
OUTDOOR DINING OR OUTDOOR SEATING POLICY AND PROCEDURES
FOR VILLAGE RIGHT-OF-WAY OR VILLAGE-OWNED PROPERTY

Intent

The Village of Mundelein recognizes the importance of outdoor dining for the prosperity and vitality of its commercial districts. The purpose of the Village's outdoor dining policy is to allow for and to support this desirable activity while controlling potential negative side effects.

Definitions

Outdoor Dining Area: A space provided by a restaurant, tavern/bar, winery, brewery, or banquet business, within the same property within the public right-of-way adjacent to said business, consisting of seating for more than two benches; two bistro or conversation sets consisting of two single-occupant chairs and a table or one bench and one bistro/conversation set. The Outdoor Dining Area is delineated by hardscape structures and is generally utilized by the patrons directly relating to the outdoor dining area sponsor.

Outdoor Seating Area: A space provided by a business, within the same property or within the right-of-way adjacent to said business, consisting of no more than two benches; two bistro or conversation sets consisting of two single-occupant chairs and a table; or one bench and one bistro/conversation set and where no food or beverages are served.

Qualifying Establishment: Outdoor Dining Area is limited to the businesses specified: restaurant, brewery, tavern/bar, winery, or banquet businesses. Outdoor Seating Areas may be provided by any business as long as minimum requirements are met.

Village Right-of-Way: For the purpose of this policy, right-of-way shall include sidewalks, pathways, and green space, but is exclusive of streets and on-street parking.

Applicability

The following standards apply to all establishments located within the Village of Mundelein that seek to offer an Outdoor Dining Area within the Village's right-of-way or on Village owned property.

All establishments seeking to offer an Outdoor Dining Area within the Village's right-of-way or property shall submit an application to the Village for approval by the Village Board of Trustees. No establishment shall offer an Outdoor Dining Area within the Village's right-of-way or on Village owned property until such time as the establishment has been granted an Outdoor Dining Area or Outdoor Seating Area Permit.

After the first permitted year, an establishment must obtain an Outdoor Dining Renewal Permit each succeeding calendar year in which it seeks to offer an Outdoor Dining Area or Outdoor Seating Area within the Village's right-of-way or Village-owned property.

Application Process

The Community Development Department shall administer the Outdoor Dining Area and Outdoor Seating Area Standards. All applications for Outdoor Dining or Seating Areas will be reviewed by the Community Development Department for completeness and clarity. Once received the application will take the following process:

1. A copy of the completed application will be distributed to the Building Department, Police Department, Fire Department, Public Works and Engineering Department, and Village Administration for an interdepartmental review.
2. Once an application is deemed complete and departments have been afforded the opportunity to comment, the application will be scheduled for the next available Village Board meeting.
3. If an application is deemed incomplete or there are significant and outstanding issues as a result of the interdepartmental review, the Community Development Department will notify the applicant of the outstanding items. These items must be addressed before placing the item on the Village Board Agenda.
4. At the Village Board meeting, the applicant must be present to answer any questions that arise by the Village Board.
5. The Board will review the application and may vote to approve the Permit, deny the Permit, or table the request to a future public meeting for consideration. Only the Village Board may authorize Outdoor Dining or Outdoor Seating Areas in the Village right-of-way or Village-owned property.
6. If granted, the applicant's Outdoor Dining or Outdoor Seating Permit will be issued through the Building Department and inspected for compliance.
7. Subsequent requests for the same Outdoor Dining or Outdoor Seating Permits will follow a Building Permit Process unless the seating area has changed or expanded.

Application Requirements

All establishments seeking to offer outdoor dining or outdoor seating shall complete the Village's Outdoor Dining or Outdoor Seating Application and submit complete Application to Community Development for review.

