

67-O-00

AN ORDINANCE

**Amending Sections 7-2-6(D)5(c)
And 7-2-6(D)6(d) of the
City Code Permitting City Council Waiver
Of the Use of Certain Nondisposable Food Service
and Packaging Articles in Sidewalk Cafes**

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
EVANSTON, COOK COUNTY, ILLINOIS:

SECTION 1: That Section 7-2-6(D)5(c) of the Evanston Code of 1979, as amended, is hereby further amended to read as follows, with section 7-2-6(D)5 otherwise unchanged:

7-2-6(D) 5. Rules and Regulations For All Sidewalk Cafes:

a. Licensed type I restaurants, possessing an alcoholic beverage license of any classification and located within the "Core Area" as defined in Section 3-5-1 of this Code may sell alcoholic liquor on sidewalk café premises. Such sale of alcoholic liquor shall be for consumption on the premises only with the consumption of a meal. This provision must be clearly stated on sidewalk cafes menus.

Licensed restaurants, possessing an alcoholic beverage license of any classification, but located outside the "Core Area" as defined in Section 3-5-1 of this Code, and all type II restaurants, are prohibited from serving alcoholic liquor on the sidewalk café premises or allowing any patron to consume or have in his or her possession, any alcoholic liquor on said café premises. Licensed restaurants outside the Core Area which serve alcoholic liquor in the principal establishment and type II restaurants which serve alcoholic liquor in the principal establishment must clearly state on the menu for outdoor service that the sale and/or consumption of alcoholic liquor is prohibited in the sidewalk café area.

(b) At all times, including while being stored, prepared, displayed, served or transported to the table, food shall be protected from potential contamination by being covered and/or refrigerated if necessary.

(c) Reusable, nondisposable flatware, dishware and beverage containers, are required for use in association with all sidewalk cafes. No food or beverage, including water, shall be served in, on, or with single-use paper, plastic, or polystyrene plastic dishes or utensils, nor shall any food or beverage be served to the customer wrapped or packaged in foil, paper, plastic, polystyrene plastic. The prohibition on the use of single-use dishes, utensils, beverage containers or foil, paper, plastic, or polystyrene plastic wrapping or packaging may be waived by the City Council upon a showing of good cause. Such good cause includes, but is not limited to, provisions of table bus service, a litter control and disposal plan, or equivalents, sufficient to obviate any adverse off-site effects of the grant of the waiver.

d. When associated with type 1 restaurants, food or beverages consumed at sidewalk tables, benches, or chairs must be served by a waiter or waitress of the restaurant at said tables, benches, or chairs when associated with type II restaurants, bakeries, ice cream or any other licensed food service establishment or other licensed retail food store, a sidewalk café shall provide bus service during all hours of operation.

e. The operator of any licensed food service establishment or licensed retail food store must maintain the exterior of the premises, including the sidewalk café area, in accordance with applicable regulations of the Evanston Health Department and Public Works Department. This duty to maintain extends to the removal of all litter, regardless of its source.

f. Sidewalk tables, benches, or chairs may not be attached by any means to the public sidewalk or any other public property.

g. Sidewalk tables, benches, or chairs shall be stored inside the restaurant during off-business hours.

h. A sidewalk café shall not be open for business when the interior aspect of the business is not open for business.

i. No animals, including pets, except for service animals (seeing eye dogs), shall be allowed in the areas utilized for sidewalk tables, benches or chairs.

j. During all sidewalk café business hours, the permittee must delimit the sidewalk café area as indicated on the approved permit by surrounding it with ropes and chains.

SECTION 2: That section 7-2-6(D)6(d) is amended to read as follows, with section 7-2-6(D)6 otherwise unchanged:

7-2-6(D) 6. Standards for Approval of a Permit for a Sidewalk Café for a type II Restaurant, or other Licensed Food Service Establishment or other Licensed Retail Food Store, or Type I Restaurant which is within two hundred feet of a residentially Zoned District: The Site Plan and Appearance Review Board will review all applications for sidewalk cafes for type II restaurants, or other licensed food service establishments or other licensed retail food stores, or any licensed food service establishment or licensed retail food store which is within two hundred feet (200") of a residentially zoned district and will report to the City Council upon each application with respect to the standards set forth below. The City Council after receiving the report of the Site Plan and Appearance Review Board, may refer the application back to the Site Plan and Appearance Review Board for additional review, or, by motion, may approve, approve with conditions, or disapprove, an application for a permit for a type II restaurant, or other licensed food service establishment or other licensed retail food store which is within two hundred feet (200') of a residentially zoned district, upon findings of fact with respect to each of the standards set forth below:

a. The proposed sidewalk café will not cause a negative cumulative effect when its effect is considered in conjunction with the cumulative effect of other sidewalk cafes in the immediate neighborhood.

b. The proposed sidewalk café will not cause undue pedestrian or vehicular traffic congestion.

c. The sidewalk café will not have a substantial adverse impact on the use, enjoyment or property values of adjoining properties.

d. The proposed sidewalk café will comply with all the rules and regulations contained herein, except that the City Council may modify, or waive the requirements in subsection (D)5c of this Section.

~~relative to nondisposable beverage service containers.~~

e. The proposed sidewalk café is not likely to have an adverse effect upon the public health, welfare, or safety.

Notwithstanding an affirmative finding on any or all of the standards in subsection (D)6 of this Section, the City Council may deny a permit for a sidewalk café for a type II restaurant, or other licensed food service food service establishment or other licensed retail food store, or any licensed food service establishment or licensed retail food store which is within two hundred feet (200') of a residentially zoned district upon a finding that such denial is in the public interest.

SECTION 3: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: That this ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: June 12, 2000

Adopted: June 26, 2000

Approved:

June 27, 2000
Lorraine A. Norton
Mayor

ATTEST:

Mary P. Morris
City Clerk

Approved as to form:

[Signature]
Corporation Counsel