

# **CITY OF NAPERVILLE** **GUIDELINES FOR TEMPORARY OUTDOOR SEATING**

Updated: October 23, 2020

## **Introduction**

The State of Illinois currently allows certain Establishments<sup>1</sup>, consistent with minimum guidelines outlined by the State of Illinois, units of local government, and local health departments, to have outdoor dining and/or drinking.

This document provides the City of Naperville's local guidelines, consistent with Mayoral Executive Order 2020-10 and the [Governor's Restore Illinois Plan](#) to allow Establishments to serve customers within designated outdoor service areas.

To assist in the ongoing COVID-19 economic recovery, all Establishments may temporarily offer outdoor dining until the State allows Establishments to operate at full capacity or earlier as determined by the City of Naperville ("**City**"). Offering outdoor dining is voluntary, but Establishments that do open shall adhere to these guidelines as well as any other applicable federal, state or local regulations.

The City strongly recommends that Establishments conduct an internal analysis to identify further measures that can be taken to help ensure employee and customer safety. Advisors such as attorneys, risk managers, insurance companies and safety consultants may be helpful in this endeavor. This guidance, as well as other COVID-19 recovery plans, are subject to change based on newly acquired data or circumstances regarding COVID-19 and economic recovery. Updates will be posted on the City's website at [www.naperville.il.us](http://www.naperville.il.us).

By following these guidelines, the City temporarily permits Establishments to conduct outdoor dining, but the City makes no other representations as to consent or authorization by other entities. The City's Mayor, in his sole discretion, shall have the authority to approve, suspend, revoke, or make conditional any activities permitted under these guidelines, at any time, if deemed necessary in the interest of public health, safety or welfare.

## **Disclaimer**

Any Establishment that chooses to open may risk litigation. Adherence to any recommendations included in these guidelines, by individuals and/or businesses, will not prevent the communication of disease, including COVID-19, in every situation.

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<sup>1</sup> "**Establishments**" are defined as full-service restaurants, limited-service restaurants, snack and nonalcoholic beverage bars, taverns, and other food services and drinking places licensed to serve food, beverages and liquor for consumption by the relevant local jurisdiction and State Liquor Control Board, if applicable.

Furthermore, the recommendations contained in these guidelines should not be interpreted as setting a standard of precaution or care, or be deemed inclusive of all proper methods of precaution or care, nor exclusive of other methods of precaution or care reasonably directed to obtaining the same results.

All information, content, and material contained herein are for informational purposes only and are not intended to serve as a substitute for the consultation, diagnosis, and/or medical treatment of a qualified physician or healthcare provider. The ultimate judgment regarding the propriety of any specific action must be made by each individual in consultation with his or her physician and in light of all the circumstances presented by the current pandemic, and the known variability and biological behavior of the individual's medical condition.

These guidelines and their conclusions and recommendations reflect the best available information at the time they were prepared. The results of future studies may require revisions to the recommendations in these guidelines. Said guidelines are subject to amendment or change without notice. The City does not make and hereby disclaims any warranty, express or implied, as to the accuracy or completeness of these guidelines whether authored by the City or others or any of the measures described therein. The City undertakes no obligation and assumes no responsibility for any injury or damage to persons or property arising out of or related to any use of these guidelines and any information provided therein or for any errors or omissions. The sole risk of relying on these guidelines is that of each individual alone. The City disclaims any liability based on information provided in these guidelines.

## **Guidelines**

The following information applies to temporary outdoor seating areas proposed in conjunction with Establishments. All temporary outdoor seating areas must comply with all guidelines issued in the Restore Illinois Plan prepared by the Illinois Department of Commerce and Economic Opportunity and any additional mitigation measures for Region 7 (Will County) and Region 8 (DuPage County) as issued by the Illinois Department of Public Health. In addition to these guidelines and the Executive Order 2020-10 issued by the Mayor of the City, the City of Naperville has issued these updated Naperville Outdoor Seating Guidelines ("Guidelines"), as follows.

