

**DRAFT Sidewalk Cafes ordinance mark-up. November 21, 2018.**

**Sec. 4-48. - Sidewalk cafes servicing alcohol.**

- (a) It shall be unlawful for any person to serve an alcoholic beverage on a public sidewalk without a license under this section.
- (b) All sidewalk cafes shall conform to the applicable provisions in Chapter 24 Streets, Sidewalks, and Public Places.
- (c) A place of business licensed to sell intoxicating malt liquors with an alcoholic content of more than three and two-tenths (3.2) per cent by weight and not more than five (5) percent by weight and light wine for consumption on the premises may be licensed to sell such products on the public sidewalk adjacent to the place of business. A place of business licensed to sell all kinds of intoxicating liquor at retail or by the drink for consumption on the premises may be licensed to sell such products on the public sidewalk adjacent to the place of business. The following restrictions shall apply to serving and consuming alcoholic beverages on the adjacent sidewalk:
- (1) Alcoholic beverages can only be served between 11:00 a.m. and 12:00 a.m.
  - (2) All alcoholic beverages served must be consumed by 1:00 a.m.
  - (3) Only alcoholic beverages served by the licensee may be consumed on the sidewalk.
  - (4) Alcoholic beverages may be served only to persons and consumed only by persons who are seated on a chair or bench provided by the licensee. This provision shall not apply to disabled persons in wheelchairs.
  - ~~(5) Alcoholic beverages may be served and consumed only in an area enclosed by a decorative barrier. The barrier shall consist of either bollards connected by chains or ornamental picket-style fencing. Bollards, including the base, must be made of black, powder coated steel. The chains must be made of black metal. Fencing, including the base, must be made of black, powder coated steel. Spacing between pickets must be no wider than four (4) inches. Barriers must be no less than thirty-six (36) inches nor more than forty-three (43) inches high and shall not be anchored in the sidewalk. A straight, unobstructed pathway at least sixty (60) inches wide must be maintained on the sidewalk along the entire length of the sidewalk used by the licensee. A licensee shall not keep barriers on the sidewalk during any time of the year when the licensee does not serve food or alcoholic beverages outdoors. [moved to chapter 24 with modifications]~~
  - (6) All alcoholic beverage sales must comply with the statutes and regulations of the state.
  - (7) These areas shall be nonsmoking.
- (d) An application for a license under this section shall be accompanied by a written plan demonstrating compliance with subsection (b)(5). The plan must show the location of the business, the adjacent sidewalk, any structure located on the sidewalk, the proposed barrier and the required straight, unobstructed pathway. The plan shall also contain a description of the barrier.
- (e) There shall be no fee charged for a license issued under this section.

(Ord. No. 18460, § 1, 3-21-05; [Ord. No. 22044, § 1, 4-21-14](#) )

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**Sec. 24-2. - Obstructing streets and sidewalks; sidewalk cafes**

Any person who shall deposit, place, paint, write, erect or maintain any structure, material, article, substance, decoration or thing on, in or above any street, curb, gutter, park, parkway, sidewalk or public place of the city, except as specifically authorized by the city council by resolution, or as otherwise provided for by ordinance or this Code, shall be deemed guilty of a misdemeanor; provided, however:

- (a) Sidewalk café license. That a person owning or operating a restaurant, coffee shop or other business may provide tables, chairs, plants or seating accommodations for its customers on the sidewalks adjacent to the business subject to the following conditions:
  - a. That the owner has provided an application on forms provided by the Department of Community Development that shall be accompanied by a diagram, accurate and drawn to scale, that delineates the space to be occupied by tables, chairs, and any barrier or delineator; and
  - b. That a temporary sidewalk cafe license has been issued to the owner after review by City staff and if applicable City Council, which license shall be valid for one year, and may be renewable for terms not to exceed one year;
  - c. that an ~~straight~~, unobstructed and Americans with Disabilities Act accessible pathway at least sixty (60) inches wide be maintained on the sidewalk along the entire length of the sidewalk used by the business, which pathway shall be plainly visible from one end to another; and
  - d. That any tables, chairs, posts, cordons, or other furniture be portable and not fastened or affixed to or over the public sidewalk unless the owner has obtained a right-of-use approval from the City Council; and
  - e. That no advertising material shall be included within the public sidewalk including the Sidewalk café; and
  - f. That alcoholic beverages may be served and consumed only in an area enclosed by a decorative barrier. **In the event the business serves alcoholic beverages, a barrier shall be placed which consists of either bollards connected by chains or ornamental picket-style fencing. Bollards, including the base, must be made of black, powder coated steel or similar material and neutral color. The chains must be made of black metal or similar material and neutral color. Fencing, including the base, must be made of black, powder coated steel or similar material and neutral color. Spacing between pickets must be no wider than four (4) inches. Barriers must be no less than thirty-six (36) inches nor more than forty-three (43) inches high and shall not be anchored in the sidewalk. A licensee shall not keep barriers on the sidewalk during any time of the year when the licensee does not serve food or alcoholic beverages outdoors; and**

- g. That all applicable fees have been paid.
- (b) Revocation. The City Manager shall be authorized to revoke a temporary sidewalk license for violations of the provisions herein or for violations of any other applicable local, state, or federal law.
- (c) That nothing in this section shall be construed to prevent any merchant or tradesman from placing any packages of merchandise, which the merchant or tradesman may be receiving or sending away, upon any sidewalk if the packages do not occupy more than one-fourth ( $\frac{1}{4}$ ) of the width of the sidewalk, or remain on the sidewalk for more than two (2) hours; and
- (d) That a building permit for the construction of a balcony extending over the public right-of-way in zoning district C-2 or M-DT shall be issued only if the city council has granted a right of use permit for the balcony and the proposed construction complies with section 29-4.2(d)(8) of this code and with the "encroachments into the public right-of-way" provisions of the Building Code of Columbia, Missouri, adopted in chapter 6 of this code.

(Code 1964, § 14.010; Ord. No. 18063, § 1, 4-19-04; Ord. No. 20284, § 2, 6-1-09; [Ord. No. 23117](#), § 6, 3-20-17)