

**CITY OF ALBION
ORDINANCE #2020-02**

**AN ORDINANCE TO AMEND CHAPTER 22, ARTICLE IV, TO AMEND
SECTIONS 22-181 AND 22-183, OUTDOOR AND SIDEWALK CAFES**

Purpose and Finding:

As the City Council is aware, the Council has previously expressed an interest in the modifying the outdoor and sidewalk café ordinance to allow for expanded use. Presently the ordinance only allows for operation from April 1 through October 31 of each calendar year. The adoption of this ordinance expands the dates of permitted operation. Additionally, given the recent changes to the City's zoning ordinance, the zoning provisions of the ordinance are outdated and required revision. Approval is recommended

THE CITY OF ALBION ORDAINS:

Section 1. Chapter 22, Article IV of the Codified Ordinances of the City of Albion, is hereby amended, by amending Sections 22-181 and 22-183 as follows:

ARTICLE IV: OUTDOOR AND SIDEWALK CAFES

Section 22-181: Areas of Applicability

- A. The sidewalk café provisions of this chapter shall apply to the public sidewalk located in any part of the city zoned (CBD).
- B. The outdoor cafe provisions of this chapter shall apply to property within the city that is zoned (CBD) or (MU).

Section 22-183: Permit Procedures

- A. The planning department is authorized to issue a revocable seasonal sidewalk café permit to a property owner abutting the public sidewalk to operate a sidewalk café on public sidewalk provided that the standards set forth in this chapter have been complied with by the applicant.
- B. The planning department is authorized to issue a revocable seasonal outdoor café permit to a property owner with enough available private property to permit such operation under the standards set forth in this chapter.
- C. The seasonal permit shall allow the operation of an outdoor café or a sidewalk café from March 1 up to and including December 1 of any calendar year.

- D. An applicant shall remit, with its application, the fee for the permit as determined in the fee schedule as approved by resolution of the city council.
- E. An applicant for a sidewalk café permit shall provide evidence of general liability insurance in the amount of \$1,000,000.00 naming the city as an additional insured.
- F. An applicant shall submit a sketch plan that shall conform to section 22-184.
- G. A permit application shall be submitted on a form available from the planning department and shall state the following:
 - i. Name of the individual/business of the applicant;
 - ii. Individual/business address;
 - iii. Address of sidewalk occupancy;
 - iv. Property owner, if other than the applicant;
 - v. Dates of proposed occupancy;
 - vi. Hours of occupancy;
 - vii. Area of occupancy (square feet) for café;
 - viii. Proposed outdoor use of musical instruments, sound reproduction systems or other entertainment;
 - ix. Disclose whether alcoholic beverages will be served at the outdoor café; and, if so, provide proof of state liquor control commission authorization for such sales;
 - x. If the application is a new application or a renewal of previously approved permit;
 - xi. Written authorization from the owner of the property to submit the application shall be required where the applicant is not the owner of the affected property;
 - xii. If the public sidewalk in front of an adjacent property is to be used, written authorization from said adjacent owner;

- xiii. A copy of any certificate, license or permit issued by the county health department to sell food for human consumption.

Section 2. Severability. This ordinance and each article, section, subsection, paragraph, subparagraph, part, provision, sentence, word and portion thereof are hereby declared to be severable, and if they or any of them are declared to be invalid or unenforceable for any reason by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

This Ordinance shall take effect on April; 2, 2020 after publication.

First Reading:

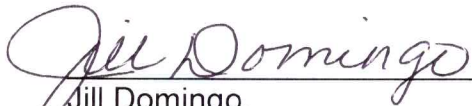
Second Reading & Adoption:

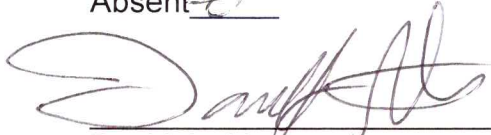
February 18, 2020

March 2, 2020

Ayes 6
Nays 0
Absent 1 (hawler)

Ayes 7
Nays 0
Absent 0


Jill Domingo,
Clerk


David Atchison,
Mayor.