Along with a complete application, all applicants must submit the following for review:

- **Site Plan:** Showing the proposed outdoor dining area or outdoor seating area with measurements (including a representation showing that at least four (4) feet of unobstructed sidewalk width remaining for pedestrian access).
- **Photos or Drawings of Furniture:** Must include all chairs, tables, flower boxes, fences, barriers, umbrellas, or other items to be placed within the outdoor dining area.
- **Liability Coverage:** Applicant shall provide proof of liability insurance of not less than one million dollars (\$1,000,000) per occurrence, further naming the Village of Mundelein as an additional insured party. Completion of a hold harmless agreement is also required prior to the use of Village right-of-way.

Outdoor Seating Area Standards

1. Barriers

- a. Barriers are not required for Outdoor Seating Areas

2. Size and Quantity

- a. No more than two (2) benches;
- b. No more than two (2) bistro or conversation sets consisting of two (2) single-occupant chairs and a table; or
- c. No more than one (1) bench and one (1) bistro/conversation set

3. Furniture Material

- a. Wood
- b. Steel
- c. Wrought iron
- d. PVC, Trex, and similar
- e. Accents:
 - i. Tile
 - ii. Tempered Glass
 - iii. Floral
 - iv. Decorative elements
- f. Unlisted materials require approval by the Community Development Director

4. Other

- a. May not obstruct pedestrian access
- b. May not obstruct doorways or emergency exits
- c. Must be kept in good repair at all times
- d. Must be kept clean and free of rubbish and animal droppings
- e. May be secured only by means approved by the Director of Building or his designee
- f. All Outdoor Dining or Seating Areas are prohibited from November 15th through April 15th; during this time period, all items shall be stored indoors on private property

EXAMPLES: OUTDOOR SEATING AREAS



Outdoor Dining Area Standards

1. Barriers

Dining area barriers (fences, gates, planters, etc.) must be durable, visually appealing, and separate the dining area from the sidewalk. All barrier materials shall be maintained in good visual appearance, without visible fading, dents, tears, rust, corrosion, or chipped or peeling paint.

Barriers shall be required in the following instances:

- a. **Required for all Leading Edges of Dining Area:** A detectable barrier is required for the leading edge of all outdoor dining areas to ensure that visually impaired pedestrians using canes can detect the dining area safely. The leading edge is defined as the section of a dining area that is at or near a perpendicular angle to the building wall and/or curb line. The bottom of barriers shall be no greater than 27 inches above the sidewalk surface.
- b. **Required for Full Perimeter of Dining Area:** A detectable barrier is required for the full perimeter (with the exception of access openings) for all outdoor seating areas in the public right-of-way. The perimeter includes both the leading edge and parallel edge.
- c. **Barrier Full Perimeter of Dining Area is required Serving Alcohol:** In addition to a Full Perimeter Barrier, applicants & permit holders shall comply with all applicable laws and regulations set forth by the State of Illinois with regard to the sale of alcohol on public property.

1.1 Barrier Designs

A Wide variety of styles and designs are permissible for outdoor dining area barriers:

Sectional Fencing: Sectional Fencing, generally defined as rigid fence segments that can be placed together to create a unified fencing appearance. Such fencing is portable, but cannot be easily shifted by patrons or pedestrians, as can less rigid forms of enclosures. Sectional fencing must be of metal, wood, or PVC construction and have a finished stain or paint.



Rail Fencing: Rail fencing (generally defined as posts with rigid, horizontal panels, boards, or poles) is a permitted fencing type. Rail fencing must be constructed of wood or metal and must be stained or painted and affixed to the post by screws or other acceptable method to create a stable structure.



Planter boxes: Planter boxes may be used as a barrier as long as they are at least 30 inches in height and stable.



Freestanding: Any barrier (whether sectional or rail-type) must be freestanding, without any permanent or temporary attachments to sidewalks or other public infrastructure – or must obtain specific permission from the Director of Public Works and Engineering or his designee to affix.