## **Summary**

1. If an Establishment's temporary outdoor seating area has been inspected and approved by the City, the Establishment may continue to offer outdoor seating consistent with the applicable guidelines.
2. If an Establishment's temporary outdoor seating is (1) new or (2) different than what has been approved by the City in the past and (3a) there is liquor service or (3b) use of public property, the Establishment must submit to the City a Temporary Outdoor Seating Permit application with (1) a site plan; (2) signed waiver and release of liability; and (3) an updated certificate of insurance. Upon submittal of a

complete application and compliance with all applicable guidelines, the Establishment may proceed, subject to a future inspection and review of said application.

- a. The site plans submitted by the Establishment may include the use of the on-street parking stalls that have been designated by the City, if the stalls are within the façade of the Establishment or if not within the façade, with the written permission of adjacent property owners.
3. If an Establishment's temporary outdoor seating includes a tent exceeding 700 SF in area, enclosing a portion of the perimeter of any tent, or installing any type of heating units inside a tent, the applicant must also apply for a building permit from the city's Development Services Team prior to installation. At least 50% of the tent perimeter must remain open to the elements to comply with outdoor seating guidelines.

Below are the detailed guidelines for specific Establishment uses.

### ***Existing Outdoor Seating***

Establishments that have an outdoor seating area that was previously permitted, inspected and approved by the City (with or without liquor) may continue operating outdoor seating in the area previously approved. If an Establishment seeks any modification to a previously permitted tent, including increasing the size of a tent to greater than 700 square feet, partially enclosing a tent, or installing heating units, a tent permit (found at) [www.naperville.il.us/tentpermit](http://www.naperville.il.us/tentpermit) must be submitted to the City's Development Services Team at [buildingpermits@naperville.il.us](mailto:buildingpermits@naperville.il.us).

### ***New Outdoor Seating – No Liquor, Private Property***

Establishments that have never had an outdoor seating area previously are required to design their temporary outdoor seating area in accordance with the Guidelines (see more info below). A permit is not required for a new temporary outdoor seating area if the area does not involve the service of liquor or use of public property; however, if a tent greater than 700 square feet is proposed, the tent will be partially enclosed, or heating units will be installed, a tent permit (found at [www.naperville.il.us/tentpermit](http://www.naperville.il.us/tentpermit)) must be submitted to the City's Development Services Team at [buildingpermits@naperville.il.us](mailto:buildingpermits@naperville.il.us). Note: At least 50% of the tent perimeter must remain open to the elements to comply with outdoor seating guidelines.

Once the temporary outdoor seating area is installed, call (630) 388-8191 for an inspection. Following the inspection, the Establishment may be required to make alterations to its temporary outdoor seating area to comply with the required guidelines.

Note: inspection fees will not be charged for these temporary outdoor seating areas.

## ***New Outdoor Seating – Liquor and/or Public Property***

Establishments must submit a Temporary Outdoor Seating Permit Application if they:

1. previously had outdoor seating, but did not serve liquor;
2. want a new outdoor seating area where liquor will be served; or
3. intend to use public property for outdoor seating.

Temporary Outdoor Seating Permit Applications may be found on the City's website: [www.naperville.il.us/outdoorseating](http://www.naperville.il.us/outdoorseating) and completed applications should be submitted to the Naperville City Clerk's Office at [NapervilleClerks@naperville.il.us](mailto:NapervilleClerks@naperville.il.us).

Temporary outdoor seating area designs must be in accordance with the Guidelines (see more info below). If a tent greater than 700 square feet is proposed, the tent will be partially enclosed, or heating units will be installed, a tent permit (found at [www.naperville.il.us/tentpermit](http://www.naperville.il.us/tentpermit)) must also be submitted to the City's Development Services Team at [buildingpermits@naperville.il.us](mailto:buildingpermits@naperville.il.us). Note: At least 50% of the tent perimeter must remain open to the elements to comply with outdoor seating guidelines.

As part of the application, Establishments are required to submit a(n):

1. site plan<sup>2</sup> clearly and accurately depicting boundaries and layout of the temporary outdoor seating;
2. signed waiver and release of liability concerning the City; and
3. updated certificate of insurance covering the outdoor area and naming the City as an additional insured.

