified of any matters pertaining to forestry and to the Arboricultural Specifications Manual.~~

**Section 3. Village Code Amended.** Chapter 2 ("Administration"), Article 23 ("Historic Preservation Commission"), Section 2-23-2 ("Duties") of the Oak Park Village Code is amended by deleting the overstricken language to read as follows:

## 2-23-2: DUTIES:

The Commission shall have the following duties:

A. To conduct an ongoing survey and inventory for the purpose of identifying those historic landmarks within the Village that exemplify the architectural, social, cultural, economic and political history of the Village, state or nation;

B. To receive or make nominations for designation of historic landmarks; to review and recommend designation criteria to the Village Board; to hold hearings; and to recommend to the Board of Trustees such designations;

C. To recommend to the Village Board the adoption of specific guidelines, based upon the secretary of the interior's standards, to be used in the application of the Village's historic preservation ordinance to the alteration, construction, relocation, removal or demolition of historic landmarks or of properties and/or improvements within historic districts;

D. To review permit applications for alteration, construction, relocation, removal or demolition affecting historic landmarks, and properties and/or improvements in historic districts and to request the presentation of such drawings (floor plans, elevations and details), specifications and other information as may be necessary to review those applications;

E. To approve, modify or deny applications for certificates of appropriateness and certificates of economic hardship for historic landmarks, in accordance with chapter 7, article 9 of this code, and to respond to appeals of such decisions to the Village Board; (Ord. 1993-0-60, 6-7-1993)

F. To review proposed zoning amendments, applications for special use permits including planned use developments, subdivisions and applications for zoning variances that affect nominated, proposed or designated historic landmarks and historic districts, and may present evidence at public hearings in support or opposition or make recommendations thereon to the Zoning Board of Appeals, Plan Commission, ~~Community Design Commission~~ and Board of Trustees; (Ord. 1999-0-8, 3-15-1999)

G. To recommend to the Board of Trustees the adoption of an appropriate system of historically and architecturally compatible streetscape elements, including, but not limited to, paving materials, curbs, sidewalks, streetlights, street and historic district signage, and to make recommendations for the design and implementation of such streetscape elements;

H. To advise the Village Board, Village Manager, any commission, or other agency on matters affecting nominated, proposed or designated historic landmarks or historic districts;

I. To provide general guidance to interested parties on technical and financial aspects of historic preservation and to indicate to such parties that they may only rely upon independent professional advice and consultation as a basis for final decisions with regard to these matters;

J. To advise and assist interested parties on procedures for inclusion in the national and state registers of historic places;

K. To nominate properties and/or structures, improvements or areas to the Illinois and national registers of historic places;

L. To maintain a library of preservation related documents and to keep such materials available for public use;

M. To inform and educate the citizens of Oak Park concerning the historic and architectural heritage of the Village by publishing, with Village Board authorization and Village staff assistance, appropriate maps, newsletters, brochures, books and pamphlets, and by holding programs and seminars;

N. To call upon assigned Village staff members as well as other expert volunteers for technical advice and assistance;

O. To request the Village Board to retain such specialists or consultants and to request the Village Board to appoint such citizen advisory committees as may be required from time to time;

P. To investigate, review and recommend to the Village Board the acceptance of any gifts of property, transferred to the Village by an entity for the purpose of preserving or enhancing the historically significant aspects of properties, improvements or areas;

Q. To conduct annual inspections on behalf of the Village and to prepare condition reports to the Village Manager and Village Board on all properties, easements or development rights transferred to the Village for the purpose of preservation;

R. To recommend and assist in the application for funds on behalf of the Village from federal, state and private sources with the Village Manager's prior approval, to further the goals of historic preservation herein set forth;

S. To confer recognition, from time to time, as appropriate, upon owners of historic landmarks or property or structures within historic districts by means of award certificates, plaques or markers;

T. To assume whatever responsibilities and duties may be delegated to it by the Village Board with regard to the certified local government provisions of the national historic preservation act of 1966, as amended;

U. To perform, in a timely and thorough manner, all of the duties delegated to the Commission under the historic preservation ordinance set forth in chapter 7, article 9 of this code.

