

CITY OF OREGON
SIDEWALK CAFÉ' PERMIT APPLICATION

Name of Applicant (Business Owner) _____

Home address: _____

Home (cell) phone: (____) ____ - _____

Property Owner and Phone Number: _____ (____) ____ - _____

Business Address: _____

Business Phone: _____

Before this application can be approved, the following must also be submitted:

1. \$50.00 non-refundable application fee.
2. Proof of insurance naming City as additional insured.
3. A scaled drawing of dining area with dimensions.
4. Location and description of the tables & material requested to be in the right-of-way.

This application has been reviewed by:

_____ Date: _____

(Superintendent of Streets)

Approved by: _____ Date: _____

(Commissioner of Streets)

Denied by: _____ Date: _____

(Commissioner of Streets)

Reason for denial: _____

18.20 SIDEWALK CAFES

18.20.010 Definitions - Sidewalk Cafes

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18.20.040 Permit

18.20.010 Definitions - Sidewalk Cafes

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

ABUTTING PROPERTY OWNERS AND OCCUPANTS: Any owner or occupant of property which abuts the subject sidewalk cafe site excluding public right-of-way; and any other person who has requested in writing to be provided such notice.

ADJACENT SIDEWALK AREA: Means that portion of the public sidewalk between the curbline and the property line demarcated by extending the side building lines of the premises until they intersect the curb.

OPERATE A SIDEWALK CAFE: Serving food or beverage from a restaurant to patrons seated at tables located within the adjacent sidewalk area, covering such sidewalk, the service of such beverages, or providing seating for patrons in the adjacent sidewalk area.

(Code 1987, § 4-603; Ord. No. 1229, 8-28-2006)

18.20.020 Penalties

Any violation of this chapter shall be an infraction as defined by the city general fines section, and punishable by a fine as set forth. The chief of police or his designee is authorized to issue a citation to any person violating the provisions of this chapter. After two infractions, the sidewalk cafe permit shall be revoked for a period of at least one year.

(Code 1987, § 4-611; Ord. No. 1229, 8-28-2006)

18.20.030 Purpose

The purpose of this chapter is to permit and encourage sidewalk dining that is compatible with other uses of the public sidewalk. The city finds that sidewalk cafes encourage a pedestrian-oriented environment, help to create a visually attractive atmosphere and streetscape, and promote overall commerce.

(Code 1987, § 4-601; Ord. No. 1229, 8-28-2006)

18.20.040 Permit

- A. Required: Private commercial use of public sidewalks for the purpose of operating a sidewalk cafe in the city is prohibited unless a permit is obtained from the city clerk and approved by the city council.
- B. Application:
 1. Application for a permit to operate a sidewalk cafe shall be made at the city clerk's office. The request for permit shall minimally contain:

- a. A completed application;
- b. A scale diagram of the area for sidewalk cafe use, with dimensions shown;
- c. A certificate of insurance; and
- d. The location and description of the tables and materials requested to be in the right-of-way.

2. Other information shall be provided as required by the street commissioner to carry out the purpose of this section.

C. Fees: A non-refundable permit fee as established by the city shall be paid upon completion of permit. The permit and fee shall be reviewed annually by the city council.

D. Location Rules And Review Criteria: The street superintendent and street commissioner shall review the application for its compliance with the following criteria:

1. The operation of a sidewalk cafe is limited to structures which are sited within ten feet of a public sidewalk, and which are located in the downtown commercial district.
2. The operation of a sidewalk cafe shall be located such that there is at least five feet of clear and unobstructed passageway between the sidewalk cafe tables, chairs and barriers and street trees, bike racks, lamp posts, sign posts, and any other fixtures or obstructions. The street commissioner may require more than five feet if necessary to protect the public safety.
3. The sidewalk cafe may only be located in the adjacent sidewalk area to the applicant's business, but may extend in front of adjacent businesses with the written consent of both the property owner and the business owner, subject to review by the street commissioner.
4. The sidewalk cafe shall be located five feet from driveways and alleys, and ten feet from intersections. The street commissioner may modify these requirements where unusual circumstances exist.
5. The location of the sidewalk cafe shall be as approved by the street commissioner within the purpose of this section.

