

ORDINANCE NO. 17-\_\_\_\_\_

AN ORDINANCE AMENDING TITLE 9 (PUBLIC WAYS AND PROPERTY),  
CHAPTER 1 (STREETS AND SIDEWALKS),  
SECTION 17 (SIDEWALK SEATING PERMIT)  
OF THE NAPERVILLE MUNICIPAL CODE

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule powers that:

**SECTION 1:** Title 9 (Public Ways and Property), Chapter 1 (Streets and Sidewalks), Section 17 (Sidewalk Seating Permit) of the Naperville Municipal Code is hereby amended by deleting the stricken language:

~~9-1A-17: – SIDEWALK SEATING PERMIT:~~

~~It shall be unlawful to place tables, chairs, umbrellas, or other structures on any sidewalk, alley, walkway, or other public right of way for the purpose of serving food and/or drink to the public except in the Central Business District in accordance with the provisions of this Section.~~

1.

~~A sidewalk seating permit must first be issued by the City before any person places any tables, chairs, umbrellas or other structures on any public sidewalk, in any alley or walkway, or on any other public right of way in the Central Business District for the purpose of serving food and/or drink to the public.~~

2.

~~Permits issued hereunder shall be valid from April 1 through October 15 and shall be subject to the provisions of Title 3, Chapter 2 of this Code, except where otherwise provided in this Section. The permit fee for a sidewalk seating permit shall be fifty dollars (\$50.00).~~

~~(Ord. 95-136, 7-5-1995; amd. Ord. 97-158, 10-7-1997)~~

3.

~~The Director shall:~~

~~(Ord. 97-158, 10-7-1997)~~

3.1.

~~Promulgate rules and regulations for the reasonable and orderly use of tables, chairs, umbrellas or other structures placed on any public sidewalk in any alley or walkway, or on any other nonarterial public right of way fronting the permittee's existing commercial establishment for the purpose of serving food and/or nonalcoholic drink to the public;~~

~~3.2.~~

~~Review all permit applications and any supporting documents;~~

~~3.3.~~

~~Recommend approval or denial of the permit based upon compliance with the rules and regulations promulgated.~~

~~(Ord. 95-136, 7-5-1995; amd. Ord. 97-158, 10-7-1997)~~

4.

No permit shall be issued except upon approval by the Director, and submittal of an executed license agreement on terms approved by the City Manager.

(Ord. 97-158, 10-7-1997)

5.

Any person violating any provision of this Section or any of the rules and regulations specified in Subsection 9-1A-17.3 of this Section shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each offense, and a separate offense shall be deemed committed on each day during which a violation occurs or continues.

6.

Any second or subsequent violation of this Section or any of the rules and regulations specified in Subsection 9-1A-17.3 of this Section shall subject the permit and license to revocation in accordance with Section 3-2-12 of this Code, and forfeiture of all fees paid.

(Ord. 95-136, 7-5-1995; amd. Ord. 97-158, 10-7-1997)

**SECTION 2:** This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this \_\_\_\_ day of \_\_\_\_\_, 2017.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Steve Chirico  
Mayor

ATTEST:

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Pam Gallahue, Ph.D.  
City Clerk