

VILLAGE OF HINSDALE

ANNUAL APPLICATION FOR COMMERCIAL USE OF SIDEWALK

(please print all information)

SITE ADDRESS: _____

BUSINESS NAME: _____

CONTACT NAME: _____

DAY TIME TELEPHONE NUMBER: _____

SIGNATURE: _____

Section 7-1-5.1 of Hinsdale Village Code:
COMMERCIAL USE OF SIDEWALK SPACE

- A. Use Authorized: Subject to the conditions and requirements of this section, the board of trustees shall have the power to issue permits for the use of public sidewalks for restaurant tables and chairs.
- B. Permit Required; Term: No person shall use a public sidewalk for restaurant tables or chairs without obtaining in advance a permit therefor and paying the fee required in subsection G of this section. All permits issued under this section shall be for a term beginning May 1 and ending April 30 of the succeeding year.
- C. Application For Permit: An application for a permit under this section shall be made to the director of public services, who shall review said application and report thereon to the board of trustees. Said application shall include: 1) a brief statement of the proposed use, 2) a description of the exact location for placement of the proposed restaurant tables and chairs, 3) a description of said tables and chairs, 4) a drawing depicting the location of said tables and chairs in relation to the restaurant and the surrounding area, and 5) any other information requested by the director of public services or the board of trustees.

D. Conditions: The use of public sidewalks for restaurant tables and chairs shall be permitted only under the following conditions:

1. The use of public sidewalks for restaurant tables and chairs shall be permitted only incidentally to the operation of a restaurant on private property contiguous to such sidewalks.

2. The proposed use shall not unreasonably interfere with pedestrian or vehicular traffic in the area, as determined by the director of public services.

3. The applicant shall furnish to the village clerk evidence of public liability insurance, including the village as a party insured and insuring the village against any and all liability resulting from the uses permitted under this section, in an amount to be determined and specified by the board of trustees, at the time of the issuance of a permit, but in no event less than one million dollars (\$1,000,000.00).

4. The applicant shall furnish to the village clerk, in a form approved by the village attorney, an indemnification and hold harmless agreement in which the applicant agrees to indemnify and hold the village harmless against all lawsuits and related costs, fees and expenses, including attorney fees, arising out of the use of the public sidewalks as authorized by this section or arising out of any acts or omission of the applicant.

5. In no event shall a use permitted by this section reduce the open portion of any sidewalk to less than six feet (6') in width. For the purposes of this subsection, "open portion" shall be defined as that area of sidewalk lying between the outermost restaurant table or chair placed in its normal position for use by restaurant patrons and the curb or, if closer, the nearest obstruction, including, but not limited to, any parking meter, traffic sign, tree well, bicycle rack or other natural or manmade object located on the sidewalk.

6. The applicant shall maintain the sidewalk areas subject to the permit in a clean and safe condition at all times.

7. Any other conditions judged by the board of trustees as necessary to protect the general welfare and assure that permits issued under this section shall benefit the general public.

E. Renewal: A permit issued under this section may be renewed upon payment of the required annual fee and completion and filing of a renewal form with the village clerk, including a certification signed by the applicant that the proposed use complies with all of the conditions of this section and with every other condition imposed by the board of trustees on the original permit.

F. Revocation: Permits issued under this section are licenses at will, revocable by the board of trustees with or without cause. In addition, the board of trustees shall revoke any permit if the applicant: 1) intentionally or carelessly misrepresented any material fact on a permit application or permit renewal form, 2) fails to continuously comply with all conditions of the permit, 3) violates any applicable regulation or provision of this code, 4) conducts the permitted activity in such a manner as to constitute a threat to the public health, safety or general welfare, or 5) violates any applicable federal, state or county law or regulation.

G. Fees: The annual fee for any permit issued under this section shall be fifty dollars (\$50.00) plus five dollars (\$5.00) per restaurant table. The fee for permits issued after August 1 shall be twenty five dollars (\$25.00) plus two dollars fifty cents (\$2.50) per restaurant table. (Ord., 9-2-1986)

AGREEMENT WITH CONDITIONS: _____

LIABILITY INSURANCE CERTIFICATE SUPPLIED: _____

NUMBER OF OUTDOOR TABLES: _____

DATE OF VILLAGE BOARD APPROVAL: _____

ANNUAL FEE: _____

VILLAGE MANAGER APPROVAL

DATE