V. To recommend to the Board adoption of the Commission's rules and procedures, or amendments thereto.

**Section 4. Village Code Amended.** Chapter 7 (“Buildings”), Article 9 (“Historic Preservation”), Section 7-9-9 (“Zoning and Subdivision Actions Affecting Any Nominated, Eligible or Designated Historic Landmarks or Designated Historic Districts”) of the Oak Park Village Code is amended by deleting the overstricken language and adding the underlined language to read as follows:

**7-9-9: ZONING AND SUBDIVISION ACTIONS AFFECTING ANY NOMINATED, ELIGIBLE OR DESIGNATED HISTORIC LANDMARKS OR DESIGNATED HISTORIC DISTRICTS:**

A. The Director of the Development ~~Customer~~ Services Department or applicable Village staff, in the case of applications before the Zoning Board of Appeals, or Plan Commission, ~~or Community Design Commission~~, shall notify the ~~Commission~~ applicable staff liaison, within a reasonable time of submission to the Department, of all applications for zoning amendments, variances, special use permits, design review applications, subdivision or planned unit developments affecting:

1. Property in any designated historic district;
2. Any eligible or designated historic landmarks; or
3. Any property located within two hundred fifty feet (250') of such landmark.

B. In furtherance of its duties as set forth in subsection 2-23-2F of the Village Code, the Commission, or ~~Commission~~ applicable staff liaison when appropriate, shall evaluate the anticipated effect of the zoning action requested in the application on the designated historic district or nominated, eligible or designated historic landmark(s) and shall consider the long-term compatibility of the proposed zoning action with the character of the affected historic resources and the effect of any proposed zoning action on the long-range preservation of these resources. In its review, the Commission shall also consider the criteria specified in Section 7-9-11 of this Article.

C. The Commission may present its evaluation or opinion on the effects of such anticipated zoning action on a historic district or nominated, eligible or designated landmark to the board or commission hearing such zoning action.

D. In no event shall the provisions of this Section preclude the necessity of obtaining a certificate of appropriateness or a certificate of economic hardship when required under Section 7-9-12 or 7-9-13 of this Article.

**Section 5. Village Code Amended.** Chapter 8 (“Business Licensing”), Article 32 (“Bed and Breakfast Establishments”), Section 8-32-4 (“Standards”) of the Oak Park Village Code is amended by deleting the overstricken language and adding the underlined language to read as follows:

**8-32-4: STANDARDS:**

In addition to the requirements set forth in article 1 of this chapter and applicable provisions of the Municipal and Building Codes and Zoning Ordinance, including section 4.5.2DD thereof, no license shall be issued unless the following standards are met:

A. The occupancy limitation for a guest unit shall be as follows: The guest unit may not be less than seventy (70) square feet for one guest and one hundred (100) square feet for two (2) guests.

B. One off street parking space shall be provided for each authorized guest unit, plus one additional off street space for the dwelling unit if owner occupied. This off street parking requirement may be satisfied by the owner acquiring at least a five (5) year leasehold interest in the requisite number of off street parking spaces, renewable off street Village parking permit spaces or any combination of owned, leased or permit spaces within five hundred feet (500') of the bed and breakfast establishment they are intended to serve.

C. The owner of the bed and breakfast must occupy the bed and breakfast or adjacent property whenever bed and breakfast guests are present.

D. The owner of a bed and breakfast establishment shall have liability insurance coverage for bed and breakfast guests in the amount of at least one million dollars (\$1,000,000.00), and a copy of such insurance coverage shall be submitted to the Village with application for license or renewal of license.

E. One professionally painted sign of no more than eighteen inches (18") in height and twenty four inches (24") in width which is consistent in design and material with the building's architecture, shall be permitted to be affixed flat to the front facade of the building near the front entrance. Such signs shall only display the name of the bed and breakfast establishment and must be reviewed and approved by the ~~Community Design Commission~~ Zoning Board of Appeals for compliance with the above stated standards before a permit may be issued for same.

F. Guest units shall be permitted only in buildings of type 1A, 1B, 2A, 2B, 3A and 5A construction, as specified in the 2003 edition of the international building code.