Posts: Vertical support posts (stanchions, bollards, etc.) must be constructed of wood, metal, or PVC. If the post is attached to a base, that base must be flat and must measure no more than one-half of an inch above the sidewalk surface. Domed stanchion bases are permitted only in cases where the Village Board of Trustees determines that such bases will not pose a threat or hazard to patrons or pedestrians. Stanchion bases shall not project into any portion of the required four (4) foot minimum unobstructed pedestrian space.

Weight: All posts must be weighted to prevent inadvertent movement.

Prohibited Barriers and Materials: The following barrier types and materials are prohibited:

- a. **Rope or Chain Rails:** Rope or chain-type barriers are prohibited in all outdoor dining areas in the Village right-of-way or on Village owned property.
- b. **Fabric Inserts:** Fabric inserts (whether natural or synthetic) of any size are not permitted to be used as part of any barrier. Fabric is permitted as a decorative accent. Durable canvas is exempt (see example).



- c. **Chain-link and Other Fencing:** The use of chain-link, cyclone fencing, chicken wire or similar appurtenances is prohibited. Materials not specifically manufactured for fencing or pedestrian control (including buckets, food containers, tires, tree stumps, vehicle parts, pallets, etc.) and not expressly permitted elsewhere in these guidelines may not be used as components of a barrier. The Village Board may waive this requirement at its sole discretion for a specified material at a specified location.

1.2 Barrier Measurements

To ensure their effectiveness as pedestrian control devices and their detectability for persons with visual impairments, barriers shall meet the following measurement guidelines:

Height: The highest point of a barrier (such as a stanchion) shall measure at least thirty-six (36) inches in height, with the exception of planters.

“Open” Appearance: Fences or other perimeter enclosures with a height of between thirty-six (36) and fifty (50) inches must be at least fifty percent (50%) open (see-through) in order to maintain visibility of street level activity. Any enclosure with a height over fifty (50) inches must be at least eighty percent (80%) open.

Maximum Distance from Ground: All barriers shall be detectable to visually impaired pedestrians who employ a cane for guidance. The bottom of barriers shall be no greater than twenty-seven (27) inches above the sidewalk surface.

1.3 Access Openings

Minimum Access Width: All access openings within the barrier shall measure no less than forty-eight (48) inches in width.

Location: Access openings shall be placed in a location that will not create confusion for visually impaired pedestrians.

1.4 Planters

Planters may be used in addition to, or in place of, other barrier designs. In addition, planters may be used in situations where no barrier is required (for example, where the outdoor dining area does not extend more than three feet into the sidewalk) in order to provide added visual interest and create a more attractive and welcoming atmosphere.

Planters and the plants contained within them shall meet the following requirements:

- a. **Maximum Height of Planters:** Planters shall not exceed a height of thirty-six (36) inches above the level of the sidewalk (does not apply to plants within containers).
- b. **Maximum Height and Width of Plants:** Plants (whether live or artificial) shall not exceed a height of eight (8) feet above the level of the sidewalk. Plants, planters and/or planting material shall not encroach into the required four (4) feet of unobstructed sidewalk area.
- c. **Planted Material:** All planters shall be constructed of metal or wood. Wood planters must be sanded smooth and painted or treated so as to obscure the look of rough or unfinished wood

surface. All planters shall have plants contained within them. If the plants within a planter die, the plants shall be replaced or the planter removed from the public right-of-way. Artificial plants; empty planters; or planters with only bare dirt, mulch, straw, woodchips or similar material are prohibited. Seasonal, thematic planter displays are encouraged.

2 Furniture and Fixtures

Outdoor dining furniture becomes a prominent part of the streetscape when used in front of buildings, and such furniture needs to maintain or enhance the character and build quality of buildings in Mundelein.

A wide range of furniture styles, colors, and materials are permitted. All furniture and fixtures shall be maintained and in good visual appearance, without visible fading, dents, tears, rust, corrosion, or chipped or peeling paint. All furniture and fixtures shall be maintained in a clean condition at all times. All furniture and fixtures shall be durable and of sufficiently sturdy construction as not to blow over with normal winds.

