

CITY OF PEORIA SIDEWALK CAFÉ PROGRAM

APPLICATION AND INFORMATION
PACKAGE



Public Works Department
3505 N. Dries Lane
Peoria, IL 61604
309-494-8800

CITY OF PEORIA SIDEWALK CAFÉ PROGRAM

APPLICATION AND INFORMATION PACKAGE

INTRODUCTION

This guide is the City of Peoria Sidewalk Café Application and Information Package for the 2014 sidewalk café season. The annual season begins on March 1st and ends on December 1st each year. Sidewalk Café Permits must be applied for, and issued, every year. Application shall include a site plan showing the full sidewalk building to curb, tables and chairs, fencing plan, any existing objects within the walk, IE, light poles, street signs, planters etc.

Completed applications may be submitted via mail, or in person, to the Public Works Department at 3505 N. Dries Lane, Peoria, IL 61604.

Businesses with a valid Food License may apply for a Sidewalk Cafe Permit to serve food outside their restaurant on city sidewalks adjacent to their property. Applicants intending to serve liquor at a Sidewalk Cafe must have a valid Liquor License pursuant to Chapter 3 of the Municipal Code of the City of Peoria. For an application see Subclass 3A under <http://www.peoriagov.org/city-clerk/liquor-license-forms/>.

For more detailed information related to our Sidewalk Cafe Program or other Public Way Use Permits, please call 309-494-8800 or go to our website at <http://www.peoriagov.org/public-works/public-works-permits/>.

Any questions regarding accessibility compliance please call the Equal Employment Opportunity Office 309-494-8528 or go to their website <http://www.peoriagov.org/?s=equal+opportunity>

The entire Sidewalk Cafe Permit application process may take 30 days. There is no fee for a Sidewalk Cafe Permit, however it must be applied for every year.

Thank you for applying for a City of Peoria Sidewalk Café Permit, and have a nice season!

Peoria Public Works Department



APPLICATION CHECKLIST

Application

Please ensure that all pages of the enclosed application are accurately completed. Special attention should be made with the following:

- Page 6, Sidewalk Café Application,
- Page 7, Application Worksheet, must have all four sections filled-in.
- Page 8, Acceptance of Sidewalk Café Permit terms, must be signed.

For additional information, please read the Municipal Code of Peoria Chapter 26, Sections 286-303, and the Rules and Regulations in this Sidewalk Café Application Information Package

Business License Certificate(s)

Please provide copies of your City of Peoria business license certificate(s). If you do not have a valid business license, please apply for the appropriate license(s) either online at our website, or in person at City Hall.

Photograph(s)

Please provide photograph(s) on 8 ½" X 11" paper(s) which are clear and depict the proposed site of the Sidewalk Café and its relationship to the surrounding public way.

Plan(s)

Plan(s) shall be submitted on 8 ½" X 11" paper(s), and clearly illustrate:

1. The business name and address as they appear on your retail food establishment license.
2. The exact length(s) and width(s) of the proposed Sidewalk Café, and they must match the dimensions on the application.
3. Compliance with the Landscaping requirements.
 - At least 50% of the boundary must be covered with live plants
 - No portion of the plants shall extend outside the permitted Sidewalk Café area (they shall be included within the limits of the permitted area).
4. Compliance with the Boundary requirements.
 - The boundary shall fully enclose the permitted area from the remainder of the public way, with the exception of the entrance.
 - Sidewalk café boundaries must be constructed so that they are free of objects that protrude more than 4 inches from the outer edge of the fence or barricade between 27 and 80 inches above the ground unless a corresponding barrier is positioned under the protruding object 27 inches above the ground or lower to provide for detection by canes used by people who are blind or have visual impairments. Examples of potential non-compliant protruding objects are hanging lanterns, large planters or flower boxes, signs or other objects mounted on or alongside the café fences or barricades.
 - Sidewalk café boundaries must be constructed to provide cane detection for pedestrians who are blind or have visual impairments. A continuous uninterrupted fence or barricade meets this requirement if it has a continuous, firm barrier located 27 inches above ground or lower. If the fence or barricade is not continuous or if the barricade consists of posts or other objects connected by hanging ropes, chains or nylon strips, a detectable barrier must run continuously along the pedestrian side of the barricade or fence at a height of 27 inches or less.
 - Bolting the boundary to the sidewalk is not permitted.
 - Non permissible enclosure of City property, within the boundaries of the Sidewalk Café, shall include, but not be limited to, parking meters, fire hydrants, newspaper stands and boxes. These types of items can be identified as items which must be accessible to the public or to the City for emergency services.
 - Protective coverings must be freestanding, not bolted or affixed to barrier and/or sidewalk with all sides open and are required to stay within the boundary limits of your plan.