G. Each bed and breakfast guest shall be provided individual soap and clean individual bath cloths and towels. Clean bed linen in good repair shall be provided for each guest who is provided accommodations and shall be changed between guests and as often as necessary. Clean linen shall be stored and handled in a sanitary manner.

H. Bed and breakfast establishments shall meet the state fire marshal's requirements for one- and two-family dwellings to the extent that said requirements are consistent with this article. In the event of a conflict between the provisions of this article and the state fire marshal's requirements, the provisions of this article shall prevail. In addition, the following standards shall be required:

1. Manual extinguishing equipment shall be provided on each floor in accordance with NFPA 10 - standards for the installation of portable fire extinguishers.

2. No door which must be used as a required means of escape shall be locked against egress when the building is occupied. All locking devices which impede or prohibit egress or which cannot be easily disengaged shall be prohibited.

3. All combustibles or flammable liquids shall be stored in approved metal containers. No combustible storage shall be allowed in or under stairways.

4. All trash containers shall be metal.

5. No cooking facilities or portable heaters shall be permitted in guestrooms.

6. No means of escape shall be so located as to be blocked in case of fire arising from the malfunctioning of a stove or other heating device.

7. All heating equipment shall be inspected and serviced at least annually by a competent heating contractor.

8. All hallways and stairways shall be adequately lighted (a minimum of 1 foot-candle [11 lux]) while the building is occupied by guests.

9. Guestrooms shall not be permitted in the basement or above the second floor of the building.

10. An integrated, supervised fire alarm system consisting of a hardwired or UL approved wireless automatic fire detection system which complies with national fire alarm code NFPA 72, shall be installed and shall include the following:

a. One pull station shall be provided at each required exit and on each floor containing guest sleeping rooms; and



b. Smoke detectors with light and horn strobes shall be installed in each guestroom used for sleeping, in each hallway in the immediate vicinity of rooms and on each building level, including the basement and habitable attic space and shall be tested regularly in accordance with the manufacturer's instructions.

11. Carbon monoxide detectors shall be installed in accordance with the residential building code on each building level including the basement and owner habitable attic space.

12. Exit and emergency lighting shall be provided in accordance with the 2003 edition of the international building code on each floor containing guest sleeping rooms.

13. Exit signage shall be installed in accordance with the 2003 edition of the international building code at each stairway, on each floor containing guest sleeping rooms and at each exit door.

14. Storage, such as in a basement, shall be in a one hour rated enclosure when deemed by the Village to be in sufficient quantities to be hazardous.

15. A floor plan of the bed and breakfast establishment shall be submitted to the Fire Department for approval, which shall indicate: the size of proposed building, exits, location of emergency exit signage and lighting, fire alarms, smoke and carbon monoxide detectors, and location of extinguishing devices.

16. All bed and breakfast units shall have posted on the inside of the entry door to each unit, a drawing showing the direction of exit travel, the approximate distance in feet, and the allowable occupant load of that unit.

17. Travel distance from any guest unit to an exit shall not exceed seventy five feet (75').

Exception: If two (2) separate primary exits are provided from a guest unit, then the travel distance to the exits shall not exceed one hundred feet (100') in either direction.

18. Fireplaces may be operated in the bed and breakfast establishment provided that the following conditions are met:

a. Fireplaces and chimneys are to be inspected by competent chimney contractors on an annual basis and a copy of the chimney contractor's inspection report shall be submitted to the Fire Department for review and approval prior to the issuance or renewal of the business license;

b. Fireplaces are fitted with suitable screens or doors to prevent passage of sparks or embers; and

c. No combustibles shall be stored within five feet (5') around the fireplace opening. This shall include, but not be limited to, bedding, curtains, pillows and kindling.

19. A bathroom shall be provided on each floor used by guests for sleeping.

20. Habitable rooms, hallways, corridors and bathrooms shall have a minimum ceiling height of seven feet (7').

21. Staircases between the first and second floors shall have a minimum ceiling height of six feet eight inches (6'8").

22. Rooms used for sleeping shall have self-closing, minimum twenty (20) minute fire rated doors. Standard six (6) panel solid wood doors satisfy this requirement.

