

ORDINANCE

AN ORDINANCE AMENDING CHAPTER 22 ("STREETS AND SIDEWALKS"), ARTICLE 10 ("COMMERCIAL USE OF SIDEWALK SPACE"), SECTION 22-10-2 ("USE OF SIDEWALKS FOR RESTAURANT TABLES AND FLORAL DISPLAYS") OF THE OAK PARK VILLAGE CODE

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. Village Code Amended. Chapter 22 ("Streets and Sidewalks"), Article 10 ("Commercial Use of Sidewalk Space"), Section 22-10-2 ("Use of Sidewalks for Restaurant Tables and Floral Displays") of the Oak Park Village Code is hereby amended to delete the overstricken language and add the underlined language to read as follows:

22-10-2: USE OF SIDEWALKS FOR RESTAURANT TABLES AND FLORAL DISPLAYS:

The Village Manager is authorized to issue permits for the use of public sidewalks for restaurant tables and for floral displays subject to the following conditions:

A. The use of sidewalks for restaurant tables shall only be permitted incidental to the operation of a restaurant on contiguous property, and the use of sidewalks for floral displays shall only be permitted where incidental to the operation of a floral shop on private contiguous property, except that restaurant tables may be placed along the noncontiguous street side of the public sidewalk both within and beyond the side property lines of the restaurant applicant under the following conditions:

1. There is no parking permitted on the side of the street adjacent to the public sidewalk area proposed for the restaurant tables ("the street");
2. The traffic count for the street upon which the restaurant is located does not exceed ten thousand (10,000) vehicles per day;
3. The restaurant tables shall not be located within two feet (2') of the curb line of the street;
4. Dining patio fencing shall be installed to ensure incidental repositioning does not occur;
5. Bollards or other protective devices shall be strategically located at either end, and along the street edge, of the outdoor restaurant seating area;

6. The placement of restaurant tables on the street side of the public sidewalk shall only be permitted to extend beyond the restaurant frontage on either side if the potentially affected adjacent business or property owner does not object to such placement;

7. The restaurant applicant is able to meet all other existing requirements for the issuance of a permit to place restaurant tables on the public sidewalk; and

8. Cabling over the public way during nonoperational hours is not permitted.

B. A permit shall not be issued if the proposed use will unreasonably interfere with pedestrian or vehicular traffic. All food operations shall be in accordance with applicable food service sanitation regulations.

C. In no event shall the uses permitted by this article reduce the open portion of any sidewalk or other surface compliant with the Americans with disabilities act, 42 USC section 12101 et seq., as amended, to less than five feet (5'). Additionally, to the greatest extent possible, public access shall be maintained in a straight, continuous pathway.

D. No permit shall be issued pursuant to this section unless the applicant shall furnish, post and maintain the insurance required by section 22-10-5 of this article.

E. Persons issued permits pursuant to this article shall maintain the sidewalk area in a clean and safe condition and shall remove all debris on the sidewalk on a daily basis.

F. The annual permit fee for any use pursuant to this article shall be ~~fifty dollars (\$50.00)~~ one hundred (\$100.00) plus ~~fifty cents (\$0.50)~~ \$3.00 dollars per square foot of sidewalk space used.

G. The permit may be revoked at any time on thirty (30) days' notice and refund pro rata of any fee.

H. The placement of restaurant tables and seating shall not interfere with existing hydrant ports.

Section 2. 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.

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Section 3. Effective Date. This ordinance shall be in full force and effect after its passage, approval and publication as required by law.

ADOPTED this 2nd day of November, 2015, pursuant to a roll call vote as follows:

Voting	Aye	Nay	Abstain	Absent
President Abu-Taleb				
Trustee Barber				
Trustee Brewer				
Trustee Lueck				
Trustee Ott				
Trustee Salzman				
Trustee Tucker				

APPROVED this 2nd day of November, 2015.

Anan Abu-Taleb, Village President

ATTEST

Teresa Powell, Village Clerk

Published in pamphlet form this 2nd day of November, 2015.

Teresa Powell, Village Clerk