

**Policy for Temporary Use of Public Property for Restaurants and Bars for Outdoor Seating and Dining**

1. **PURPOSE**

The Village of Arthur Board of Trustees recognizes that restaurants and bars are critical to the vibrancy of the Village of Arthur. To ensure that our local restaurants and bars remain successful and that the public feels safe patronizing them, the Village would like to provide more opportunities for restaurants and bars to expand their outdoor capabilities.

1. **SCOPE**

The Village Board of Trustees hereby temporarily modifies its

ordinances to expand outdoor facilities for Village of Arthur restaurants and bars during the COVID-19 Pandemic for so long as the region enters Phase 5 of the Restore Illinois plan, or such earlier time as the Village Board of Trustees determines. The area in which businesses can use will be located at the Southwest Corner of South Vine Street and Progress Street.

1. **PROCEDURE TO APPLY FOR TEMPORARY USE OF PUBLIC PROPERTY**

Businesses, organizations, and individuals wishing for temporary use of public property for outdoor seating and dining must apply through the Village of Arthur office and provide all required information as listed below.

1. **GUIDELINES FOR APPLYING**

Required Documentation:

1. Application filled out with mandatory information.
2. A site plan showing locations of chairs, tables, and other items to be places on public property.
3. Certificates of Insurance naming the Village of Arthurs, it’s officers, employees, agents and volunteers as additionally insured and containing statements that said policies shall not be changed or canceled without 30 days written notice to the Village of Arthur:

Amounts include:  
I. Commercial General Liability Insurance: $1,000,000.00

II. Workers’ Compensation: Statutory Amount

III. Liquor Liability (Dram Shop): $1,000,000.00

1. **REGULATIONS**

All permit holders shall be subject to the following regulations:

A. The area shall be maintained clean and free from refuse or clutter at all

times regardless of the source of such refuse and clutter. Refuse from any

outdoor area shall not be disposed of in public waste receptacles.

B. Any outdoor furniture/elements shall not be permanently attached.

The Village of Arthur reserves the right to require the establishment to remove or modify the outdoor furniture/elements, if deemed necessary by the Village of Arthur at any time.

C. All Village of Arthur owned property within the outdoor facility area

shall be maintained in the condition in which it existed immediately prior to

the issuance of the permit, excluding normal wear and tear. The permit holder shall immediately report any damage to such public improvements to the Public Works Supervisor. The Village of Arthur will repair or replace such

public improvement at its sole discretion and shall charge the cost of such

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 permit. All outdoor seating elements shall meet all of the provisions of the current Federal Americans with Disabilities Act (ADA) Standards.

D. No source of music or other entertainment shall be allowed in

conjunction with the use of the outdoor facilities without prior approval of the Village of Arthur.

E. Business establishments must meet all of the provisions as set forth

within the Smoke Free Illinois Act.

F. Business establishments must provide public restrooms for patrons.

G. Business establishments shall be entitled to remove or exclude persons

from the outdoor seating on the outdoor facilities during the hours of business operation and are authorized to give notice to any such persons to prevent such entry, in the same manner as applicable to the non-public portion of the business establishment.

1. **RESTRICTIONS**

A. Tables, chairs, temporary fencing, decorations, & umbrellas (“outdoor

furniture/elements”:

i. Shall be located pursuant to the social distancing guidelines as

provided by in the attachment herein (Exhibit A);

ii. Shall be located in accordance with the approved site plan;

iii. Shall not obstruct normal ingress and egress from outlined

walking paths;

iv. Shall not be of a design and/or weight that will create a wind-

blown hazard; and

v. Shall meet all provisions of the current Federal American with

Disabilities Act (ADA) Standard and the Illinois Accessibility

Code.

B. The following items shall be prohibited in the outdoor facility area:

i. Outdoor furniture/elements not approved in the site plan; and

ii. Any electrical appliances.

