

Ordinance 2005-37

Planning Commission Case: 2005-04

CONDITIONS ON THE ISSUANCE OF PERMITS FOR SIDEWALK CAFÉ' SEATING

All permits for Sidewalk Café' Seating within zoning districts "B-1" Business and "B-2" Business only shall be subject to the following conditions:

1. The permittee shall be responsible for, and exercise reasonable care in the inspection, maintenance, and cleanliness of the area affected by the Sidewalk Café' Seating, including any design requirements hereafter enacted, from the building frontage to the curb.
2. The permittee shall restrict the Sidewalk Café' Seating to the approved location, ensure compliance with all applicable laws, health and safety laws, public cleanliness laws, and laws regulating sale and public consumption of alcohol.
3. When any Sidewalk Café Seating authorized hereunder is found to be in conflict with existing or proposed facilities or improvements owned, maintained, or operated by the Village, or any existing or proposed Village design plans, such placement shall, upon written demand of the Village Administrator or his or her designee, be removed or relocated in such a way as to eliminate the conflict; and said removal or relocation shall be at the sole expense of the permittee. Should the permittee fail to comply with said written demand within a reasonable period of time, the Village may cause such relocation of the placement at the expense of the permittee. Any such non-compliance shall also be a violation of this Ordinance.
4. The Village may permanently terminate the use of the sidewalk café at anytime if it is determined that the specific use has become a nuisance or is not in the best interest of the Village.
5. A permit for Sidewalk Café' Seating, or a copy thereof, shall be posted in plain view within the food service establishment for which the permit has been issued.
6. Liability insurance naming the Village of New Richmond as an unrestricted additional insured on the sidewalk café owner's insurance policy for the licensed sidewalk café site will be required, including insurance to cover liquor liability.
7. Sidewalk Café seating shall not:
 - a. Interfere with access of public employees and utility workers to meters, fire hydrants or other objects (street hardware) in the right-of-way; or
 - b. Block or obstruct the view of necessary authorized traffic devices.
8. Sidewalk café shall be completely surrounded by an appropriate wall, fence or barrier at least four feet in height approved. The sidewalk café shall be attached to

the main business premises and access to the sidewalk café shall be only through the main building.

9. Sidewalk Cafes serving alcohol beverages shall be responsible for policing the area of the sidewalk café to be sure that customers are of the legal drinking age and that alcohol beverages are not removed from the premises.
10. Sidewalk Cafes shall stop all service no later than 10:00 pm with the area vacated no later than 10:30pm except for the owner and employees for purposes of cleaning up.
11. Three or more noise complaints filed against the owner of a sidewalk café during a license period and verified by the New Richmond Police Department shall constitute sufficient grounds to revoke the sidewalk café permit.
12. Sidewalk cafes to be located within the Village's Landmark District shall be reviewed by the Landmark District and receive a certificate of appropriateness (COA).
13. The Village shall have the right to prohibit the temporary operation of a sidewalk café because of an anticipated or actual problem or conflicts in the use of the business. Some problems may arise from, but are not limited to, festivals and similar events, parades, or repairs to the street, sidewalk or utilities within the public right of way. To the maximum extent possible, the café owner will be given prior written notice of any time period during which the operation of the sidewalk café may be impacted.
14. No music shall be broadcast directly into the sidewalk café by means of outdoor speakers or jukeboxes, nor shall live music be permitted.
15. Noise from any source that is emitted from the sidewalk café and measured at any border of the real property on which the café is located shall not exceed 85 db from 7 a.m. to 9 p.m. and 75 db from 9 p.m. until closing.
16. Any damage to sidewalk incurred as a result of the placement, operation or removal of a sidewalk café shall be the responsibility of the permittee.
17. Sidewalk café shall maintain a minimum clear walking space along the public sidewalk of five (5) feet.
18. Permits for sidewalks cafes are issued annually and are valid for a period running from April 1 to November 1 of each year. During the non-operational period the sidewalk must be clear of all fencing and holes the sidewalk secured to assure safety for pedestrian traffic.

ADOPTED: September 27, 2005