



# Temporary Outdoor Seating Regulations for Restaurants

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## All Restaurants

### *General Requirements:*

- All restaurants must adhere to the requirements of the of the Illinois Governor's Office and Illinois Department of Public Health.
- Restaurant owners and property owners are responsible for meeting any insurance requirement and encouraged to contact their insurance company prior to allowing outdoor dining. Any permit to allow outdoor seating does not release restaurant owner and/or property owner from any liability.
- All debris must be cleaned up so as not to become a nuisance.
- All indoor and outdoor seating and pathways must be spaced at least six feet apart.
- No accessible parking spaces may be utilized for expanded outdoor seating and all ADA accessible routes must be maintained at all times.
- All access to the site and building must be maintained to ensure compliance with the International Building and Fire Code.
- Access to fire hydrants, fire hose connections for sprinkler systems, and entrances and exits of all buildings shall not be obstructed at any time by barriers or seating.
- No additional signage shall be permitted except one menu board up to six square feet may be placed on an easel or other easily removable fixture, except that the establishment identified on the permit and/or its logo shall be permitted on umbrellas.
- No cooking or preparation of food may take place outdoors or under tents.
- Designated pick-up location need to be separated from the temporary outdoor seating area by approved barrier.
- The City may require the removal, temporary or permanent, of outdoor seating when the street, sidewalk, or utility repairs are necessary, or in the case of failure to comply with the criteria set forth in this document. The City is not responsible for any damages or loss of equipment removed as a result.
- The City of Edwardsville reserves the right to amend this policy as needed.

### *General Recommendations:*

- Use disposable paper menus.
- Use a reservation process to prevent capacity issues to prevent patrons from congregating while waiting for service.
- Temporary placement of equipment such as wash stations and hand sanitizing stations or stations for staff set up and service (note: not subject to setback requirements) .
- Temporary decorative barriers can be utilized to better define boundaries of extended business operations. Any equipment or furniture placed in the parking space cannot be placed closer than 2 feet from the edge of the adjacent travel lane or parking space. Safe pedestrian pathways between barrier walls must be provided.

## Restaurants Utilizing Parking Areas on Private Property (private sidewalk or parking lot)

### *Requirements for use of private property:*

- Restaurants are responsible for obtaining permission from property owner to add temporary outdoor seating.
- The required landscape and buffer areas for the off-site private parking spaces, shall not be used as an expanded converted use for restaurants or retail operations.
- All restaurants with private parking may utilized up to 50% of the required parking for the restaurant space. If restaurant is located within a retail center, the space available to expand the use will be 50% of the required parking for the restaurant space (not the total retail center space).
- A temporary, secure barrier must be in place to define the outdoor seating area.
- Space heaters are permitted provided that they are an outdoor approved type, are located in accordance with the manufacturer's recommendations, and are located at least two (2) feet from the edge of any umbrella canvas, any foliage, or any other flammable object or material.
- For multiple tenant buildings, if a business wants to operate outside of the area immediately in front of their store, they must receive written permission from the neighboring business.

### *Use of tents, shade structures, and outdoor furniture:*

- Any tent larger than 10-foot x 10-foot requires a permit from the Fire Department (available at [www.cityofedwardsville.com/182/Permits](http://www.cityofedwardsville.com/182/Permits)).
- All tent legs must be weighted with a minimum of 40lbs and weights must be securely attached to canopy roof and canopy leg.
- For maximum safety, tents should be secured as soon as they are put up, and brought down as soon as weight is removed.
- Tents must not have closed walls in place while open to the public, and all sides should be open for air flow
- Outdoor furniture and fixtures including but not limited to, umbrellas, tents, and pedestrian barriers, must be (a) sturdy and stable; (b) must have sufficient weight so that they cannot tip over or be blown over; (c) must not attach to or protrude the sidewalk; and d) must not obstruct vehicular traffic.
- Outdoor furniture and fixtures must be secured after the close of business so as not to be moved by strong winds.
- If using heaters, they must be at least 10 feet from building exit and not in the path of travel; a fire extinguisher is also required if heaters are used.