To ensure a quality visual appearance, the following requirements apply to all furniture used for outdoor dining:

2.1 Types of Furniture

- a. Prohibited Furniture:** All furniture other than tables, chairs and umbrellas are prohibited. Examples of prohibited furniture include, but is not limited to, serving stations, bar counters, shelves, racks, sofas, televisions, trash receptacles, heaters (automatic turnoff are permitted with Board approval) and torches. Resin furniture is subject to Board approval. White resin furniture is prohibited.
- b. Freestanding:** Furniture and fixtures shall not be secured to trees, lampposts, street signs, hydrants, or any other street infrastructure by means of ropes, chains or any other such devices, whether during restaurant operating hours or at times when the restaurant is closed.

2.2 Tables

Tables need to be functional, not only for patrons, but also for pedestrians, given the limited space available for outdoor dining on many downtown sidewalks. Outdoor dining furniture must also contribute to the overall atmosphere of the adjacent buildings and be complementary in both appearance and quality.

- a. Color:** Tables may be colored or of natural unpainted material (i.e. wood, metal, etc.).
- b. Size and Shape:** The size and shape of tables strongly affects the functionality of an outdoor dining area. Due to the small space in which outdoor dining often occupies, restaurants should strive for space-efficient seating layouts and furniture. Square tables may fit flush against a building's wall and can permit more usable surface for patrons. Smaller tables are preferred.

2.3 Chairs

Chairs, like other outdoor dining elements, must contribute to the overall atmosphere of the area and must be complimentary in both appearance and quality.

- a. **Color:** Chairs shall be colored or of a natural unpainted material (i.e. wood, metal, etc.). Chairs are not permitted to be white plastic or of any fluorescent or other strikingly bright or vivid color.
- b. **Upholstery:** Upholstered chairs are permitted; however, they upholstery must be kept in good condition or repaired/replaced.
- c. **Matching or Harmonious:** All chairs used within a particular establishment's outdoor dining area must match or be harmonious with each other by being of visually similar design, construction, color, and theme.

2.4 Umbrellas

Umbrellas can add a welcoming feel to outdoor dining areas and provide shelter from the elements, making their use desirable for outdoor dining applications. Appropriately designed and sized umbrellas are permitted for use under this outdoor dining program. Umbrellas must be contained within the outdoor dining area, and the lowest dimension of an extended umbrella must be at least seven (7) feet above the sidewalk surface. All umbrellas shall comply with the following conditions.

- a. **Contained Within the Outdoor Dining Area:** To ensure effective pedestrian flow, all parts of any umbrella (including the fabric and supporting ribs) must be contained entirely within the outdoor dining area.
- b. **Minimum Height for Sidewalk Clearances:** When extended, the umbrella must measure at least seven (7) feet above the surface of the outdoor dining area in order to provide adequate circulation space below. This measurement must include not only the umbrella frame and panels, but also any decorative borders such as fringes, tassels, or other such ornamentation.
- c. **Maximum Height:** Any part of an umbrella used in an outdoor dining area shall not exceed a height of ten (10) feet above the level of the sidewalk, in order to avoid causing an undue visual obstruction of other businesses.
- d. **Colors:** Umbrellas must blend appropriately with the surrounding built environment. Umbrella fabric shall not be of any fluorescent or other strikingly bright or vivid color.
- e. **Size and Shape:** The size and shape of an umbrella strongly affects its functionality within a constrained space such as an outdoor dining area. Due to the narrow measurements of most restaurants' outdoor dining areas, restaurants using umbrellas should strive for space-efficient umbrella designs.
- f. **Market-Style Umbrellas Preferred:** Market-style umbrellas – those designed specifically for patio or outdoor restaurant use – are preferred for outdoor dining purposes.

- g. Material:** Umbrella fabric must be of a material suitable for outdoor use, and must be canvas-type. No plastic fabrics, plastic/vinyl-laminated fabrics, or any type of rigid materials are permitted for use as umbrellas within an outdoor dining area.

