

CITY OF CHICAGO

RULES



Expanded Outdoor Dining Program Rules

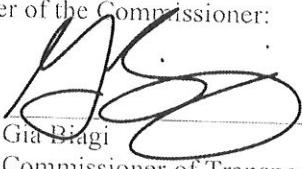


Mayor Lori E. Lightfoot

Commissioners Gia Biagi /
Kenneth Meyer

BY AUTHORITY VESTED IN THE COMMISSIONER OF THE DEPARTMENT OF TRANSPORTATION AND THE COMMISSIONER OF THE DEPARTMENT OF BUSINESS AFFAIRS AND CONSUMER PROTECTION PURSUANT TO THE GENERAL PROVISIONS OF THE MUNICIPAL CODE AND THE SPECIFIC PROVISIONS OF ORDINANCE SO2020-2891, THE FOLLOWING RULES REGARDING REGULATION OF THE EXPANDED OUTDOOR DINING PROGRAM ARE HEREBY ADOPTED.

By Order of the Commissioner:

Signed: 
Gia Biagi
Commissioner of Transportation

Date: 12/20/21

Signed: 
Kenneth Meyer
Commissioner of Business Affairs and Consumer Protection

Date: 12-16-2021

Published: 12.21.2021

Effective: January 1, 2022

Expanded Outdoor Dining Program Rules

These rules are issued pursuant to the power invested in the Commissioner of Transportation under Section 2-102-030(v) and (l), the Commissioner of Business Affairs and Consumer Protection under Section 2-25-050(b)(6)(i) and Section 2-25-120 and jointly by authority of the City Council, as passed by ordinance with record number SO2020-2891 on June 17, 2020, found on pages 17912 through 17915 of the Journal of the Proceedings of the City Council of the City of Chicago, Illinois, and as extended by ordinance with record number O2020-5783 passed on December 16, 2020, found on pages 25363 through 25365 of the Journal of Proceedings, and as extended by ordinance with record number O2021-5291 on December 15, 2021.

Article I. Definitions

“EODP establishment” means an EODP food establishment or an EODP liquor establishment.

“EODP food establishment” means a licensed retail food establishment, which has an indoor kitchen and dining area, that serves only food in a remote dining area, and has received an Expanded Outdoor Dining Program (also appearing as “EODP”) permit. A licensed retail food establishment that has a liquor license but does not serve liquor in the remote dining area, is an EODP food establishment.

“EODP liquor establishment” means a consumption on premises or tavern liquor licensee that serves liquor, with or without food, in a remote dining area, and has received (i) a special event liquor license from the Local Liquor Control Commissioner and (ii) an Expanded Outdoor Dining Program permit. A licensed retail food establishment that has a liquor license and serves liquor in the remote dining area is an EODP liquor establishment even if it also serves food.

“BYOB” has the same meaning as in Section 4-58-010.

“Partner food establishment” means a licensed retail food establishment that has a business arrangement with an EODP liquor establishment to supply food to a remote dining area.

“Remote dining area” means an outdoor area near an EODP food establishment or EODP liquor establishment that is temporarily created for service of food and liquor under guidelines established in Commissioner of Health Order 2020-9 and permitted through the Expanded Outdoor Dining Program.

“Section” refers to sections of the Municipal Code of Chicago.

Article II. Rules

ODP 1. Remote dining areas may be located (a) on public property pursuant to a public way use permit issued to an EODP food establishment, or (b) on private property connected to an EODP food establishment or an EODP liquor establishment, or (c) on private property disconnected from an EODP food establishment, or (d) on public property pursuant to a public way use permit issued to an EODP liquor establishment if at least 50% of the EODP establishments associated with the remote dining area

serve food, or (e) on public property pursuant to a public way use permit issued to an EODP liquor establishment, if the remote dining area is on the sidewalk in front of the EODP liquor establishment.

ODP 2. A remote dining area may serve more than one EODP food establishment or EODP liquor establishment. The terms of the Program shall apply to each establishment individually.

ODP 3. Remote dining areas under Rule ODP 1 (e) may be located in areas that would otherwise be regulated as sidewalk cafes. Any remote dining areas subject to this section will be subject to the terms of the Expanded Outdoor Dining Program for the duration of the Program.