Note: site plans submitted by the Establishment may include the use of the on-street parking stalls that have been designated by the City, if the stalls are within the façade of the Establishment or if not within the façade, with the written permission of adjacent property owners.

Upon approval of the Temporary Outdoor Seating Permit, the temporary outdoor seating area can be installed. Following the inspection, the Establishment may be required to make alterations to its temporary outdoor seating area to comply with the required guidelines.

Note: liquor license and inspection fees will not be charged for these temporary outdoor seating areas.

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<sup>2</sup> Site plan submittal to the City does not constitute City confirmation that it complies with applicable regulations and guidelines.

## NAPERVILLE OUTDOOR SEATING GUIDELINES

*All outdoor seating areas must:*

1. Comply with all guidelines issued in the Restore Illinois Plan prepared by the Illinois Department of Commerce and Economic Opportunity and any additional mitigation measures for Region 7 (Will County) and Region 8 (DuPage County) as issued by the Illinois Department of Public Health.
2. Be conducted in a way that does not interfere with pedestrian use. A clear path of at least five feet (5') shall be provided for passage of pedestrians. Ingress/egress into the Establishment shall not be obstructed and clear lines of sight near sidewalks and drive aisles must be maintained at all times.
3. Be fully accessible in accordance with the Illinois Accessibility Code. A property owner should consult a design professional if they have questions regarding these requirements.
4. Provide a barrier at least thirty-six inches (36") in height around any outdoor seating area where liquor will be served; no permanent barriers may be installed without proper permits.
5. Maintain the existing private parking lot configuration to the extent possible. These parking lots are designed to give vehicles adequate room to maneuver and circulate, as well as provide emergency access to the site.
6. Not impede any ADA parking spaces or access to/from parking spaces.
7. Establishments may use up to twenty-five percent (25%) of their private parking lot to accommodate a temporary outdoor seating area, if patron parking is not inhibited. If outdoor seating is expanded into a parking area, a barrier at least thirty-six inches (36") in height must be provided to sufficiently separate any outdoor seating areas from existing parking spaces, parking lot drive aisles, or lanes of traffic. No permanent barriers may be installed without proper permits.
8. Include only lighting that has a NRTL label for damp or wet locations (if lighting is proposed).
9. Ensure that any tent or canopy in use bear a label that indicates NFPA 701 rating for flammability. Tents greater than 700 square feet may not be installed without proper permits.
10. Ensure that at least 50% of the perimeter of a tent remain open to the elements to maintain the space as outdoor dining.
11. Not obstruct any fire hydrants, fire sprinkler connections, or emergency access to the site.
12. Prohibit smoking.
13. Only provide amplified sound to create ambiance for outdoor dining patrons; amplified sound should not be audible at 50' from the property lines of the Establishment.
14. Ensure that drain inlets aren't blocked or covered by seating installations or debris.
15. Upon expiration of the existing State orders restricting capacity or upon a State order allowing 100% restaurant capacity indoors, or upon determination by the City's Mayor, the use of parking lots or other areas for temporary outdoor dining

shall cease, barriers placed therein shall be removed, and all areas used for temporary outdoor dining shall be returned to their original use.

*For outdoor seating areas locating at an Establishment within a shopping center:*

1. Establishments may not expand outdoor dining in front of neighboring businesses without written permission from the neighboring business/property owner.
2. Establishments that do not own their parking lot or other outdoor areas shall secure written permission from the property owner or property manager to use said area for outdoor dining.
3. Establishments within a strip mall, plaza, shopping center or other multi-tenant space shall secure written permission from the property manager/owner prior to expanding outdoor dining into common parking, pedestrian or greenspace areas.

## **Questions**

Updates will be posted on the City's website at [www.naperville.il.us](http://www.naperville.il.us).

Questions regarding these procedures should be directed to:

Miranda Barfuss, Assistant to the Mayor & City Council  
(630) 548-2983  
[BarfussM@naperville.il.us](mailto:BarfussM@naperville.il.us)

If there is any need for City assistance on evenings, weekends or holidays, Establishment operators should call the Naperville Police Department's non-emergency number (630) 420-6666 and request assistance from an on-duty police officer.