

ORDINANCE # 1, 2012

AN ORDINANCE AMENDING CHAPTER 241 ENTITLED "SIDEWALK CAFÉS" OF THE CITY OF ONEONTA BY ADDING A PROVISION FOR A "LOW IMPACT" PERMIT.

BE IT ORDAINED by the Common Council of the City of Oneonta as follows:

Section 1. That Chapter 241 entitled "Sidewalk Cafés" of the Code of the City of Oneonta is amended as follows:

§ 241.2 Definitions

- C. Regular Café permit: Written authorization issued by the City Clerk in consultation with the Code Enforcement Officer, pursuant to this chapter permitting the operation of a sidewalk café.
- D. Low impact Café permit: Written authorization issued by the City Clerk pursuant to this chapter permitting the operation of a sidewalk café having no more than one table and two chairs, per twelve linear feet of building frontage, excluding doorways and entrances, none of which extending more than five feet from its exterior wall which abuts the sidewalk.

§ 241.3 Permit required; restrictions

- A. No sidewalk café shall be allowed to operate in any outdoor area unless a permit has been obtained from the City Clerk.
- B. A request for a Regular Café Permit shall be made in writing to the City Clerk upon a blank form prepared and furnished by the city and shall include:
 - 1. The name, address and telephone number of the applicant.
 - 2. The name, address and telephone number of the restaurant to be the subject of the application.
 - 3. The dates, days and hours of operations of the proposed cafe.
 - 4. Whether alcoholic beverages are to be served. If alcoholic beverages are to be served, a certification from the New York State Liquor Authority shall be submitted with the application authorizing the use of an outdoor area for the consumption of alcoholic beverages. Only beer and wine may be served in these areas, unless the establishment is designated as a "restaurant", as such is defined by the State Liquor Authority.
 - 5. The number of tables and chairs desired for this area and a rendering of the portions of tables relative to entrances, exits and the sidewalk.
 - 6. A description of the facilities and equipment to be used, included whether live or mechanically produced music is to be played and the other devices needed for amplification of sound, when applicable.

7. A site plan, drawn to scale, showing proper clearance around ingress and egress to building and to fire safeguards; also proper amount of clearance on the sidewalk for pedestrian traffic.
8. Proof of insurance, in amounts required by the City Attorney.
9. An indication of all fixtures such as fencing, decking or planters to be used and an indication of whether or not they will be removed when the café is closed.
10. A survey map indicating property lines and that property which is owned by the applicant and that which is city-owned.
11. Any other information that the City Clerk and/or Code Enforcement Officer may find reasonably necessary for the fair determination as to whether a permit should be issued.

C. Completed applications shall be circulated by the Clerk's office to the Engineering Department, Oneonta Fire Department and Oneonta Police Department for comment.

D. A request for a Low Impact Café Permit shall be made in writing to the City Clerk upon a blank form prepared and furnished by the city and shall include:

1. The name, address and telephone number of the applicant.
2. The name, address and telephone number of the restaurant to be the subject of the application.
3. Proof of insurance, in amounts required by the City Attorney.
4. Any other information that the City Clerk and/or Code Enforcement Officer may find reasonably necessary for the fair determination as to whether a permit should be issued.

Section 2. This ordinance shall take effect immediately.