

APPLICATION FOR TEMPORARY OUTDOOR DINING

Village of Libertyville

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Community Development Department
 200 E. Cook Avenue
 Libertyville, IL 60048
 www.libertyville.com/planningforms

Name	Street Address, City, State, Zip	Contact Numbers
<i>Property Owner</i>		Phone:
		Fax:
		Email:
		Cell:
<i>Restaurant</i>		Phone:
		Fax:
		Email:
		Cell:
<i>Contact Name</i>		Phone:
		Fax:
		Email:
		Cell:
<i>Dates of Operation</i>		

Submittal Requirements

The following items must be submitted along with this application.

1. NARRATIVE: A narrative description of the proposed outdoor dining area, including: location, how the area will be staffed, sanitization and cleaning plan, closure plan during non-operating hours, hours of operation, equipment to be placed in the area, signage and any other pertinent information.
2. LOCATION PLAN: A plan depicting the area to be used, noting public or private properties, identifying adjoining walkways/ buildings/parking spaces, and labelling placement of tables/service stations/fencing/etc..
3. PERMISSION: If applicable, written permission from the property owner using attached form. If in front of adjoining businesses, letter from business owner.
4. INSURANCE: A Certificate of Insurance with general liability requirements identified in the attached.
5. FENCE: Indicate type of fence proposed.

Applicant

All information provided herein is true and correct and all provisions of the ordinances of the Village of Libertyville shall be complied with. I hereby certify that the proposed use is authorized by the owner of record and that I have been authorized by the owner to submit this application as his/her agent.		Received
Print Name of Applicant	<input type="checkbox"/> Owner <input type="checkbox"/> Tenant <input type="checkbox"/> Other _____	
Signature of Applicant	Date	
FOR OFFICE USE ONLY:	Village Approval	Approval Date

The Village of Libertyville reserves the right to request any additional information necessary for the review process

PROPERTY OWNER’S AUTHORIZATION FOR TEMPORARY OUTDOOR DINING

Dated this _____ day of _____, 20__.

I, _____, Owner/Owner’s Agent of the property
Property Owner/Owner’s Agent

located at _____, do hereby authorize
Address/Location

_____ to conduct the requested Temporary Outdoor
Applicant

Dining activity, as outlined in the Applicant’s Temporary Outdoor Dining application to the
Village of Libertyville.

Signature

Printed Name

Address

Phone Number



VILLAGE OF LIBERTYVILLE

2023

Temporary Outdoor Dining Application Policy and Instructions

Thank you for your interest in creating a temporary outdoor dining area in the Village of Libertyville. All temporary outdoor dining areas require a permit. This packet contains the information needed to apply for temporary outdoor dining and obtain any required permits/licenses.

Definitions:

Temporary Outdoor Dining: Eating areas outside of a structure, open to the sky except for umbrellas, temporary tents, awnings or canopies, unless otherwise included in a Planned Development, that are issued permits on a yearly basis for no more than the six continuous months from May 1 – October 31.

Permanent Outdoor Dining: Eating areas outside of a structure, open to the sky except for umbrellas, temporary tents, awnings or canopies, unless otherwise included in a Planned Development, that are issued a Zoning Certificate of Occupancy for compliance with the Zoning Code.

Applicability:

- Time of Year: Temporary outdoor dining can be allowed from May 1 to October 31 of each year with issuance of a Temporary Outdoor Dining Permit.
- Authorization: Temporary outdoor dining on Village of Libertyville property or public right-of-way requires approval of the Village Administrator. Any proposed use longer in term than the May 1 – October 31 annual permit for Village of Libertyville property or right-of-way requires a land lease and approval of the Village Board of Trustees. Use of private property for outdoor dining requires Village Staff approval and owner approval with submission of property owner's authorization.
- Insurance: Insurance listing the Village of Libertyville as additional insured is required.
- Parking: Temporary outdoor dining does not require applicant to provide parking for the use. Permanent enclosures or permanent outdoor dining areas of 500 sq. ft. or greater must comply with the Zoning Code by providing required parking. Any

outdoor dining outside of May 1 – October 31 is capped at 500 sq. ft., unless parking is provided.

Location:

- No temporary outdoor dining is allowed on any public street, public parking spaces or parking spaces leased by the Village for public use.
- A pedestrian accessway of not less than 48" in width shall be provided on all public property or private property with public access easements.

