

ORDINANCE NO. _____
Date Passed: April __, 2014

**AN ORDINANCE ALLOWING FOR
THE PERMITTING OF SIDEWALK CAFÉS**

WHEREAS, the City of Rochelle is a body politic and corporate, organized and existing pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1, et. seq.; and

WHEREAS, Section 11-80-13 grants the City the authority, among other things, to “regulate the use of sidewalks...and all vaults and structures thereon”; and

WHEREAS, the City Council finds it in the best interests of the City for owners and occupants of property within the B-1, Central Business, zoning district to operate sidewalk cafés after obtaining a permit from the City to do so and within the regulations set forth in the Rochelle Municipal Code;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCHELLE, OGLE COUNTY, ILLINOIS, as follows:

1. Chapter 82 of the Rochelle Municipal Code shall be amended to add the contents of **Exhibit A** in its entirety.

This ordinance shall become effective after its passage, approval and publication as provided by law.

PASSED AND APPROVED this ___ day of April, 2014.

Ayes: _____ Nays: _____ Abstain: _____

Mayor

Attested: _____
City Clerk

Exhibit A

ARTICLE XI - SIDEWALK CAFÉS

Sec. 82-400. SIDEWALK CAFÉS DEFINED.

A sidewalk café is an outdoor area located on the sidewalk portion of the public right-of-way and which is maintained and operated by an adjacent commercial establishment for the consumption of food and beverages.

Sec. 82-401. PERMIT REQUIRED.

(a) A sidewalk café may be permitted as a use in the B-1 Central Business District only upon the operator's receipt of a permit as set forth in this Article, and subject to the terms of this Article and the permit issued.

(b) All sidewalk cafés are subject to the regulations contained in other Chapters of this Code, including without limitation Chapter 110 (Zoning). Sidewalk cafés may be prohibited on the basis of regulations contained in other parts of this Code.

Sec. 82-402. PERMIT APPLICATION.

(a) An applicant for a permit under this Article must submit an application to the City of Rochelle Community Development Director, or his or her designee. All permit applications for the construction and use of a sidewalk café shall contain:

- (1) Name and address of the applicant;
- (2) Description, including a drawing to scale, of the space to be used as a sidewalk café;
- (3) Period of time the sidewalk café will operated, and the hours the sidewalk café will operate;
- (4) Description, including a photograph, of any tables, chairs and other equipment to be used within the sidewalk café; and
- (5) Description of any electrical or other services that the applicant seeks to use.

(b) All applications must be accompanied by proof of insurance for the area to be used as a sidewalk café, and proof of compliance with all building, health, and other code requirements, including all pertinent permits or licenses.

Sec. 82-403. REGULATIONS.

Sidewalk cafés, and all structures and equipment associated therewith, shall conform to the following requirements and restrictions, which are hereby incorporated into any permit issued under this Article:

(a) All structures and equipment shall be of a metal type material and maintained so as to enhance the aesthetic and overall appearance of the neighboring properties. All structures and equipment must benefit the public or enhance the ambiance of the surrounding area. All structures and equipment must be maintained in a high-quality state of repair. Sidewalk café operators must provide adequate garbage cans for disposal of trash generated by persons using the sidewalk café. The City reserves the right to deny any request for a sidewalk café permit if it determines that structures or equipment for use in a sidewalk café area are unacceptable

(b) Activities within the sidewalk café must not extend beyond the width of the face of the business it fronts. Activities within the sidewalk café must not extend more than half the width of the sidewalk, and must not encroach on the pedestrian way so as to create a pedestrian way width of less than four feet. Activities within the sidewalk café must not otherwise block or impede pedestrian traffic along the sidewalk, and must not impair ingress and egress to the business it fronts or adjacent businesses. A sidewalk café operator shall not in any manner obstruct or interfere with the orderly flow of pedestrian traffic. The City reserves the right to deny any request for a sidewalk café permit if it determines that there is insufficient sidewalk space to accommodate the request either due to actual width of the sidewalk, volume of pedestrian traffic in the area, or the condition of the sidewalk.

(c) A sidewalk café must be an extension of the existing business fronting the sidewalk space occupied by the sidewalk café. Sidewalk cafés must be manned by a minimum of one (1) person over the age of 18 at all times. The individual may also be employed within the establishment but must maintain vigilant supervision over the sidewalk café.

(d) At no time shall a sidewalk café operator use, or permit to be used, any device that makes noise to call attention to the sale of any goods, wares, merchandise, or service within the sidewalk café area; nor shall the operator use, or permit to be used, any device that emits music or other audible nuisances within the sidewalk café area.

(e) Sidewalk café operators must maintain the area within and in proximity to any sidewalk café, and any structure or equipment therein, in a neat, clean and hazard-free condition.

(i) Sidewalk café operators shall supply the City with a certificate of insurance, reasonably acceptable to the City, covering the activity of the operator. The certificate of insurance shall name the City as an additional insured and shall be primary coverage to any insurance carried by the City. Sidewalk café operators shall indemnify, defend, and hold harmless the City from and against any and all loss, cost, damages, or expenses to persons or property, including property of the City, arising out of or claimed to have arisen out of the use of the sidewalk café.

(j) Sidewalk café operators shall cooperate with any inspection of the sidewalk café area, and any goods or wares sold at said premises, at any reasonable hour by City, its authorized agents, officers, or employees.

(k) Sidewalk cafés and sidewalk café operators must comply with all applicable federal, state, and municipal laws, ordinances, and regulations, including without limitation applicable zoning regulations, fire regulations, health regulations, labor regulations, and Ogle County Health Department regulations.

(l) Sidewalk café operators must post and maintain any and all permits issued under this Article in a conspicuous place, visible from the sidewalk café.

(m) Sidewalk café operations shall be limited to the hours of 7:00 a.m. to 8:00 p.m. Sidewalk café permits issued under this Article shall be valid from April 1 through November 1 of the calendar year said permit is issued.

(n) Sidewalk cafés must be temporary in nature and capable of being disassembled and securely stored on the premises of the establishment operating the café within ten (10) minutes. Sidewalk café operators shall remove any structure and equipment, including without limitation any furniture, from the sidewalk café area at the close of business each day. No structure or equipment shall be permitted to remain on the public sidewalk overnight. A violation of this provision shall be a business violation.

Sec. 82-404. VIOLATIONS.

Whoever violates any provision of this Article for which no penalty is otherwise provided shall be subject to punishment as provided in Section 1-15 of the Rochelle Municipal Code. A separate offense shall be deemed committed on each day that a violation occurs or continues to occur. The permits granted in this Article shall be subject to the provisions of Chapter 22 regarding licensing regulations and discipline.