5. Compliance with the Clearance requirements.

- Sidewalk café fences or barricades must be positioned so that at least 5 feet separates the outer edge of the barrier from City property such as street signs, planters, newspaper dispensers, fire hydrants, bus shelters or other obstacles or where no obstacles are present, the edge of the sidewalk (not including the curb) unless otherwise approved by the Public Works Department.
- No portion of the Sidewalk Café can include neighboring business, residences, or empty lots.
- A minimum clearance of one (1) foot from the Sidewalk Café to the edge of the curb.
- A minimum of 4 feet (5' recommended) public way must be left unobstructed for pedestrian passage. Passage must be clear and in a straight path, not winding around café.

6. The proposed seating capacity for the Sidewalk Café

- The number of chairs depicted in the Plan shall match the proposed seating capacity on the application.
- Where tables are provided at sidewalk cafes, seating for people with disabilities must be provided.
- Sidewalk cross slope should meet ADA requirements of maximum 2% slope in any direction.
- At least 5% but not less than one of the tables in the sidewalk café seating area must be accessible to people with disabilities, including those who use wheelchairs. Accessible tables must be dispersed throughout the café seating area.
- Under no circumstances should seating in sidewalk cafés consist only of “high” or “bar stool” height tables and chairs. Where high tables and chairs are used, accessible tables outfitted with chairs of corresponding height must be provided as well.

7. The Sidewalk Café entrance location

- It is at least 36 inches wide at all points (maximum of five (5) feet), except doorways (measured when patrons are seated). A minimum of one (1) entrance (maximum of two (2)) per sidewalk café section.

8. The access to adjacent and neighboring building entrance(s) must be maintained.

- Sample plans may be found in pages 8-10 of this Sidewalk Café Application Information Package.
- You will receive a copy of the approved plan with your Sidewalk Café permit after all the requirements have been met. The permit and the approved plan shall be conspicuously displayed on the exterior wall or window of the main entrance of the establishment during all hours of operation.
- Plan(s) that do not meet the requirements will be returned to the applicant for corrections, thus delaying the processing of your application.

Insurance Requirements

Please include your proof of insurance with this application. The requirements are below:

- The applicant shall file with the city, along with the application, proof of general liability insurance in the amount of \$300,000.00 per person, \$500,000.00 per occurrence and \$15,000.00 in property damage, naming the city as coinsured.
2. The Certificate of Insurance “Description” section must clearly indicate the following:
 - City of Peoria, its agents and employees are listed as additional insured in regards to the sidewalk café.”
 - Your specific public way use must be listed or it will not be accepted.
 - Having the City of Peoria only in the “Certificate Holder” section of the Certificate of Insurance does not mean that the City is listed as additional insured. Therefore, please ensure that the statement above is listed on your Certificate of Insurance “Description” section.
 3. The issuing insurer shall provide for 10 days prior written notice to the City of Peoria if coverage is substantially changed, cancelled or not renewed.
 4. The Certificate of Insurance “Certificate Holder” section must include the following:
City of Peoria - Public Works Department
3505 N. Dries Lane, Peoria, IL 61604

SIDEWALK CAFÉ APPLICATION

APPLICATION INFORMATION

LEGAL NAME OF ENTITY: _____

BUSINES NAME: _____

PERMIT MAILING ADDRESS: _____

CITY: _____

STATE: _____

ZIP CODE: _____

CONTACT PERSON: _____

TITLE: _____

PHONE: _____

MOBILE: _____

E-MAIL: _____

Note: Please review the above section to ensure the accuracy of your contact information. Any omissions/inaccuracies will delay the processing of your application.