E. Liability And Insurance: Prior to the issuance of a permit, the permittee shall:

1. File with the city clerk a signed statement that the permittee shall defend, indemnify and hold harmless the city, its officers and employees, from any claims for damages to property or injury to persons which may occur in connection with an activity carried on under the terms of the permit.
2. Furnish and maintain such public liability, food products liability, and property damages insurance as will protect permittee and city from all claims for damage to property or bodily injury, including death, which may arise from operations under the permit or in connection therewith. Such insurance shall provide coverage of not less than the amount of municipal tort liability under the Illinois Tort Claims Act. Such insurance shall be without prejudice to coverage otherwise existing, and shall name as additional insured the city, its officers and employees, and shall further provide that the policy shall not terminate or be canceled prior to the expiration of the permit without 30 days' written notice to the city.

F. Forms And Conditions Of Permit: Requirements for all sidewalk cafes:

1. Each permit issued shall terminate December 31 of the year in which it is issued.
2. The permit issued shall be personal to the permittee only and is not transferable in any

manner.

3. The street commissioner may temporarily suspend the permit if the public interest requires use of the right-of-way for a public event, construction, repair, or any other purpose.
4. The permit is specifically limited to the area approved or as modified by the street commissioner, and will include a diagram indicating the area approved for the sidewalk cafe and the location of the tables and materials permitted to be in the right-of-way.
5. The operation of the sidewalk cafe shall be such that there is at least five feet from the outermost edge of the sidewalk cafe to the street curb, that also includes a minimum of five feet clear and unobstructed passageway between the sidewalk cafe tables, chairs and barriers and street trees, bike racks, lamp posts, sign posts, and any other fixtures or obstructions. The street commissioner may require increased clearance distances if necessary to protect the public safety. The street commissioner may also reduce these requirements where unusual circumstances exist and where public safety would not be jeopardized.
6. The sidewalk and all things placed there shall at all times be maintained in a clean and orderly condition. All the tables and materials shall be removed after business hours.
7. The operation of a sidewalk cafe requires that trash containers be provided on site.
8. All required building modifications or parking improvements shall be completed prior to the commencement of the operation of the sidewalk cafe.
9. No signs shall be attached to any furniture, umbrellas, awnings, or other structure related to the operation of the sidewalk cafe.
10. Employees of the establishment shall continuously supervise sidewalk cafes.
11. Sidewalk cafes shall meet all requirements of the county health department.
12. Tables, chairs, and other structures associated with the sidewalk cafe shall be kept free of litter and other debris at all times.
13. Sidewalk cafes and adjoining sidewalks shall remain clear of litter, food scraps, and soiled dishes at all times. Where establishments provide take-out or self-service, an adequate number of employees must be maintained to clear sidewalk cafes on a regular basis. Sidewalk and flooring areas must be cleaned daily, including adjacent sidewalk areas and gutters, if necessary, due to debris from cafe use.
14. The sidewalk cafe permit must be visibly displayed during business hours.
15. The city has the right to repeal or amend this title and thereby terminate or modify all sidewalk cafe operations. No permittee shall obtain any property right in the continued private commercial use of the public sidewalk.

G. Denials, Revocation, Or Suspension Of Permit:

1. The mayor, city council or chief of police, or their designee, may deny, revoke, or suspend the permit upon finding that any provision of this section or condition of approval will be or has been violated.
2. Upon denial, revocation, or suspension the street commissioner shall give notice of such action to the applicant or permittee in writing stating the action which has been taken and the reason therefore. The action shall be effective immediately, but the applicant or permittee may make written request, within ten calendar days after the notice is issued, for a hearing by the city council. Upon hearing the matter, the city council shall render a final decision concerning the permit within ten days thereafter.