Outdoor Dining Equipment:

- Outdoor dining shall be located on a hard dustless material, generally asphalt, concrete, or concrete paver.
- All tables and chairs used for temporary outdoor dining must be stored during non-business hours.
- All tables and chairs used for temporary outdoor dining must be adequately secured during non-business hours and poor weather conditions.
- All outdoor seating, tables, displays, and signs on sidewalks or the public right-of-way must be properly weighted and covered each night at the close of business.
- All outdoor seating, tables, displays, and signs must be made of safe, sturdy, and durable commercial grade materials designed for outdoor use, such as wrought iron, wood, steel, cast aluminum, or heavy plastic.
- All seating, tables, displays, and signs must be cleaned between each seating of customers, and must be maintained in good visual appearance without dents, fading, chipping, peeling paint, or corrosion.
- All operators of temporary outdoor dining facilities must at all times keep clean and maintain the area in front of the facility, and within 10 feet on all sides of the facility.
- Awnings and canopies may project from the adjacent commercial building not more than four feet over an outdoor dining area.
- Eating and drinking establishments with temporary outdoor dining facilities are encouraged to consider providing fencing, planter boxes, or other methods of protecting their temporary outdoor dining patrons.

Tents:

- No tent may be used as part of a temporary outdoor dining facility, except upon issuance by the Village of a permit therefor in accordance with the Village's building and fire code regulations. All tents used for temporary outdoor dining must be of a flame-resistant grade and quality to withstand local weather.

Service of Alcoholic Beverages:

- No alcoholic beverage served in an open container within a temporary outdoor dining facility may be removed from the outdoor dining area.

Performance Standards:

- **Lighting:** Any temporary lighting for an outdoor dining facility must be directed in a manner so as to not impair visibility on nearby streets and nor to shine into nearby residences or businesses.
- **Noise and Music:** No amplified live music may be performed within any temporary outdoor dining facility. The temporary outdoor dining facility must be operated in compliance with all applicable Village Code regulations concerning noise.
- **Signage:** All temporary outdoor dining areas shall comply with the Village Sign Code. No signage may be posted or erected on any umbrella, fence or tent used for temporary outdoor dining.
- **Insurance:** The operator of a temporary outdoor dining facility must obtain a policy for commercial general liability insurance, listing the Village of Libertyville as an Additional Insured party.
- **Lighting:** Any temporary lighting for an outdoor dining facility must be directed in a manner so as to not impair visibility on nearby streets and nor to shine into nearby residences or businesses.
- **Noise and Music:** No amplified live music may be performed within any temporary outdoor dining facility. The temporary outdoor dining facility must be operated in compliance with all applicable Village Code regulations concerning noise.
- **Signage:** All temporary outdoor dining areas shall comply with the Village Sign Code. No signage may be posted or erected on any umbrella, fence or tent used for temporary outdoor dining.

Fees:

- The following fees must be paid in connection with permits for temporary outdoor dining facilities:

Temporary Outdoor Dining Permit (per season):	\$100
Tent Permit:	\$ 50
Electrical Permit:	\$ 65

Requirements and Conditions:

- **Site Plan:** A detailed site plan depicting the area for outdoor dining along with locations of tables, chairs and other furniture is required for all applications.
- **Certificate of Insurance and Policy Endorsement:** A certificate of insurance with policy endorsement listing the Village of Libertyville as an additional insured and certificate holder for general liability and worker's compensation with waiver of subrogation in favor of the Village of Libertyville is required.
- **Compliance with Village ordinances:** The applicant shall comply with all applicable Village ordinances, codes, conditions and requirements.
- **Food and Beverage Health Inspection:** Food and beverages may require an inspection by the Lake County Health Department. Please call the health inspector at (847) 377-8000 for more information.
- **Hold Harmless Agreement:** In order to use public property, an applicant must sign a Hold Harmless Agreement to indemnify the Village of Libertyville against any and all actions arising from, during or as a result of outdoor dining.