Failure to submit all the requirements will delay processing your application. No faxes will be accepted. Please return this application and all the associated documents by mail or in person to:

City of Peoria
Public Works Department
3505 N. Dries Lane
Peoria, IL 61604

APPLICATION WORKSHEET

Please enclose a plan of the proposed Sidewalk Café and its relationship to the surrounding public way even if it has been submitted during prior years. Please show the associated dimensions, clearance measurements, boundaries and landscaping, street location, seating capacity, accessibility to patrons with disabilities and its relationship to the surrounding public way. Also include photograph(s) of proposed Sidewalk Café's location.

In addition, please fill in below the proposed Sidewalk Café's (1) business license information, (2) street location, dimensions, (3) seating capacity, and (4) days and hours of operation.

1. Business License Information

Account# _____

Current Retail Food License# _____

Business Location Address: _____

2. Proposed Sidewalk Café Location and Dimension Information

Note: The street name(s) and proposed length(s) and width(s) must match the proposed plan.

STREET NAME	LENGTH	WIDTH

3. Proposed Sidewalk Café's Seating Capacity

Note: The proposed seating capacity must match the proposed plan.

Proposed Seating Capacity: _____

4. Days and Hours of Operation

Note: Sidewalk Café's cannot operate earlier than 6:00 AM nor later than midnight.

DAY OF THE WEEK	PROPOSED HOURS OF OPERATION
Monday	
Tuesday	
Wednesday	
Thursday	
Friday	
Saturday	
Sunday	

ACCEPTANCE OF SIDEWALK CAFÉ PERMIT TERMS

I hereby understand and accept the terms and conditions relative to the issuance of the Sidewalk Café permit, and by signing below, I acknowledge that I must adhere to the City of Peoria Municipal Code Chapter 26, Sections 286-303, as well as all the additional requirements promulgated herein:

I understand it shall be my duty as the permit holder, and as a condition of the permit, to:

1. comply with all the requirements defined within Peoria's Municipal Code, as well as the requirements promulgated herein;
2. upon submission of the Sidewalk café Application, furnish the Certificate of Insurance;
3. resolve all Account Holds since failure to do so will prevent the issuance of this permit application;
4. install or maintain the Sidewalk Café after the issuance of the permit by the City of Peoria;
5. install and/or maintain the Sidewalk Café in a manner that complies with all applicable accessibility requirements under local, state or Federal law.

I understand that failure to adhere to all conditions imposed in the permit may result in revocation of the permit.

SIGNITURE:

PRINT NAME:

ACCOUNT#:

LEGAL NAME OF ENTITY:

BUSINESS NAME:

BUSINESS LOCATION ADDRESS:

CITY: Peoria

STATE: Illinois

ZIP CODE:

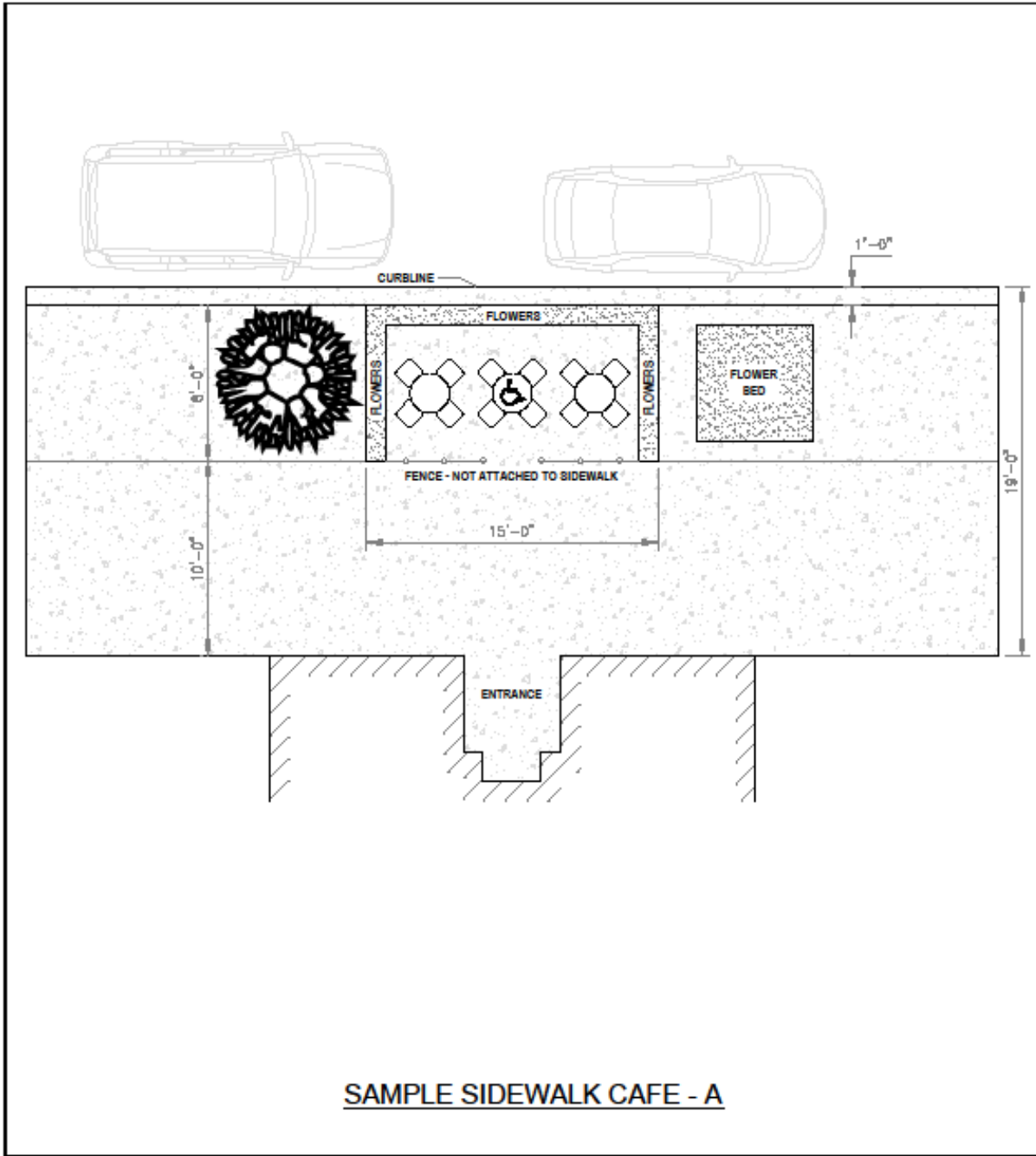
BUSINESS PHONE:

CELL PHONE:

E-MAIL:

PERMIT TYPE: Sidewalk Café

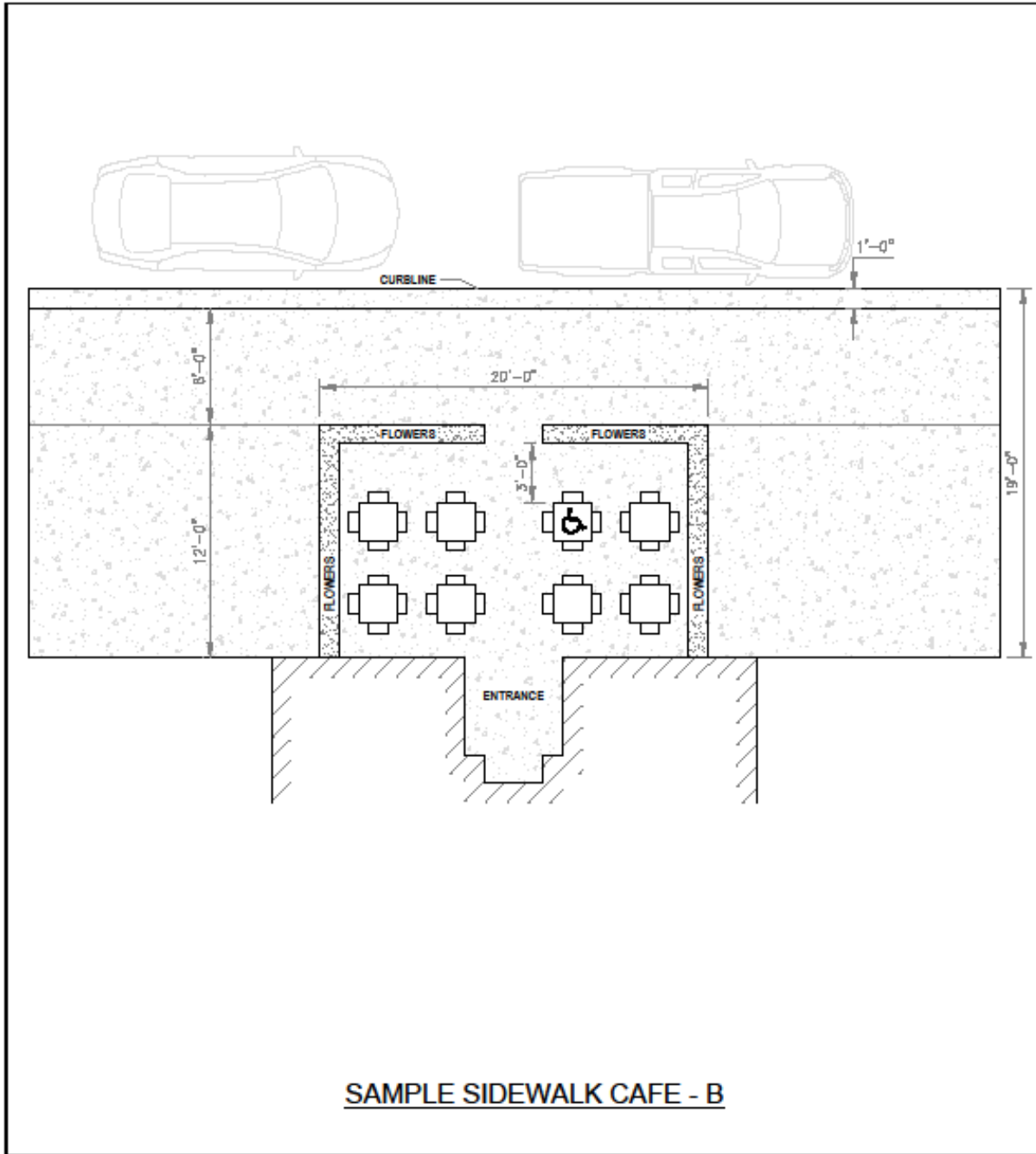
SAMPLE SIDEWALK CAFÉ SITE PLAN – A



SAMPLE SIDEWALK CAFE - A

	PREPARATION DATE: 3-25-2014	PROJECT TITLE:			CAD FILE: Sidewalk Cafe plans.DWG
	REVISIONS:	DRAWING TITLE:			EXTERNAL REF. FILED:
	DRAWN: BRW CHECKED: NAS APPROVED: NAS SURVEY: N/A NOTEBOOK: N/A CITY PROJECT NO.: N/A		PUBLIC WORKS DEPARTMENT Traffic Engineering 3005 N. Olive Ln. Peoria, IL 61604 PH 309-694-0801 FAX 309-694-0855 www.peoria.gov	SHEET 1 of 1 sheet(s)	