2.5 Sidewalk Coverings

The following Sidewalk Coverings are prohibited:

- a. Carpet:** Carpet or other flooring material constructed of fabric, canvas, wool, tile, linoleum, nylon, vinyl, or any covering that is intended to resemble turf is prohibited.
- b. Platforms:** Raised decks, platforms, or other such surfaces are not permitted within outdoor dining areas except when installed so as to bring the dining area to the same height as the adjacent sidewalk; in which case, the raised portion shall be made flush with the sidewalk so as to eliminate any gaps or differences in height.

2.6 Circulation Room

All outdoor dining areas shall leave at least four (4) feet of unobstructed pedestrian space between the edge of the outdoor dining area and the edge of the sidewalk. The four (4) feet of pedestrian space shall be clear of obstructions caused by trees, posts, hydrants, stanchion bases, or any other infrastructure or potential hazards. In addition, no part of an outdoor dining area (including plants) may extend into the four (4) feet of unobstructed pedestrian space.

If a perimeter enclosure is used, adequate space must be provided within the enclosed outdoor dining area to permit movement of patrons and wait staff. Wait staff shall not serve patrons from beyond the perimeter enclosure.

An applicant may be required to modify the layout and placement of items in the outdoor dining area at any time if it is determined by Village staff that such placement or layout creates a potential hazard or an issue of ADA accessibility non-compliance. The Village reserves the right to move any obstruction that creates a hazard or non-compliance situation. No portion of a ramp for access for those with disabilities shall be considered to count as part of the required four (4) foot minimum of unobstructed pedestrian space.

2.7 Signage

Signage is permitted within outdoor dining areas only with a valid Outdoor Dining/Seating permit. An exception can be made for up to three (3) square feet of signage which may be installed along the building's façade or barriers. Such signage shall be professionally assembled and must be non-commercial, informational signs. Moveable sandwich boards in compliance with the Sign Ordinance are permissible within and adjacent to outdoor dining areas. Signage, including sandwich boards, shall not be placed within any portion of the minimum four (4) feet of unobstructed pedestrian space.

2.8 Setback from other Business

Restaurants need to be mindful of adjoining businesses when using outdoor dining areas, making sure that neighboring businesses remain visible to pedestrians and motorists. The limits of an outdoor dining area shall not exceed the width and side to side position of the space occupied by the operating dining establishment responsible for the outdoor dining area at the point where the storefront/front wall of the establishment contacts the outdoor dining area.

A restaurant shall be required to adjust the outdoor dining area's layout, furniture, dimensions or distance from the property line accordingly to ensure that this visibility is maintained.

2.9 Removal after Season

All outdoor dining areas, furniture, and barriers shall be removed when not in use, and shall be removed from the Village right-of-way no later than November 15 of each calendar year, and shall not be installed no earlier than April 15 of each calendar year.

2.10 Upkeep, Repair, and Maintenance

Permit holders shall keep all outdoor dining areas clean and in sanitary condition. Permit holders are required to restore the right-of-way surface to the condition it was in prior to occupancy or use of the approved area. All cleaners used on public fixtures or surfaces shall be non-damaging environmentally-friendly substances. The Village reserves the right to prohibit the use of any cleaning substance it deems as inappropriate or potentially damaging to fixtures or surfaces in the right-of-way. Any damage done to right-of-way surfaces, fixtures, or infrastructure shall be the responsibility of the applicant to repair at their cost. This includes any stains, physical damage, discoloration, or evidence of misuse. Any repairs should be made as soon as possible, and immediately upon request by the Village. Removal and cleaning of rubbish and animal excrement and similar matter deposited on any outdoor dining establishment shall be the responsibility of the owner of the outdoor dining establishment. The applicant may be subject to reimbursement to the Village for repairs or restoration as a result of the use of the right-of-way by a permit holder.