ODP 4. As part of its permit application, an EODP liquor establishment that does not have a retail food establishment license must identify at least one partner food establishment that will provide food in the remote dining area.

ODP 5. Food and liquor preparation and sanitation measures and food storage shall occur entirely indoors within an EODP establishment or partner food establishment. No food or liquor shall be prepared or stored in the remote dining area.

ODP 6. If food is taken from an EODP establishment or partner food establishment to the remote dining area by employees, it must be either transported in dishes that are covered to avoid airborne debris or packaged for carry out in closed containers. If food is carried from an EODP establishment or partner food establishment to the remote dining area by customers, it must be packaged for carry out in closed containers.

ODP 7. If the remote dining area is in a parking lot, the Chicago Department of Transportation shall review the site plan for any vehicular traffic concerns.

ODP 8. Liquor may be served in a remote dining area only with a special event liquor license from the Local Liquor Control Commissioner.

ODP 9. All liquor served or consumed in the remote dining area must be purchased from an EODP liquor establishment and served by an employee of an EODP liquor establishment. BYOB of liquor is not allowed in a remote dining area.

ODP 10. If liquor is transported from an EODP liquor establishment to the remote dining area via the public way, it must be maintained within the custody of an employee of the EODP liquor establishment at all times. Such transport will not be considered to be a violation of Section 8-4-030.

ODP 11. No live or recorded music or entertainment of any kind is allowed in a remote dining area, including sound amplified from the associated physical establishment.

ODP 12. A remote dining area associated with an EODP liquor establishment may operate no earlier than noon to no later than 11:00 p.m. A remote dining area associated with an EODP food establishment may operate no earlier than 7:00 a.m. and must close no later than 11:00 p.m.

ODP 13. Occupancy of a remote dining area is limited to 50 persons per participating EODP establishment, any limit set on the permit, or any limit set by Department of Health orders, whichever is less.

ODP 14. All EODP establishments serving a remote dining area shall ensure that patrons do not take open liquor out of the remote dining area, except as permitted by the Liquor Control Act.

ODP 15. Remote dining areas located on a sidewalk

- (a) shall provide:
 - 1. six feet of clearance for pedestrian traffic.
 - 2. six feet of clearance between the remote dining area and any public way encumbrances (such as parking meters, fire hydrants, light poles, and trees).
 - 3. at least one foot of clearance from the edge of any curb.
- (b) shall be surrounded by a barrier around the seating area, no less than 24 inches or more than 36 inches in height and must include cane detectable barriers located 27 inches or less above the ground.
- (c) shall have entrances to the remote dining area between three and five feet wide.
- (d) shall not bolt anything to the sidewalk, including barriers.

ODP 16. Remote dining in the street: Remote dining areas located in a closed street shall be implemented using Type III Barricades, for which the applicant is responsible, and must maintain a 14-foot fire lane at all times.

ODP 17. All provisions of Commissioner of Health Order 2020-9, as amended, and any further applicable orders shall additionally apply.

ODP 18. Provisions of the Expanded Outdoor Dining Program may be implemented by Chicago Department of Transportation, Business Affairs and Consumer Protection, Department of Cultural Affairs and Special Events, the Local Liquor Control Commissioner, the Chicago Fire Department, or any other required City department. Any appropriate City department may revoke any permit under this program upon a determination that any relevant ordinance or rule or guideline has been violated in the remote dining area, or upon a determination that any condition deleterious to public health exists in the remote dining area.

ODP 19. The alderman of the ward in which the remote dining area, EODP food establishment, or EODP liquor establishment is located shall be notified by the appropriate City department of any permit application under the Expanded Outdoor Dining Program 72 hours in advance of the issuance of any permit.

ODP 20. The terms and conditions of a permit shall be provided to a permittee. A violation of the terms and conditions will be considered a violation of these rules. The fine amount shall be as a violation for a public way use permit violation under Section 10-8-335.

ODP 21. An EODP food establishment may not serve liquor in a remote dining area unless it obtains a change of permit to an EODP liquor establishment. An EODP liquor establishment may obtain a change of permit to an EODP food establishment if it ceases selling liquor in the remote dining area.

ODP 22. These rules shall be in effect until the expiration of Ordinance O2021-5291 or until further notice.