

LICENSES, PERMITS AND BUSINESS REGULATIONS

requestor to appear before the Committee. The Municipal Services Committee shall hear any person for or against the granting of the permit and shall report its recommendation to the Common Council, which shall grant or deny the permit.
(Ord 51-05, §1, 5-24-05)

9-261. Restrictions on use of permit.

Street Occupancy Permits issued under this division shall not be valid on the following special event days: Flag Day Parade, License to Cruise, Oktoberfest, Christmas Parade and any day that planned/permitted special event would close the street in front of the sidewalk café for normal use or traffic.
(Ord 51-05, §1, 5-24-05)

9-262. Conduct of business generally.

(a) A permit holder under this division shall be subject to the following:

- (1) The parameters of the sidewalk café shall be limited to the area of the amenity strip located immediately in front of the establishment and shall not extend beyond the width of the establishment's property line.
- (2) No sidewalk café may obstruct the defined pedestrian right-of-way adjacent to the amenity strip, *nor have any items in excess of five (5) feet in height.*
- (3) A permit holder shall keep the parameters of the sidewalk café and the surrounding area in a clean and sanitary condition.
- (4) All food, beverages or other items shall only be served within the sidewalk café by employees of the permit holder and only to patrons who are seated at a table within the sidewalk café. This section shall not apply to establishments that solely offer over the counter service and are not licensed to sell alcoholic beverages.
- (5) During the sidewalk café's operating hours, patrons being served within the sidewalk café shall count towards the premise's established capacity.
- (6) A minimum width of twelve (12) feet between the back of curb and the building face must exist; with a minimum of eight (8) feet available for pedestrian traffic and four (4) feet available for tables and chairs.
- (7) The sidewalk café must be adjacent to the street with marked on-street parking stalls to provide a physical barrier between vehicular traffic and

the café.

(b) If a permit holder is going to serve alcoholic beverages within the parameters of the sidewalk café, the permit holder shall also be subject to the following:

- (1) The permit holder must hold a Class B license.
- (2) The description for the premise on the Class B license must include the parameters of the sidewalk café.
- (3) The permit holder must obtain a Special Use Permit.
- (4) The permit holder can begin serving alcoholic beverages in the sidewalk café at 4:00 p.m. Monday through Friday and 11:00 a.m. on Saturday and Sunday. All alcoholic beverages must be removed from the sidewalk café by 9:30 p.m.
- (5) A licensed operator working for the permit holder must serve the alcoholic beverages in the sidewalk café.
- (6) Customers are not allowed to carry alcoholic beverages outside the sidewalk café.

(c) The Chief of Police or designee may close a sidewalk café at any time the health, safety, welfare or good order of the City is threatened.
(Ord 51-05, §1, 5-24-05; Ord 115-06, §1, 9-26-06; Ord 138-09, §1, 8-11-09; Ord 53-14, §1, 7-8-14)

9-263. Revocation, suspension, non-renewal.

(a) *Causes.* A Street Occupancy Permit may be revoked, suspended or not renewed for a violation of any provision of this ordinance, or any other City ordinance or state statute which is substantially related to the permit activity.

(b) *Procedure.*

- (1) A complaint shall be made in writing by the Chief of Police or any other person to the Common Council.
- (2) A hearing shall be held before the Municipal Services Committee. The permit holder shall be notified in writing of the hearing date and time and of the charges alleged, not less than three (3) days and not more than ten (10) days prior to the hearing.
- (3) At the hearing, the Chief of Police or designee shall present evidence of the alleged