3. Use of Outdoor Dining Areas

This outdoor dining program is established to provide the opportunity for establishments to utilize Village right-of-way and Village owned property as an extension of their dining areas and to allow their patrons an outdoor experience. In order to ensure that the use of this outdoor dining area is consistent with the establishment it serves and does not create a negative impact on surrounding properties or pedestrians in the right-of-way all outdoor dining program participants are required to comply with the following outdoor dining area use requirements.

3.1 Music and Live Performances

- a. **Pre-recorded Music:** While methods exist to play music from portable speakers or speakers affixed to the exterior of the establishment, the use of such systems are prohibited in outdoor dining areas in order to minimize the audible impact of outdoor dining on adjacent properties.
- b. **Live Music:** Due to the small size of outdoor dining areas and in an effort to minimize the audible impact of outdoor dining on adjacent properties, live music performances are prohibited in outdoor dining areas except when the live music performance has been approved by a Special Event permit.
- c. **Live Performances (Non-Musical):** Live performances which do not make use of a noise amplifier (mic or speakers) is permitted only when such performances have been approved by a Special Event permit.

3.2 Activities

- a. **Permitted Activities:** Outdoor dining areas may be used for dining-related activities such as additional seating, waiting area, tasting area, 'light' menu area, or similar activities. Any dining-related activities must be included in the materials provided at the time of application and may not be added without approval from the Village Board of Trustees.
- b. **Non-Permitted Activities:** The use of the outdoor dining area for other activities, except those specified in Section 3.2 Permitted Activities, is prohibited. All activities occurring within the outdoor dining area shall be related to the consumption of food and beverage prepared on site by the establishment, except for carry-in establishments.
- c. **Remote Location:** While extending a dining area in front of another business is permitted (with written consent by the business), any such extension shall be contiguous with an outdoor dining area at the applicant's establishment. All other outdoor dining areas may only be permitted within right-of-way or Village-owned property adjacent to their establishment.

ADDITIONAL REGULATIONS – OUTDOOR DINING & OUTDOOR SEATING AREAS

- 1. **Violations:** It shall be unlawful for any person, firm or corporation to operate an Outdoor Dining Area or Outdoor Seating Area contrary or in violation of these standards. Any person, firm, or corporation who violates any of these standards is subject to being fined and/or having their permit suspended or revoked. The Village Board of Trustees reserves the right to deny an application for a permit for any establishment found to be in violation of these standards in the past.

In general, the process for enforcement may include the following:

- a. A verbal or written warning to the owner of the business operating the outdoor dining or outdoor seating facility.
- b. Fines of \$25-250 for each day a violation exists. The fine shall begin at \$25.00 per violation per day, and increase in increments of \$25.00 for each additional occurrence of the same violation or additional violations within a different time period than the initial violations.

- c. Suspension/Revocation of Privilege including removal of elements of outdoor dining facility.
 - d. Further legal action.
- 2. Certificate of Approval:** All establishments seeking to offer outdoor dining that are approved by the Village Board of Trustees will be provided with a Certificate of Approval. This certificate shall be posted in a conspicuous place for the duration of the outdoor dining activity. Owners shall provide a Village Official with proof of the certificate upon request. Failure to properly post the certificate can and will lead to enforcement action such as those listed above.
- 3. Hours of Operation:**
- a. All activities associated with an outdoor dining area or facility shall cease no later than 10:00 p.m. Sunday through Wednesday, and 12:00 a.m. (Midnight) Thursday through Saturday. Establishments wishing to hold a special event of longer duration shall receive approval from the Village Board of Trustees prior to the event.
 - b. Outdoor seating areas may operate 24-hours a day, 7 days a week.
- 4. Smoking:** Smoking shall be prohibited within all permitted outdoor dining areas on Village right-of-way or Village-owned property.
- 5. Right to Revoke or Deny:** The Village is under no obligation to approve Outdoor Dining and Outdoor Seating Areas within the Village's right-of-way or property and may revoke or deny permits at its sole discretion or apply certain conditions. Any business or property owner in litigation, in violation of a Village ordinance, who owes an outstanding balance with respect to any fees or charges due the Village must rectify the matter prior to consideration of an Outdoor Dining/Seating Permit, unless waived by the Village Administrator.

