

**CITY OF BELLE PLAINE
ORDINANCE 19-02**

**AN ORDINANCE AMENDING CHAPTER THREE OF THE CITY CODE BY ADDING SECTION 316
PERTAINING TO OUTDOOR SIDEWALK CAFES**

THE CITY COUNCIL OF THE CITY OF BELLE PLAINE ORDAINS:

Section 1. Chapter Three of the City Code pertaining to Business and Licenses is hereby amended as follows:

SECTION 316.00 OUTDOOR SIDEWALK CAFES.

316.01 Findings
316.02 License Required
316.03 Exemption
316.04 Application
316.05 Fee
316.06 Conditions of Approval
316.07 License Revocation
316.08 Penalty

316.01 FINDINGS.

The City Council finds outdoor Sidewalk Café seating for businesses provides multiple benefits to the City.

- A. Outdoor seating can attract the attention of pedestrians and increases their stay thereby promoting the adjacent business and increasing other businesses' visibility when customers choose to be seated outside.
- B. Outdoor seating can foster a creative and innovative spirit that furthers the identity of the Downtown as a destination.
- C. Aesthetically pleasing and nontraditional settings of Sidewalk Cafes provide additional options where pedestrians can relax, enjoy, and interact with others.
- D. By repurposing city on-street parking spaces into outdoor seating the urban landscape is renewed in an innovation fashion and viewshed are enhanced.
- E. Outdoor seating encourages more pedestrian activity by livening up the street, creating more things to look at, and making the businesses appear more active.

316.02 LICENSE REQUIRED.

An outdoor Sidewalk Café permit is required to operate an outdoor sidewalk café in the public right-of-way. Licenses issued under this section shall expire on December 31 of each year.

316.03 EXEMPTION. Placement of tables/chairs in a public sidewalk which (a) maintain a clear pedestrian passageway of not less than five (5) feet in width, (b) are capable of being moved indoors each evening, and (c) have been authorized by the Public Works Superintendent are exempt from this standard.

316.04 APPLICATION.

- A. Application Form. An application for a license shall be made with the City Administrator's Office on a form which has been approved by the City.
- B. Insurance Requirement. The Applicant shall submit proof of a public liability insurance policy covering all operations of the applicant under this article, during the full term of the license for the sum of \$300,000 combined single limit coverage. The City shall be named as an additional insured. Such policy shall provide that it may not be cancelled by the insurer except after 30 days written notice to the city, and if such insurance is cancelled and the licensee fails to replace it within another policy that conforms to the provisions of this article, the license shall be automatically suspended until the liability insurance is replaced. All applicants for a license must file with the city a certificate of workers' compensation insurance if such insurance is required by state law.
- C. Site Plan Required. A plan, drawn to scale, which illustrates the locations and dimensions of the proposed sidewalk café, adjoining buildings, sidewalk, proposed landscaping, and all obstructions within the vicinity shall be submitted with the application form.
- D. Notification of Adjacent Property Owners Required. The Applicant shall notify businesses immediately adjacent to the proposed Outdoor Sidewalk Café area. Notifications shall include a site plan for the café and the anticipated duration of the outdoor sidewalk café.
- E. The License application shall be reviewed administratively subject to the conditions of this Chapter. Any significant changes to the conditions will require review and approval by the City Council. The License is subject to any required inspections and final approval shall be by the Public Works Superintendent.

316.05 FEE.

The annual fee for the license shall be set by City Council resolution.

316.06 CONDITIONS OF APPROVAL.

- A. Site Specific Requirements.
 - 1. Sidewalk Cafes may be considered within the Central Business District adjacent to Main and Meridian Streets.
 - 2. Sidewalk Café area shall be limited to the public right of way abutting the frontage of the business to which it is attached.
 - 3. Sidewalk Café must be located at least 20 feet from any fire hydrants.
 - 4. Sidewalk Café must not block sight lines at intersections as determined by the City Engineer and/or Public Works Superintendent.
 - 5. The City maintains the right to review and make final determination as to the location of each Sidewalk Café based on the unique circumstances related to each business.

