

## ARTICLE IX. SIDEWALK CAFES.

### Sec. 32-230. Sidewalk café permits.

The Department of Planning and Protective Services may issue a permit to use a City sidewalk, pursuant to this section of the Code of the City of Jefferson, for a sidewalk café, subject to the following conditions:

- A. The permittee shall at all times comply with ordinances of the City of Jefferson, Missouri and laws of the State of Missouri, as well as applicable rules and regulations pertaining to the handling of food and the operation of a restaurant.
- B. A permit shall be granted to permittee only in conjunction with an existing restaurant in an area adjacent to such restaurant. A permit may be granted upon a determination that the operation of the sidewalk café does not prevent the reasonable use of the City sidewalks by the public and that it does not interfere with businesses in the area. The permittee shall limit the use of the sidewalk to those activities that have been approved.
- C. The permittee shall submit with the application a plan showing disposal procedures for litter, which include procedures for keeping the area clean, and which shall include sweeping the sidewalk every day the area is utilized by customers. The permittee shall make adequate provision for the disposal of litter and shall maintain the premises used for said sidewalk café free of litter. Litter generated by the sidewalk café operation shall be the responsibility of the permittee, and the permittee shall make reasonable provision to see that such litter does not become a nuisance and is properly picked up from the public ways in and around the sidewalk café. The City may require a bond or cash to guarantee that the area will be cleaned up. The permittee shall have a trash receptacle provided by the business for use by the customers eating outside or alternate plan approved by the city staff. In the event the permittee does not clean up the area, the City reserves its right to do the cleaning itself and to charge the permittee for the cost of the cleanup. This charge shall be a private debt against the permittee, and failure to pay shall constitute cause to revoke or not renew the permit. The City may also revoke the permit for failure to properly maintain and sweep the area identified on the permit including public trash cans.
- D. The permittee shall at all times maintain insurance in an amount not less than five hundred thousand dollars (\$500,000) to protect the City from any liability which might arise from the activities in the area, in an amount and form to be determined by the law department of the City of Jefferson, Missouri. Permittee shall submit copies of said insurance to the finance department for approval prior to licensee commencing the operation of the sidewalk café.
- E. Before any work is performed on the sidewalk or other City property, the applicant shall submit a written plan describing the work. No work shall be performed on City property until the Director of Planning and Protective Services has authorized the same and a permit is issued by the City to do the work. In no event shall the work exceed that which is described in the permit as approved by the City.
- F. The permittee shall remove all chairs and tables at the end of each working day, as well as all other appurtenances, unless permission is otherwise granted in the license.
- G. The permittee shall at all times maintain a four (4) foot throughway on the sidewalk for pedestrian access.
- H. The permittee shall agree to indemnify and hold harmless the City of Jefferson, Missouri with respect to any claims that might be made, arising out of the operation of the sidewalk café. The permittee shall accept the permit, subject to his own determination, concerning the authority of the City of Jefferson, Missouri to grant said permit, and all risk with respect to whether or not the City has said authority is upon permittee. The City makes no affirmative representations concerning its authority to grant said permit.

- I. In the event the permittee violates any of the conditions of this Article or conditions which are a part of the permit, the Director of Planning and Protective Services shall have the authority to suspend or revoke said permit or the license to operate a restaurant, pursuant to procedures set forth in this Article. Permittee shall thereafter terminate the use of that area described in the permit unless the City gives permittee an opportunity to correct said violation. This permit may be terminated by either party upon fifteen (15) days' notice. Any person who violates this section or the conditions of the permit shall also be subject to the penalties set forth in section 1-13 of the Code of the City of Jefferson.
- J. Permittee agrees to comply with all laws of the State of Missouri and ordinances of the City of Jefferson in the operation of the sidewalk café.
- K. The City shall cause a permit to be prepared, in accordance with the conditions set forth herein and conditions established by the Director of Planning and Protective Services, which permit and conditions shall be accepted by the permittee.
- L. The permit shall be issued annually on November 1st.
- M. The fee for such permit shall be set by the City Administrator in Appendix Y.

(Ord. No. 13301, 11-5-2001; Ord. No. 15148, §1, 8-19-2013)

**Sec. 32-231. Extension of Liquor License.**

Notwithstanding the other provisions of Chapter 4, Alcoholic Beverages, where a permittee holds a liquor license for an existing restaurant, the license shall be deemed to extend to the premises of the sidewalk café.

**Sec. 32-232. Consumption of Alcohol.**

Notwithstanding the provisions of section 4-17 of Chapter 4, Alcoholic Beverages, where a permittee holds a liquor license for an existing restaurant, the consumption of intoxicating liquor shall be deemed to be permitted on the premises of the sidewalk café provided, however, that such permission shall be deemed suspended during such times as the applicable sidewalk is within or within twenty feet of an active Temporary Outdoor Consumption Permit unless the license holder places a sign on each table located on said sidewalk which states that no alcohol may be removed from the sidewalk café premises, and the premises of the sidewalk café is cordoned off from the Temporary Outdoor Consumption permitted area. (Ord. No. 14837, § 2, 8-15-2011)  
(Ord. No. 12798, § 1, 8-17-98)