Outdoor Dining or Outdoor Seating Area Permit

Name of Business: _____

Business Address: _____

Address of Location for Outdoor Dining: _____

Business Mailing Address: _____

Contact Person: _____

Address: _____

Email: _____

Telephone: _____

1. Outdoor Dining: New Renewal – changes (Y / N)

2. Outdoor Seating: New Renewal – changes (Y / N)

Name of Liability Insurance Provider: _____

Business has a Liquor License: Y N

Business Intends to Apply for a Liquor License (if none already): Y N

ATTACH A DETAILED DESCRIPTION of Elements of Outdoor Dining Area (tables, chairs, planters, materials used)

ATTACH A SITE PLAN & IMAGES (with dimensions) outlining the proposed dining area and showing the placement of furniture and other elements. Please label the attachments as Exhibit A.

I have read and understand the Village of Mundelein Outdoor Dining Policy including the applicable penalty and violations provisions. I further understand and agree that permission for use of public right-of-way and/or Village-owned property is a privilege that can be revoked by the Village up to and including removal of elements of the outdoor dining establishment and/or appropriate legal action if I am found to be in violation.

Signature of Applicant: _____ Date: _____

Printed Name: _____

Date Approved by Village Board: _____

Adjacent Property Owner Signature (if encroaching): _____ Date: _____

Adjacent Property Owner Printed Name: _____ Contact #: _____

**INDEMNITY/HOLD HARMLESS AGREEMENT
OUTDOOR DINING**

This indemnity/hold harmless agreement is dated _____ day of _____, _____, and is between _____ (“Indemnitor”), a corporation or other business entity created under the laws of the State of _____, authorized to conduct business in the State of Illinois and the Village of Mundelein, Illinois, a home-rule municipality under the laws of the State of Illinois.

WHEREAS, Indemnitor has requested permission to use a public sidewalk, public way, or Village owned property adjacent to Indemnitor’s property at _____, for the purpose of seasonal outdoor dining in accordance with Indemnitor’s plans and specifications and as depicted in **Exhibit “A”** attached hereto and incorporated herein by reference (“Outdoor Dining Area”).

NOW, THEREFORE, in consideration of receipt of permission from the Village to use the Outdoor Dining Area in accordance with Indemnitor’s plans, Indemnitor agrees that it will defend, hold harmless, and indemnify the Village, its officials, agents, representatives and employees from against, or for all losses, claims, suits, damages, actions, costs, and expenses (including, but not limited to, court costs, attorney’s fees and expert witness fees), judgements, subrogations, or other damages (collectively “Claims”) resulting from any injury to a person or persons or to property, arising out of Indemnitor’s use of the Outdoor Dining Area, for which Indemnitor, in whole or in part, or anyone for whose acts Indemnitor may be liable, is liable.

Indemnitor further agrees to purchase commercial general liability insurance in conformance with the requirements of the Village’s Outdoor Dining Standards, as may be amended from time to time, and maintain such insurance coverage for the duration of the use of the Outdoor Dining Area. The Village shall be named as an additional insured on the policy.

This Agreement shall not be assigned without the written approval of both the Indemnitor and Village.

INDEMNITOR:

By: _____

Its: _____

Date: _____

STATE OF ILLINOIS)
) SS:
COUNTY OF LAKE)

Before me, a Notary Public, in and for said County and State, this _____ day of _____, 20___, personally appeared _____, as the _____ of _____ who has stated that they are authorized to execute said document and have acknowledged the execution of the foregoing instrument to be his free and voluntary act for and on behalf of the Indemnitor.

Notary Public

Printed: _____

County of Residence: _____

My Commission Expires: _____