

CITY OF MOUNTAIN BROOK SIDEWALK CAFE ORDINANCE

Definitions.

For the purposes of this ordinance, the following words and phrases shall have the meanings respectively ascribed to them in this section:

1. **Sidewalk cafe.** The location and use of tables and chairs and other associated equipment and furnishings on the public sidewalk and operated as a revocable accessory use of a licensed restaurant in the Villages of Mountain Brook.
2. **Villages of Mountain Brook.** The area of the city identified in Section 19-24-6.1 of the Code.

Permit.

No person shall operate a sidewalk cafe without a revocable permit issued by the City Clerk in addition to a valid business license for a restaurant.

1. **Application.** Any person desiring to operate a sidewalk cafe shall submit to the Building Inspection Superintendent a permit application to include a nonrefundable administrative processing fee, to be set from time to time by the City Council, and the following information:
 - a) Name, business address and telephone number of the restaurant.
 - b) Name, address and telephone number of the owner of the restaurant.
 - c) Name, address and telephone number of the applicant.
 - d) Number of tables and chairs to be permitted.
 - e) Design and scaled site layout of chairs, tables and accessories.
 - f) Operations plan of services, sanitation, monitoring schedule and responsibilities.
 - g) Any other information the Building Inspection Superintendent deems appropriate to fully describe the planned operation.
2. **Initial Staff Review.** The Building Inspection Superintendent shall review all permit applications for compliance with this and other ordinances of the city, and shall forward all complete applications to the Villages Design Review Committee for placement on the next agenda.
3. **Design Review.** The Villages Design Review Committee shall, in public meeting, review all permit applications as to compliance with the provisions of this ordinance and for compatibility with its Design Guidelines and the theme and overall character to be achieved in the area. Because activities on the public sidewalks have an impact on the vitality and character of the Villages, the Committee shall assure, through the review process, that the proposed sidewalk cafe is appropriate for, and not incompatible with, the host and adjacent premises. The Committee shall record its approval or denial on the face of the application and shall forward it to the City Council for placement on the next agenda.
4. **City Council Review.** The City Council shall review all permit applications as to compliance with the provisions of this ordinance and in light of the findings of the Villages Design Review Committee. The City Clerk shall not issue a revocable sidewalk cafe permit without approval of the application by the City Council, and execution by the owner of the restaurant and the property of a hold harmless and release agreement satisfactory to the City of Mountain Brook.
5. **Revocation of Permits.** All permits issued for sidewalk cafes shall be subject to revocation in whole or in part by the Building Inspection Superintendent:

- a) Whenever he shall consider it necessary or advisable that the sidewalk area covered by the permits, or any portion thereof, be vacated in order that the same may be used for a public purpose, or because of the need for construction or maintenance on or below such sidewalk.
- b) Whenever he finds a permittee has failed or neglected to comply with any of the specific conditions permitted, including number of tables and chairs and accessories and their location, or any of the conditions outlined in the operations plan of services, sanitation, monitoring schedule and responsibilities.
- c) Whenever he finds there to be a danger to the public health, safety, or welfare as a result of continuation of the permitted activity.

Regulations.

A sidewalk cafe permitted and operating shall comply with the following regulations:

1. **Limitation on Area.** The area in which a sidewalk cafe is operated shall be adjacent to the restaurant of which it is a revocable accessory use, and its tables and chairs and other associated equipment and furnishings shall not extend parallel in either direction beyond the outside front wall of the restaurant. The area permitted for a sidewalk cafe and its tables and chairs and other associated equipment and furnishings may extend a distance from the outside wall of the restaurant only to a point where a minimum width of five (5) feet shall be provided at all times for continuous unobstructed pedestrian traffic on the sidewalk between the sidewalk cafe area and the curb or the nearest obstacle.
2. **Tables, Chairs and Other Associated Equipment and Furnishings.** All tables, chairs and other associated equipment and furnishings shall be specifically designed and constructed for purposes of outdoor use, shall be fully portable, and capable of being removed from the sidewalk on short notice should same be required in the event of a public emergency as determined by the Mountain Brook Police Department or Fire Department.
3. **Fire exit.** No area permitted for a sidewalk cafe may block or obstruct any fire exit.
4. **Sanitation.** It shall be the responsibility and duty of the restaurant to which the sidewalk cafe permit is issued to maintain such area and all equipment and furnishings in such conditions so as to be clean, sanitary and safe at all times.