23. A handrail shall be provided on at least one side of each stairway.

I. Bed and breakfast establishments shall comply with the requirements of article 24 of this chapter entitled "Foods And Food Establishments". Bed and breakfast establishments which serve meals consisting of more than a continental breakfast shall comply with all of the requirements of the Illinois state food service sanitation code. Bed and breakfast establishments which serve only a continental breakfast (a continental breakfast is one limited to only coffee, tea, and/or juice, whole/uncut produce and/or commercially prepared sweet baked goods) are exempt from the requirements of the Illinois state food service sanitation code, however, they shall comply with the following minimum standards:

1. Food shall be clean, wholesome, free from spoilage, free from adulteration and misbranding and safe for human consumption. Containers of food shall be stored above the floor, on clean racks, shelves or other clean surfaces in such a manner as to be protected from splash or other contamination. Milk of only pasteurized grade A may be used. Use of home canned food is prohibited.

2. Food shall be protected from contamination while being stored, prepared and served, and during transportation. Potentially hazardous food shall be maintained at safe temperatures of forty one degrees Fahrenheit (41°F) or below, or one hundred thirty five degrees Fahrenheit (135°F) or above, as appropriate, except during necessary periods of preparation and serving. Potentially hazardous frozen food shall be thawed at forty one degrees Fahrenheit (41°F) or below, under refrigeration, quick thawed as part of the cooking process, or thawed by another method approved by the Health Department. Raw fruits and vegetables shall be washed thoroughly before use. Portions of food once served to an individual may not be served again. Laundry facilities shall be separated from the food preparation areas. Live animals shall be excluded from food preparation areas.

3. Food on display shall be protected from consumer contamination by the use of packaging or by the use of easily cleanable counter, serving line or salad bar protector devices, display cases or by other effective means.

4. To avoid unnecessary manual contact with food, suitable dispensing utensils shall be used by employees or provided to consumers who serve themselves. Between uses during service, dispensing and incidental utensils shall be stored in the food with the dispensing utensil handle extended out of the food.

5. Condiments, seasonings, and dressings for self-service use shall be provided in individual packages or from dispensers. Condiments provided for table or counter service shall be individually portioned, except that catsup and other sauces may be served in the original container or pour type dispenser. Sugar for consumer use shall be provided in individual packages or in pour type dispensers.

6. Once served to a consumer, portions of leftover food shall not be served again except that packaged food, other than potentially hazardous food, that is still packaged and is still in sound condition, may be re-served.

7. Each mechanically refrigerated storage facility storing potentially hazardous food shall be provided with a numerically scaled indicating thermometer, accurate to plus or minus three degrees Fahrenheit ( $\pm 3^{\circ}\text{F}$ ), located to measure the air temperature in the warmest part of the facility and located to be easily readable.

8. No person knowingly infected with a communicable disease that may be transmitted by food handling may work in a bed and breakfast establishment.

9. If the bed and breakfast operator suspects that any employee, family member or the operator himself or herself has a reportable communicable disease, as defined in the Illinois department of public health and rules and regulations for the control of communicable diseases, the operator shall notify the local Health Department immediately.

10. Persons preparing food shall:

a. Maintain a high degree of personal cleanliness and shall conform to good hygienic practices during all working periods in the food service establishment.

b. Keep their hands and the exposed portions of their arms clean. They shall keep their fingernails clean and trimmed, filed, and maintained so that the edges and surfaces are cleanable and not rough. Unless wearing intact gloves in good repair, a person preparing food may not wear fingernail polish or artificial fingernails when working with exposed food. Persons preparing food shall clean their hands and exposed portions of their arms for at least twenty (20) seconds, using a cleaning compound prior to handling food and after hands become soiled.

c. Prepare food with the least possible manual contact, with suitable utensils and on surfaces that prior to use have been cleaned, rinsed and sanitized to prevent cross contamination.

d. Avoid direct contact (i.e., using bare hands) with ready to eat food whenever possible and, to the extent possible, shall handle ready to eat food only with suitable utensils such as deli tissue, spatulas, tongs, or single use gloves. Handling of ready to eat food with suitable utensils is not a substitute for proper hand washing. Use of utensils, including deli tissue, spatulas, tongs or single use gloves, shall be preceded by thorough hand washing.

e. If gloves are used to handle ready to eat food, they shall be single use gloves, i.e., shall be used for only one task (preparing/handling ready to eat food), shall be used for no other purpose and shall be discarded when damaged or soiled or when interruptions occur in operations. Hands shall be washed with soap and water prior to and between glove use.

f. Drink only from a closed beverage container. The container shall be handled to prevent contamination of:

(1) The food preparer's hands;

(2) The container; and

(3) Exposed food; clean equipment, utensils and linens; and unwrapped single service and single use articles.

g. Not wear jewelry on their arms and hands while preparing food, except for a plain ring such as a wedding band or medical information jewelry.