### *Alcoholic Beverages:*

- Restaurants possessing a valid liquor license for on-site consumption shall be allowed to serve alcoholic beverages in the designated outdoor seating areas.
- Removal of alcoholic beverages from the designated outdoor seating areas (except back into the applicant's facility) is prohibited.

## *Restaurants Utilizing Parking Areas on Public Property (public sidewalk or street)*

### *General Requirements:*

- A site plan for expansion of the restaurant's outdoor seating must be approved by the Director of Public Works.
- In the downtown area, it is recommended that restaurants coordinate to promote the best possible use of space while allowing for adequate social distancing.
- Sidewalk dining shall be allowed from 6am to 11:30 p.m., but in no instance shall the hours for sidewalk dining exceed the restaurant's permitted hours of operation.
- Outdoor dining furniture and fixtures including, but not limited to, pedestrian barriers shall be stored indoors overnight between 11:30 p.m. and 5:30 a.m.
  - Outdoor dining furniture and fixtures stored indoors overnight must be stored in such a way that access into the building is not blocked or
- Sidewalk dining areas shall not interfere with curbs, ramps, driveways, or access to any building.
- Sidewalk dining areas shall not obstruct fire department's water connection devices.
- Applicant agrees to furnish to the city a certificate of insurance evidencing a commercial general liability insurance policy in the minimum amount of \$1,000,000.00 combined single limit naming the city as an additional insured under its terms so as to indemnify the city from any covered liability that applicant agrees to hold harmless from as set forth herein.

### *Use of Public Right-of-Way (Parking & Sidewalk):*

- The use of the sidewalk and/or public parking spaces limited as follows:
  - General provisions of Sidewalk Dining limit the dining area to the width of the building or store front of the subject property. If a business desires to operate outside of the area immediately in front of their store, they must receive written permission from the neighboring business.
  - Adjacent businesses are strongly encouraged to coordinate.
- An unobstructed pedestrian right-of-way also known as the "pedestrian path", that meets required accessibility standards, of no less than three (3) feet shall be maintained for each sidewalk and/or parking. Again, businesses are encouraged to coordinate so the "pedestrian path" is continuous for the block and does not alternate between building-side and street-side of the sidewalk from storefront to storefront.
- Space heaters are permitted provided that they are an outdoor approved type, are located in accordance with the manufacturer's recommendations, and are located at least two (2) feet from the edge of any umbrella canvas, any foliage, or any other flammable object or material.

### *Use of tents, shade structures, and outdoor furniture:*

- The maximum size tents that may be placed on sidewalks and parking spaces will be 10-foot by 10-foot.
- No staking of tents is permitted in public rights-of-way.
- All tent legs must be weighted with a minimum of 40lbs and weights must be securely attached to canopy roof and canopy leg.
- For maximum safety, tents should be secured as soon as they are put up, and brought down as soon as weight is removed.

- Tents must not have closed walls in place while open to the public, and all sides should be open for air flow.
- For umbrellas and tents, a vertical ground clearance of at least 7' shall be maintained at all times.
- Outdoor furniture and fixtures including but not limited to, umbrellas, tents, and pedestrian barriers, must be (a) sturdy and stable; (b) must have sufficient weight so that they cannot tip over or be blown over; (c) must not attach to or protrude the sidewalk; and d) must not obstruct vehicular traffic.
- No public announcement system or loudspeakers shall be permitted in the sidewalk dining area

#### *Alcoholic Beverages:*

- Restaurants possessing a valid liquor license for on-site consumption shall be allowed to serve alcoholic beverages in the designated outdoor seating areas. When a restaurant utilizes temporary outdoor seating, the liquor license will allow the serving and consumption of liquor within the temporary expanded area.
- Removal of alcoholic beverages from the designated outdoor seating areas (except back into the applicant's facility) is prohibited.