- **Review by the Village of Libertyville:** After submitting all required forms, the application will be reviewed by the Village of Libertyville. All departments that will be involved in providing services or permits/licenses for the outdoor dining will assist in reviewing the application.
- **Tents:** All tents require issuance of a tent permit. All applications for tents must be provided to the Community Development Department at least two weeks prior to anticipated outdoor dining. Please contact the Fire Department at 847-362-5664 for information on obtaining a tent permit.
- **Waste Removal:** The Village of Libertyville will not provide waste removal services for outdoor dining. Removal of all waste and debris is the responsibility of the applicant.
- **Accessibility:** All temporary outdoor dining facilities must be accessible to disabled persons, and must comply with all applicable federal, State and Village laws, ordinances, and regulations concerning accessibility and nondiscrimination in the provision of services.
- **Fines:** Any person who violates, disobeys, omits, neglects, or refuses to comply with, or who resists enforcement of, any provision of this Section 26-9-5.13 is subject to a fine of \$500.00 for each offense. Each day a violation continues to exist constitutes a separate offense.
- **Revocation:** If a temporary outdoor dining facility permit is revoked pursuant to Section 26-9-6.8, the permittee is not eligible to receive, and the Village Administrator may not issue, a new temporary outdoor dining facility permit for the property for the same temporary outdoor dining season.”
- The Village Administrator may revoke or suspend a temporary use or structure approval or permit issued pursuant to Section 26-9-5 for noncompliance with one or more of the regulations, conditions, and restrictions set forth in this Article 9.
- The Village Administrator must send written notice of their intent to revoke or suspend a temporary use or structure approval or permit, stating the reason or reasons for the revocation or suspension.
- Upon receipt of a written notice of revocation or suspension from the Village, the permittee must, within 10 business days after the date on the notice, correct, to the satisfaction of the Village, the deficiencies stated in the written notice, and provide written proof of such correction to the Village.
- If the permittee fails to correct the deficiencies stated in the notice within 10 business days after the date on the notice, the Village Administrator may revoke or suspend the permit or approval upon the presentment of written notice to the permittee.

I have read and understand the requirements of Village Code regarding temporary outdoor dining.

Signature

Printed Name

Address

**HOLD HARMLESS AGREEMENT – TEMPORARY OUTDOOR DINING
ON PUBLIC PROPERTY**

In consideration of the Village of Libertyville (“*Village*”) granting a permit for the use of temporary dining on public property to _____ (“*Business*”) with its primary place of business at _____ (“*Applicant*”), the Applicant hereby agrees as follows:

1. Compliance with Laws. The Applicant agrees that the Applicant will construct, erect, and maintain the Temporary Outdoor Dining area in full compliance with all applicable sections of the Village Code. Specifically, and without limitation, the Applicant agrees that the Temporary Outdoor Dining area may only be erected at the specific location identified and approved in advance by the Village of Libertyville including but not limited to the Fire Department and the Department of Community Development.
2. Acknowledgement and Assumption of Risk of Injury. The Applicant agrees to assume the full risk of any injuries, including death, and all costs, damages, and losses that the Applicant or any of its officers, employees, invitees, agents, representatives, contractors, or customers may sustain as a result of the construction, erection, or maintenance of the Temporary Outdoor Dining area, or as a result of the condition, maintenance, and use of any property upon which the Temporary Outdoor Dining area is placed. Specifically, and without limitation, the Applicant acknowledges and agrees that in approving a permit for the erection of the Temporary Outdoor Dining area, the Village makes no representation concerning the suitability or safety of the Temporary Outdoor Dining area during periods of inclement weather, and the Village assumes no liability or responsibility whatsoever for the erection by the Applicant of a Temporary Outdoor Dining area that is not designed or intended for use during periods of inclement weather.
3. Waiver and Release of Claims for Injury. The Applicant agrees to, and does hereby, waive, release, and relinquish all claims of every kind, known and unknown, present and future, that the Applicant may have against the Village and its officers, agents, servants, and employees, arising out of, connected with or in any way related to the Temporary Outdoor Dining area, or as a result of the condition, maintenance, and use of any property upon which the Temporary Outdoor Dining area is placed.
4. Indemnity. The Applicant agrees to, and does hereby, indemnify and hold harmless the Village and all Village elected or appointed officials, officers, employees, agents, representatives, engineers, and attorneys from any and all claims that may be asserted at any time against any of such parties arising out of or in connection with the Temporary Outdoor Dining area, including, without limitation, claims for property damage, personal injury, or death, or any potential business disruption due to the Village’s need to work within the public way.

The Applicant has read and fully understands this document and executes it of the Applicant's own free will and without any reservation whatsoever.

Dated this _____ day of _____, 20__.

Applicant _____