11. Cleaned and sanitized utensils and equipment shall be stored at least six inches (6") above the floor in a clean, dry location in a way that protects them from contamination by splash, dust and other means. The food contact surfaces of fixed equipment shall also be protected from contamination. Equipment and utensils shall not be placed under exposed sewer lines, or water lines except for automatic fire protection sprinkler heads that may be required by law.

12. Utensils shall be air dried before being stored or shall be stored in a self-draining position.

13. Glasses and cups shall be stored inverted. Other stored utensils shall be covered or inverted wherever practical. Facilities for the storage of knives, forks and spoons shall be designed and used to present the handle to the employee or the consumer. Unless tableware is prewrapped, holders for knives, forks, and spoons at self-service locations shall protect these articles from contamination and present the handles of the utensils to the consumer.

14. Residential sinks and home style mechanical dishwashing machines are acceptable facilities for washing multiuse eating and drinking utensils. Sinks and dishwashing machines shall be supplied with hot and cold potable running water. For manual cleaning and sanitizing, multiuse eating and drinking utensils shall be washed in a hot detergent solution that is kept clean, and shall be rinsed free of detergent in clean water.

15. Immediately following either manual or mechanical washing of eating or drinking utensils, and pots, pans and other cooking utensils, these utensils shall be sanitized for at least one minute in a clean solution containing fifty (50) to two hundred (200) parts per million of available chlorine as a hypochlorite and having a temperature of at least seventy five degrees (75°), or another approved sanitizing solution which shall be used at the concentration tested and approved by the local Health Department. Dishpans may be used to accomplish the final sanitizing rinse. Utensils shall be air dried.

16. Nonfood contact surfaces of equipment shall be cleaned as often as is necessary to keep the equipment free of accumulation of dust, dirt, food particles and other debris.

17. The reuse of single service utensils is prohibited.

18. Effective measures intended to minimize the presence of rodents, flies, cockroaches, and other insects on the premises shall be utilized. The premises shall be kept in such condition as to prevent the harborage or feeding of insects or rodents.

19. All garbage and refuse shall be stored and collected in accordance with the provisions of chapter 20, article 7 of the Oak Park Village Code.

20. Containers of poisonous or toxic materials necessary for operational maintenance of the establishment shall be prominently and distinctly labeled in accordance with law. Insecticides and rodenticides shall be stored and located to be physically separated from detergents, sanitizers, related cleaning or drying agents and other chemicals in cabinets or similar physically separated compartments or facilities used for no other purpose. To preclude potential contamination, poisonous or toxic materials shall not be stored above or intermingled with food, food utensils and equipment and single service articles.

**Section 6. Village Code Amended.** Chapter 22 (“Streets and Sidewalks”), Article 10 (“Commercial Use of Sidewalk Space”), Section 22-10-4 (“Use of Sidewalk Space for Public Outdoor Furniture”) and Chapter 22 (“Streets and Sidewalks”), Article 13 (“Public Art”), Section 22-13-2 (“Definitions”) of the Oak Park Village Code is amended by deleting the overstricken language and adding the underlined language to read as follows:

**22-10-4: USE OF SIDEWALK SPACE FOR PUBLIC OUTDOOR FURNITURE:**

There is hereby established a public outdoor furniture program for the seasonal placement of outdoor furniture on the public way by restaurants and carryout food establishments for the use and benefit of the general public. Participation in this program shall require the issuance of a permit through the permit process set forth in this section and compliance with the regulations and requirements set forth in this section.

A. Permit; Required: No person shall place or maintain any public outdoor furniture on any street without a permit. A separate permit must be obtained for each location, which permit shall be valid only for the particular furniture specified thereon. Each permit shall bear a separate number, and all said permits shall be issued by the Village Manager.

