



This is a request to the East Dundee Liquor Control Commissioner to grant an existing liquor licensee an endorsement to expand its premises to sell and serve alcoholic beverages.

Please select the option(s) you are applying for:

Sidewalk Service Endorsement (\$100 fee)

Village Right-of-way Service Endorsement (Events sponsored/approved by the Village)

Items noted in RED on the following pages must be provided with this agreement for each endorsement

HOLD HARMLESS AGREEMENT

To the fullest extent permitted by law, the undersigned hereby agrees to defend, indemnify and hold harmless the Village of East Dundee, its officials, agents and employees, against injuries, deaths, loss, damages, claims, suits, liabilities, judgments, cost and expenses (including attorneys fees), which may in anywise accrue against the Village of East Dundee, its officials, agents and employees, arising in whole or in part or in consequence of the Sidewalk Service and/or Right-of-Way Service Liquor Endorsement or which may in anywise result therefore, except that arising out of the sole legal cause of the Village of East Dundee, its officials, agents or employees. The undersigned shall, at its own expense, appear, defend and pay all charges of attorneys and all costs and other expenses arising therefore or incurred in connections therewith, and, if any judgment shall be rendered against the Village of East Dundee, its officials, agents and employees, in any such action, the undersigned shall, at its own expense, satisfy and discharge the same.

The invalidity or unenforceability of any of the provisions hereof shall not affect the validity or enforceability of the remainder of this Agreement.

Agreed this _____ day of _____, 2023

(Name of Business)

(Signature of Liquor Licensee)

(Printed Name of Liquor Licensee)

Nothing set forth in this Agreement shall be deemed a waiver by the Village of any defenses or immunities relating to any person or entity or their property, that are or would be otherwise available to the Village or its Representatives under the provisions of the Illinois Local Government and Governmental Employees Tort Immunity Act, or that are otherwise available to local governments and their corporate authorities, officers, employees, agents and volunteers under the common law of the State of Illinois or the United States of America.

SIDEWALK SERVICE ENDORSEMENT

A. **Please attach a diagram to scale showing your building premises and area requested to be used for your sales and service.** The diagram must show:

1. The sidewalk service area adjacent to the premises
2. Seating for not more than 16 customers.
3. At least four feet (4.0') of public sidewalk must be provided and maintained at all times for pedestrian traffic.
4. The sidewalk service area shall have ingress and egress for emergency purposes and for handicap accessibility.

B. The Licensee agrees to the following rules and regulations for the sidewalk service area:

1. All customers in the sidewalk service area shall be seated in that area.
2. The sidewalk service area shall not have a covered roof, although umbrellas, awnings, screening, and the like may be allowed.
3. No signs shall be attached to any furniture, umbrellas, awnings, or other structure related to the operation of the sidewalk service area.
4. No permanent fixtures are to be installed and only those fixtures authorized by the endorsement and shown in the diagram may be stored in the public right-of-way when the sidewalk service area is not in operation. Should the licensee not utilize the sidewalk as authorized for a period of 48 hours or more, all the tables and materials must be removed.
5. A service bar or service window for the service of alcoholic beverages may be permitted in the sidewalk service area.
6. Live entertainment shall not be allowed in the service area.
7. No alcohol shall be served or consumed in the outside seating area later than 10:00 p.m. Sunday through Thursday, and 11:00 p.m. Friday and Saturday.
8. The sidewalk service area seating shall not be used for calculating the required number of seats for the liquor license classification.
9. Seating for the sidewalk service area is to be restricted to the right-of-way approved by the village.
10. The sidewalk service area seating capacity when combined with the indoor seating capacity shall meet the requirements of the State Plumbing Code and village plumbing ordinances with regard to restroom facilities.
11. Persons issued an endorsement for a sidewalk service area shall maintain the sidewalk area in a clean and safe condition. The holder shall clean said area at the end of each business day, so as not to have any food or drink leftovers remaining. The holder shall wash daily the sidewalk area approved by the village for the sidewalk service area removing any food or drink residue.
12. If the sidewalk service area interferes with a public event planned on the public right-of-way, the public event shall take precedence. The village will endeavor to notify the licensee 30 days in advance of the scheduled event.
13. Such other requirements as may reasonably be imposed by the Liquor Commissioner taking into account the unique circumstances of the licensee's premises and location.
14. An endorsement for operation of a sidewalk service area will be issued for operation only between March 1 and November 1.
15. Only moderate noise levels shall be allowed from the service area.

- C. **An application fee of \$100 shall be included with this application as well as a signed, hold harmless agreement.**
- D. **An additional Certificate of insurance for general liability in an amount not less than \$1,000,000 naming the Village of East Dundee and its officials, agents and employees as additional insured shall be filed in a form acceptable to the Village.**
- E. The Licensee agrees to defend, indemnify and hold harmless the Village, its officials, agents and employees, against all enemies, deaths, loss, damages, claims, suits, liabilities, judgments, costs and expenses, arising in whole or in part or in consequence of the use of the Village's sidewalk as part of its premises for the sale and service of alcoholic beverages or the failure of the Licensee to comply with the rules or regulations for this endorsement.

RIGHT-OF-WAY SERVICE ENDORSEMENT (Village Sponsored Events)

A License holder may expand its premises under their existing license with a right-of-way endorsement granted by the Local Liquor Control Commissioner to allow sales and service of alcoholic beverages authorized pursuant to its license on the public right-of-way subject to compliance with the following regulations:

- A. The right-of-way service area shall be the Depot grounds (319 N. River St., East Dundee, IL 60118), or that portion of the village sidewalk or right-of-way adjacent to the premise of the Licensee and shall only be permitted during a special event sponsored by the Village or an event approved by the Village Board.
- B. The Licensee shall comply with all rules and regulations established by the Village for the event.
- C. All temporary seating or structures in the Village's right-of-way shall be approved by the Village.
- D. All activities in the Village right-of-way shall comply with all ordinances and regulations of the Village.
- E. The Licensee shall submit a plan as part of its application for compliance with all liquor regulations in this chapter.
- F. Licensees issued an endorsement for a right-of-way service area shall maintain the right-of-way area in a clean and safe condition. The Licensee shall clean said area at the end of each event day, so as not to have any food or drink leftovers or refuse remaining on the right-of-way.
- G. Such other requirements as may be imposed by the Liquor Commissioner taking into account the unique circumstances of the licensee's premises, location and type of event.
- H. Every applicant for an endorsement for a right-of-way service area shall file an application with the Village Clerk upon a form provided by the Village Clerk.
- I. The application for an endorsement to operate a right-of-way service area must include the following:
 - 1. **A certificate of insurance in the amount of \$1,000,000 naming the Village of East Dundee as an additional insured for the duration of the event**
 - 2. **A signed hold harmless agreement**
 - 3. **A diagram of the proposed layout of the right-of-way service area, including sizes of fixtures and their location.**
- J. An endorsement for operation of a right-of-way service area will be issued for operation for one calendar year following the granting of the endorsement.