

ORDINANCE NO. _____

AN ORDINANCE AMENDING OELWEIN CODE OF ORDINANCES CHAPTER 14, ARTICLE IX, SIDEWALK CAFÉ

BE IT ORDAINED by the City Council of the City of Oelwein, Iowa, as follows:

Section 1. That the General Ordinances of the City of Oelwein adopted July 1, 2012, be amended as follows:

ARTICLE IX
SIDEWALK CAFÉ AND PARKLET

Section 2. That the General Ordinances of the City of Oelwein adopted July 1, 2012, be amended by deleting Section 14-51 Authorization (2) and replacing it as follows:

The sidewalk café 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 3. That the General Ordinances of the City of Oelwein adopted July 1, 2012, be amended by deleting Section 14-153 Designated Area and replacing it as follows:

1. A sidewalk café 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.

2. 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.

3. 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 4. That the General Ordinances of the City of Oelwein adopted July 1, 2012 be amended by deleting Section 14-154 (1) and (3) and deleting (5) and replacing it as follows:

5. All furniture, equipment and amenities associated with operation of the sidewalk café shall be clean and maintained in good repair.

Section 5. That all Ordinances or parts thereof in conflict herewith be and the same are hereby repealed. This Ordinance shall become effective upon its passage.

First Reading – June 28, 2021

Second Reading -

Third Reading –

Passed and adopted by the City Council of the City of Oelwein, Iowa, this ____ day of _____, 2021.

Brett DeVore, Mayor

Attest:

Dylan Mulfinger, City Administrator

Recorded _____, 2021.

Dylan Mulfinger, City Administrator

Second Reading on _____ It was moved by
and seconded by _____ that the Ordinance as read
be adopted (or to suspend the rules), and upon roll
call there were:

AYES NAYS ABSENT ABSTAIN

M Weber
Cantrell
Fisk
Stewart
Seeders
Payne

First Reading on _____:

It was moved by _____ and seconded by
that the Ordinance as read be adopted, and upon roll
call there were:

AYES NAYS ABSENT ABSTAIN

M Weber
Cantrell
Fisk
Stewart
Seeders
Payne

Third Reading on _____ It was
moved by _____ and seconded by _____ that
the Ordinance as read be adopted (or to suspend the
rules) and upon roll call there were:

AYES NAYS ABSENT ABSTAIN

M Weber
Cantrell
Fisk
Stewart
Seeders
Payne