B. Annual Permit; Application: No public outdoor furniture permit shall be issued except upon written application of a licensed restaurant or carryout food establishment within the Village, made upon a form prescribed by the Village Manager, and said form shall state the location and duration of such use, including a site plan accurately showing the surrounding building site, the actual sidewalk widths, all existing encroachments into the sidewalk, the location and dimensions of the proposed furniture to be used, the placement and quantity of furniture compliant with the Americans with disabilities act, 42 USC section 12101 et seq., as amended, and such other information as may be required by the Village Manager. Site plans, photographs and drawings submitted hereunder shall clearly indicate compliance with the specifications and requirements set forth herein.

A restaurant operator shall have the option to apply for either an outdoor restaurant table permit under section 22-10-2 of this article or an outdoor public furniture permit under this section, but shall not be permitted to participate in both programs simultaneously.

The application shall contain a statement which must be signed by the applicant that the applicant has fully read, understands and agrees to abide by the public outdoor furniture permit requirements and specifications and acknowledges that the applicant further understands that a failure to comply with same may result in the revocation of the permit.

C. Public Outdoor Furniture; Specifications:

1. Size: The furniture must be of a size which permits it to be placed in the public way without extending beyond the excess sidewalk right of way, or reducing the unobstructed clear passage area of any sidewalk to less than five feet (5') in width.

2. Height: The height of five percent (5%) of the public tables or at least one table, whichever is the greater number of tables, shall not be lower than a minimum of thirty inches (30"), with a clear knee space of at least twenty seven inches (27"). The tables which meet this minimum height requirement must also be identified with a handicap accessible sticker.

3. Material/Workmanship: The furniture must be sturdy and safe and must be constructed from quality materials with good workmanship.

4. Color: Furniture color must aesthetically complement the permittee's property and must not be out of character with the business district where the furniture will be located.

5. Umbrellas: Table umbrellas shall be permitted under the following conditions:

a. No umbrella shall exceed seven feet (7') in diameter.

b. No umbrella shall obstruct any street signs.

c. No umbrella shall contain or display any type of message, symbol, logo or signage unless otherwise authorized by this code.

d. No umbrella or umbrella part lower than seven feet (7') from the sidewalk surface shall encroach into the five foot (5') unobstructed clear pedestrian passage area, nor closer than two feet (2') from curb line.

6. Assistance Available: Applicants with unique circumstances, or applicants who request assistance, will be referred to the ~~Community Design Commission~~ Zoning Board of Appeals for advice and guidance.

D. Public Outdoor Furniture; Placement Requirements:

1. The furniture shall be placed only on excess public way that is constructed of concrete or some other similar hard and durable material.

2. Outdoor furniture for public use shall only be placed in the sidewalk right of way in front of the permit holder's business establishment. "Excess sidewalk right of way" is defined as that portion of sidewalk right of way located on the curbside of the required five feet (5') of unobstructed clear passage area for pedestrians, which does not interfere with the pedestrian right of way, curb parking or other public improvements which exist in the public way.

3. No outdoor furniture for public use permitted on the excess sidewalk right of way shall be allowed to encroach beyond the side property lines of the permittee's business, including the extension of such side property lines from the building frontage to the curb line, unless the public way being proposed for use by the permittee contains an excess sidewalk right of way of fifteen feet (15') or more in width.

4. Only excess sidewalk right of way of fifteen feet (15') or more in width that is constructed of concrete, or some other similar hard and durable material, may be used for permitted public outdoor furniture, and such permitted use may encroach beyond either or both side property

lines of the permittee's business, including the extension of such lines from the building frontage to the curb line, by no more than ten feet (10'), provided such extension will not negatively impact the business(es) with the frontage into which the permittee proposes to extend the permittee's public furniture.

5. Placement of public outdoor furniture shall at all times comply with the fire prevention code and all other applicable state and local laws relating to fire prevention and fire safety.

6. The standards and requirements set forth herein shall apply to all public outdoor furniture permits issued for encroachments on public rights of way in all Oak Park business districts, as described in the summary of ROW widths, streets, sidewalks and parkways, and map at the end of this section and by this reference incorporated herein as exhibit A.