B. Design Specifications.

1. If the operating business serves alcoholic beverages, a decorative barrier or railing between 32 and 42 inches in height is required around the sidewalk café area. The barrier shall be comprised of high quality, durable materials suitable for outdoor use such as powder coated decorative aluminum fencing/railing, be sturdy and weather resistant, and be consistent with the quality of design and color palette of structures in the vicinity of the café.
2. Lighting, if proposed, must be illustrated on the site plan, be directed downward, and be compatible with the surrounding area.
3. Annual/perennial flowers/landscaping attached to a barrier or railing shall be used to enhance the streetscape aesthetics.
4. Canopies/umbrellas may be used for weather protection.
5. Sidewalk Café area must meet ADA (American Disability Act) requirements.
6. Design consideration must include architect and characteristic of area.
7. No commercial signage may be placed on the sidewalk café area, except for on table tops. Sandwich board signs may be allowed provided they are removed from the café each evening.
8. There shall be a minimum clear passage zone for pedestrians of at least five feet shall be maintained at all times.
9. Umbrellas extending into the pedestrian clear passage zone or pedestrian aisle shall have a minimum head clearance of seven feet.
10. If a temporary walkway structure that bumps out into the roadway is used:
 - a. The structure shall be constructed of metal or composite material or other weather resistant, long lasting, high quality material.
 - b. Maximum width shall not exceed eight feet
 - c. Maximum length shall not exceed 40 feet, or the length of the frontage of the business to which it is attached, whichever is smaller.
 - d. Decorative barriers between 36 inches and 42 inches in height are required separating the pedestrian walkway from the roadway.
 - e. Reflective bollards or strips must be located at either end of any portion of the structure located within the roadway.
 - f. Directional signage shall be used to assist pedestrians in utilizing the walkway.
 - g. Surface of structure must be leveled with sidewalk surface up to one fourth (1/4) of an inch clearance.
 - h. No more than a half (1/2) inch gap between the structure and the curb is permitted.
 - i. Structure may not impede water flow and drainage.

C. Management Specifications.

1. The furniture associated with the Sidewalk Café shall be moveable, washable, constructed of metal or composite or other high quality material, and maintained in a safe and sanitary condition.
2. The Sidewalk Café area shall be controlled and monitored continuously during the hours of operation and unruly patrons shall be removed immediately.
3. Patrons shall not leave the premises with a drink nor can drinks be taken onto a public sidewalk that is outside of the Sidewalk Café area.
4. The Sidewalk Café area must be included in the required liquor liability insurance for the premises.
5. Hours of operation of the Sidewalk Café shall be limited to between 10:00 a.m. and 11 p.m. from April 15 thru October 15.
6. Permittee shall not allow smoking within the Sidewalk Café area.
7. Alcoholic beverages may only be brought into the Sidewalk Café area by a server.
8. Permittee shall pick up litter within 50 feet of the Sidewalk Café area on a daily basis. Appropriate receptacles for rubbish, garbage, etc. must be provided.
9. The Sidewalk Café area must be free of debris, litter, and soil surrounding and underneath any structure or platform.
10. No electronically amplified outdoor music, intercom, audio speakers, or other such noise generating devices shall be allowed in the Sidewalk Café area.

316.07 LICENSE REVOCATION.

Failure to comply with any provision of this article may result in the revocation of the license by the City Council, following a public hearing. Written notice of the public hearing shall be mailed at least 10 days prior to the hearing to the current holder of the license. Such notice should outline the violation(s) considered by the city to be grounds for revocation and inform the license holder of the opportunity to be heard at the public hearing.

316.08 PENALTY.

In addition to the revocation or suspension of the license, any person violating any of the provisions of this Section shall be guilty of a misdemeanor.

Section 2. This Ordinance shall become effective upon publication in the official newspaper of the City.

Passed and duly adopted by the City Council of the City of Belle Plaine this ____ day of _____, 2019.

BY: _____
Christopher G. Meyer, Mayor

ATTEST:

Dawn Meyer, City Administrator

Published in the Herald on _____, 2019.