

## ARTICLE IX

### SIDEWALK CAFE AND PARKLET

#### SECTION 14-150. SIDEWALK CAFÉ DEFINED.

“Sidewalk café”: An outdoor area temporarily located on a public sidewalk contiguous with any side of a building wherein a licensed restaurant is located and where food and beverages are taken for consumption by persons sitting or standing at tables in that area.

#### SECTION 14-151. AUTHORIZATION.

A sidewalk café in the public right of way may be operated only as set forth in this article.

1. A sidewalk café in the public right of way shall be permitted only in that portion of the C-1 Commercial Central Business District located along the Ten Block of North Frederick, Ten, One Hundred and Two Hundred Blocks of South Frederick, Ten Block of East Charles, Ten Block of West Charles, Ten Block of First Street SE, Ten Block of First Street SW, Ten Block of Second Street SE and Ten Block of Second Street SW.
2. The sidewalk café ~~area must be contiguous with, and have direct access to, and~~ shall be operated as an extension of a licensed restaurant or food establishment. Only licensed restaurants where more than 50% of the gross revenues in the past tax year were generated, on the premises, from the sale of food or beverages may request a permit to operate a sidewalk café.

#### SECTION 14-152. PERMIT.

1. A sidewalk café shall not be operated in the public right of way without first acquiring a permit therefore. The owner of the licensed restaurant shall file an application with the City Clerk on a form provided by the City. The applicant shall agree to abide by all terms of the permit and all state and local laws governing use of the public right of way. The application shall be accompanied with a photograph and detailed rendering depicting the location of all trees, flower beds, poles, benches, trash receptacles and other amenities or obstructions in the right of way, and the location of any proposed furniture or equipment. The application for a permit shall also be accompanied by a certificate of insurance with limits of liability established by Resolution of the City Council insuring against any and all claims of any kind arising out of the use of the public right of way, and applicant shall agree to hold the City harmless against any and all liability arising from or relating to operations of the sidewalk café or the location of the café' on the public right of way.
2. The application for a sidewalk café permit shall be accompanied by a fee established by Resolution of the Oelwein City Council. The permit shall be valid for 12 months from date of issuance, unless earlier terminated pursuant to this article.
3. The City retains the right to limit the number of sidewalk cafes permits issued. The City retains the right to terminate a sidewalk café permit after written notice of violation and time to cure the violation has expired. Grounds for termination of a permit shall include, but not limited to, violations of the terms of the permit, creating a nuisance or health or safety hazard. Additionally, the city retains the right to terminate the permit and direct removal of the sidewalk café operations if the Council determines there is a substantial and reasonable need for use of the

public right of way for a valid public purpose and applicant shall receive a pro rata refund of the permit fee.

#### SECTION 14-153. DESIGNATED AREA.

4. A sidewalk café area may encroach into the public right of way and shall be located and operated in a manner that will allow a minimum of four (4) feet of unobstructed sidewalk adjacent to the street curb for pedestrian use. Obstructions such as street lights, planters or other public amenities shall be outside the required minimum four (4) feet of unobstructed sidewalk.
5. No tables or chairs shall be anchored to the public right of way. All tables and chairs and other equipment and amenities shall be removed from the public right of way and the sidewalk café area shall be cleaned and restored to a pedestrian way at the end of each day's operation. sidewalk café area shall not appropriate or include any public amenities, benches or trash receptacles. The use of the public right of way shall not interfere with access to public utilities located and operated within the public right of way.
6. The café may extend into the street in the form of a parklet. A parklet takes up one to four parking spaces and is an extension of the existing restaurant and or establishment. Creating a parklet must be approved by the city and the design should be included in the application for the sidewalk café permit.

#### SECTION 14-154. SIDEWALK CAFÉ OPERATIONS.

- ~~1. No alcoholic beverages may be served or consumed in the designated sidewalk café area.~~
2. A sidewalk café may be operated any day of the year the licensed restaurant is taking food and beverage orders from patrons between the hours of seven o'clock (7:00) A.M. and Twelve o'clock (10:00) P.M. The sidewalk café area shall be restored to and maintained as a pedestrian way at all other times.
- ~~3. Amplified sound equipment shall not be permitted in the vicinity of a sidewalk café area.~~
4. Advertising shall not be permitted in the sidewalk café area except the name of the establishment may be placed on chairs, tables, umbrellas or other amenities.
5. All furniture, equipment and amenities associated with operation of the sidewalk café shall be clean and maintained in good repair and removed from the public right of way at the end of each day's operations.
6. All furniture, tables, chairs and amenities shall not be located within four (4) feet to a street (alley) and shall remain within the approved boundaries of the sidewalk area as shown on the restaurant owner's application.
7. No handicap aprons, building entrances or exits shall be blocked by a sidewalk café.
8. A sidewalk café area shall be subject to inspection at any time.
9. The licensed restaurant owner and operator of a sidewalk café shall be responsible for trash removal and shall maintain the area within ten (10) feet of the sidewalk café area in a clean and litter free condition during all hours of operation.

(Ord. No. 1064, 07/24/2006)