E. Permit; Liability Insurance Requirements: No permit required by this section shall be issued unless the applicant shall post and maintain the insurance required by section 22-10-5 of this article.

F. Permit; Expiration; Fee; Removal: Each permit issued under this section shall expire on November 30 next following the date of issuance, unless renewed. A fee of fifty dollars (\$50.00), plus fifty cents (\$0.50) per square foot of sidewalk space used for each outdoor public furniture location shall be charged annually. Application for renewal must be made prior to the expiration date and must be accompanied by the renewal fee. All outdoor public furniture shall be removed from the public right of way on or before the expiration of the permit on November 30 of each year.

The application for a permit shall be canceled and denied if the applicant fails to deposit the annual fee and accept the permit within ten (10) days after notice of the approval of the application by the Director of Public Works.

G. Permit; Denial: Should an applicant not be granted a public outdoor furniture permit, any fees previously paid with the application shall be refunded, less reasonable costs to process the application which shall not exceed twenty five dollars (\$25.00).

H. Duties Of Permittee: It shall be the duty of any person holding a permit under the provisions of this section to maintain each outdoor public furniture location at all times in a safe condition and at its proper and lawful location, to inspect each piece of furniture periodically and to also comply with the following:

1. The permittee shall make the outdoor public furniture available for use by the general public without regard to whether members of the public have patronized the permittee's business establishment.



2. The permittee shall be responsible for preserving the five feet (5') of clear passage area at all times, including, but not limited to, taking necessary actions to prevent patrons and/or employees or members of the public from encroaching into the five foot (5') clear passage area.

3. The permittee shall maintain all areas adjacent to and including areas where the furniture is located in a clean and sanitary manner, including, but not limited to, maintaining appropriate trash receptacles, as well as sweeping on a daily basis the full right of way where the furniture is located and immediately cleaning and washing any liquid, food, debris, broken glass and other trash from the right of way.

4. No food or beverages may be sold or served on the sidewalk right of way outside of any permitted area by the permittee, permittee's agent, or employees or ordered by the patrons or members of the general public.

5. No alcoholic beverages may be sold or served on the sidewalk, including in any permitted area, by the permittee, permittee's agent or employees or ordered or consumed by patrons or members of the general public.

6. No advertising, signage or indices of ownership shall be placed in any way on the public furniture, except that of a handicap accessible sticker which shall be affixed on the center of the table top of the permittee's tables which are required to be accessible to the disabled.

7. No object of any kind shall be placed/stored/maintained on any outdoor public furniture permitted hereunder by the permittee, permittee's agent, employee or the general public.

8. No signboards shall be permitted as part of any public outdoor furniture permit.

9. The permittee shall not create or permit noise to emanate from the permittee's outdoor public furniture location at such levels as to create a public nuisance.

10. All outdoor furniture must be removed from the public right of way no later than the close of the permittee's business each day, unless otherwise authorized by the Village Manager that said furniture:

a. Will not create a hazard or in any way obstruct the public way if allowed to remain in the public way during nonbusiness hours;

b. Will be secured at the permitted location in such a manner that it cannot be moved and does not damage or deface the public way or any improvements thereon; and

c. Does not negatively impact the appearance of the public way during nonbusiness hours.

11. At all times, the permittee shall comply with all other local, state or federal laws, ordinances and regulations, including, but not limited to, health rules, laws and regulations.

I. Permit; Revocation Of Permit: The Village Manager may revoke or deny any permit issued under the provisions of this section for any violation of any of the provisions of this section, for any fraud or misrepresentation in the application, or for any reason which would have been grounds for denial of the application.

J. Removal Of Furniture: The Village shall retain the right to remove public furniture from the public way at any time when, in its sole discretion, it determines that the placement of the public furniture violates the standards set forth herein, obstructs or creates a hazard on the public way or otherwise threatens the public health, safety and welfare.

\* \* \* \*

**22-13-2: DEFINITIONS:**

For purposes of this Article, the following words and phrases shall have the meanings ascribed to them hereinbelow. All other words and phrases shall have the meanings which are normally ascribed to them.

ACQUISITION (ACQUIRED PUBLIC ART): The process of the Village obtaining ownership of or a temporary interest in public artworks by purchase, rental or acceptance of a gift.