C. The following provisions are required for business establishments

where the service or consumption of alcoholic beverages will take place in the outdoor facility area:

i. The business establishment shall have a valid liquor license

issued by the village, that allows for the service of the type of

alcoholic beverages being served;

ii. Alcoholic beverage consumption shall only be permitted within

the designated area for permit holders with valid liquor license.

The permit holder shall not allow or permit any customer,

employee or other person to remove alcoholic beverages from

the designated area;

iii. To ensure that consumption of alcoholic beverages is limited to

the designated area, the permit holder shall regularly monitor

and buss the designated area;

D. Hours of operation:

i. Any permit holder is allowed to operate in the outdoor facility

during the hours of 7:00 A.M. to 11:00 P.M. Monday-Sunday.

1. **VIOLATIONS**

Any Permit Holder or other business in violation of the regulations as

set forth herein shall be fined not less than $50.00 nor more than $750.00 for each day on which the violation occurs or continues to occur. In addition, the permit may be revoked as a result of any such violation.

Furthermore, in the event that the Chief of Police or Liquor Commissioner, or their designees, of the Village of Arthur, determine the method or manner of use of the outdoor facility or the conduct of the persons serving within or using the same, pose an immediate threat to the public health, safety or welfare, the Village of Arthur shall have the power and authority to cause the outdoor elements to be removed immediately and/or to revoke the permit issued.

1. **INDEMNIFICATION**

Acceptance of a permit from the Village of Arthur serves as notification that the business and individuals shall indemnify and hold harmless the Village of Arthur from and against any and all claims arising from the use of the premises, from the conduct of business, from any activity, work or things done, permitted, or suffered by the business or individual in or about the premises or elsewhere and shall further indemnify and hold harmless the Village of Arthur from and against any and all claims arising from any breach or default in the performance of any obligation on the applicant’s part or arising from any negligence of the applicant or of any of their agents, contractors, or employees and against all costs, attorney’s fees, expenses and liabilities incurred in the defense of any such claim or any action or proceeding brought thereon. The applicant, as a material part of the consideration to the Village of Arthur, assumes all risk of damage to property or injury to persons, in, upon, or about the premises arising from any cause and applicants hereby waives all claims in respect thereof against the Village of Arthur.



**Temporary Use of Public Property for Restaurants and Bars for Outdoor Seating and Dining**

**Applicant: \_\_\_\_\_\_**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Contact:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ **Phone: \_\_\_\_\_\_\_\_\_\_\_**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Address:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Email:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ **Other: \_\_\_\_\_\_\_\_\_\_\_**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Applicant’s Organization Structure:**

**(Sole proprietorship, LLP, LLC, Not-for-Profit, etc.)** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_   
 **Reference number: (EIN, NFP number, etc.) \_\_\_\_\_**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Included with Application:**

Site plan showing location of chairs, tables, and other items to be place on public property.

Certificates of Insurance listing the Village of Arthur, its officers, employees, agents, and volunteers as additionally insured and containing statements that said policies shall not be changed or canceled without 30 days written notice to the Village of Arthur.

I. Commercial General Liability Insurance: $1,000,000.00

II. Workers’ Compensation: Statutory Amount

III. Liquor Liability (Dram Shop): $1,000,000.00

This application and signature indicate acceptance of all guidelines, regulations, restrictions, indemnifications, and procedures as set forth by the Village of Arthur. Any Permit Holder or other business in violation of the regulations as set forth herein shall be fined not less than $50.00 nor more than $750.00 for each day on which the violation occurs or continues to occur. In addition, the permit may be revoked as a result of any such violation.

Furthermore, in the event that the Chief of Police or Liquor Commissioner, or their designees, of the Village of Arthur, determine the method or manner of use of the outdoor facility or the conduct of the persons serving within or using the same, pose an immediate threat to the public health, safety or welfare, the Village of Arthur shall have the power and authority to cause the outdoor elements to be removed immediately and/or to revoke the permit issued.

**Signature of Applicant:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ **Date:** \_\_\_\_\_\_\_\_\_\_\_\_\_