ACQUISITION AND MAINTENANCE FUND: A dedicated fund established by the Village of Oak Park to hold monies contributed by individuals or organizations (including the Village) for the purpose of acquiring and maintaining public artwork and, in some cases, maintaining public artwork lent to the Village.

ART PROFESSIONAL: Any person, who is not necessarily an artist, but by virtue of his or her training and/or profession possesses expertise with regard to art. Such persons may include, but are not limited to, museum curators or directors, academicians, patrons, collectors and critics.

ARTIST: Any person who by virtue of professional training, exhibition history, and/or critical review is recognized as skilled in creating works of art.

ARTIST STATEMENT: Written statement by artists describing their background and inspiration for or meaning of the artwork.

ARTWORK: Tangible art forms that may include, but are not limited to, drawings, prints, photographs, collages, paintings, mosaics, murals, fiber artworks, stained glass, relief or freestanding sculptures, fountains, arches, mobiles, and environments. Artworks, except with regard to art related activities authorized under subsection 2-22-2G of this Code, shall not include

objects that are mass produced of standard design, reproductions of works of art, nor landscaping or signage except when designed by an artist as an integral part of a project.

COLLECTION: All artworks owned or rented by or loaned to the Village of Oak Park.

~~COMMUNITY DESIGN COMMISSION: Commission created and established in Chapter 2, Article 18 of this Code to deal with community design issues.~~

EDUCATION: Instruction relating to the importance or meaning of a particular artwork.

GIFT OR GIFTED: Artwork donated to the Village of Oak Park.

INVENTORY: Record of object transactions, including acquisition, loan, movement, care, shipment, deaccession, etc.

MAINTENANCE: The act of keeping public artworks and their supporting documentation in good and complete condition for purposes of exhibit, study and preservation which may entail the movement of such public artworks.

NEIGHBORHOOD: A specific district or area within Oak Park.

OAK PARK AREA ARTS COUNCIL: A partner agency to the Village of Oak Park whose representatives serve on the Public Art Advisory Commission. The Council also works to initiate public art projects.

PERMANENT: Artwork not expected to change in status, condition or place.

PRIVATELY OWNED PUBLIC ART: Privately owned objects of art temporarily located on the public way normally under the authority of a License Agreement between the Village and owner. Loaned art shall also normally require a License Agreement for placement on the public way.

PUBLIC ART ADVISORY COMMISSION ("P.A.A.C."): Commission established by the President and Board of Trustees of the Village as set forth in Chapter 2, Article 22 of this Code to further the interests of public art for the Village and to administer the provisions of this Article.

PUBLIC ARTWORKS: Artwork located on public property.

SITE: The place where an artwork is located.

TEMPORARY: Artwork that is placed on a site for a limited time.

VILLAGE PROPERTY: Buildings, roadways and public ways and areas owned by the Village of Oak Park.

WAIVER: A written instrument executed by the artist specifically and expressly setting forth and waiving the artist's rights under the Visual Artists' Rights Act of 1990 with regard to an identified work of art created by the artist.

**Section 7. Severability and Repeal of Inconsistent Ordinances.** If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance. All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 8. Effective Date.** This Ordinance shall be in full force and effect after its passage, approval and publication as required by law.

**ADOPTED** this 4<sup>th</sup> day of March, 2025, pursuant to a roll call vote at follows:

| Voting           | Aye | Nay | Abstain | Absent |
|------------------|-----|-----|---------|--------|
| President Scaman |     |     |         |        |
| Trustee Buchanan |     |     |         |        |
| Trustee Enyia    |     |     |         |        |
| Trustee Parakkat |     |     |         |        |
| Trustee Robinson |     |     |         |        |
| Trustee Straw    |     |     |         |        |
| Trustee Wesley   |     |     |         |        |

**APPROVED** this 4<sup>th</sup> day of March, 2025.

\_\_\_\_\_  
Vicki Scaman, Village President

**ATTEST**

\_\_\_\_\_  
Christina M. Waters, Village Clerk

Published in pamphlet form this 4<sup>th</sup> day of March, 2025.

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Christina M. Waters, Village Clerk