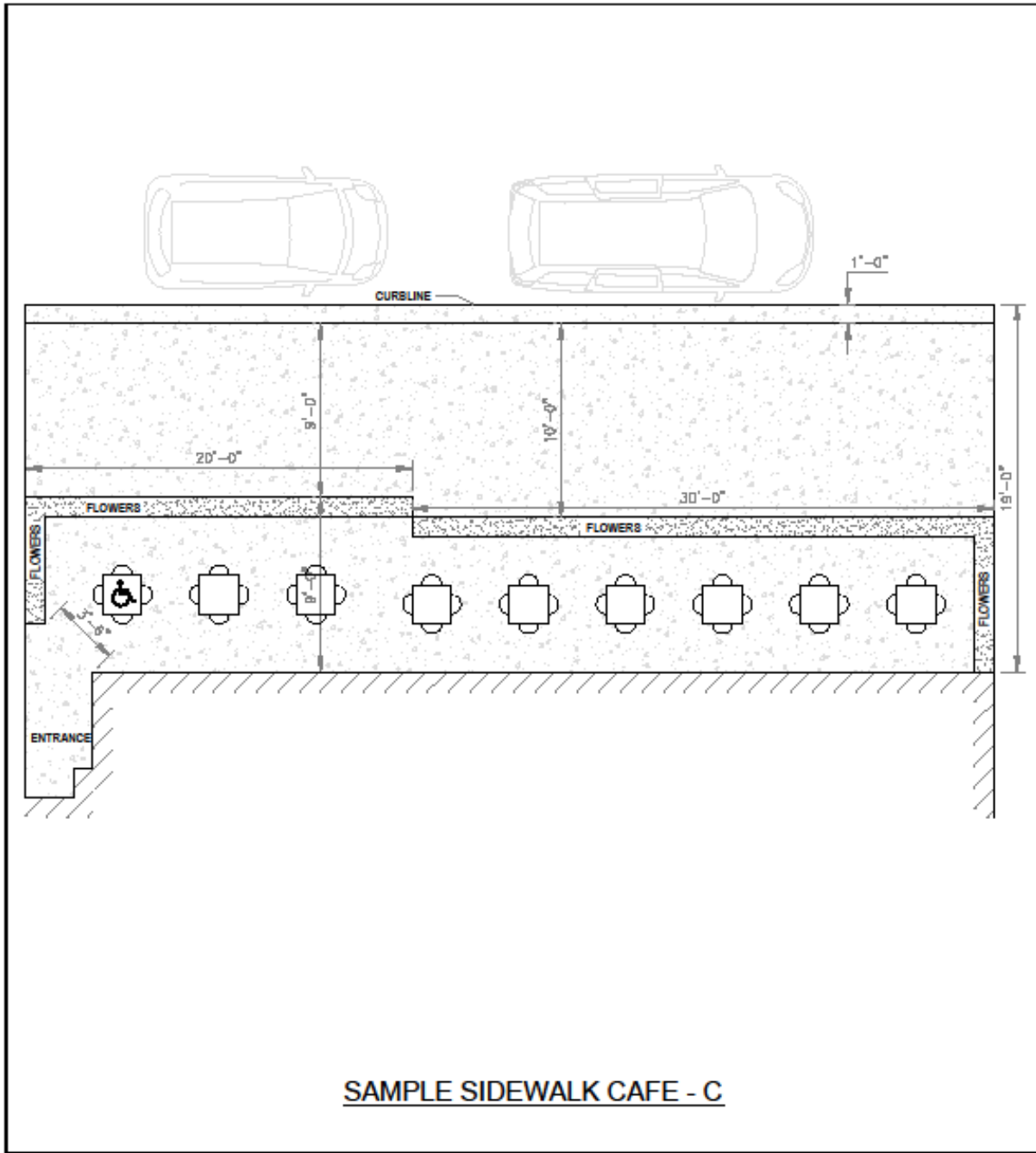
SAMPLE SIDEWALK CAFÉ SITE PLAN – B



SAMPLE SIDEWALK CAFE - B

	PREPARATION DATE: 3-25-2014	PROJECT TITLE:		CAD FILE: Sidewalk Cafe plans.DWG
	REVISIONS:	DRAWING TITLE:		EXTERNAL REF. FILED:
	DRAWN: BRW CHECKED: NAG APPROVED: NAG SURVEY: N/A NOTEBOOK: N/A CITY PROJECT NO.: N/A		 PUBLIC WORKS DEPARTMENT Traffic Engineering 3005 N. Olive Ln. Peoria, IL 61604 PH 309-694-0001 FAX 309-694-8835 www.peoria.gov	SHEET 1 of 1 sheet(s)

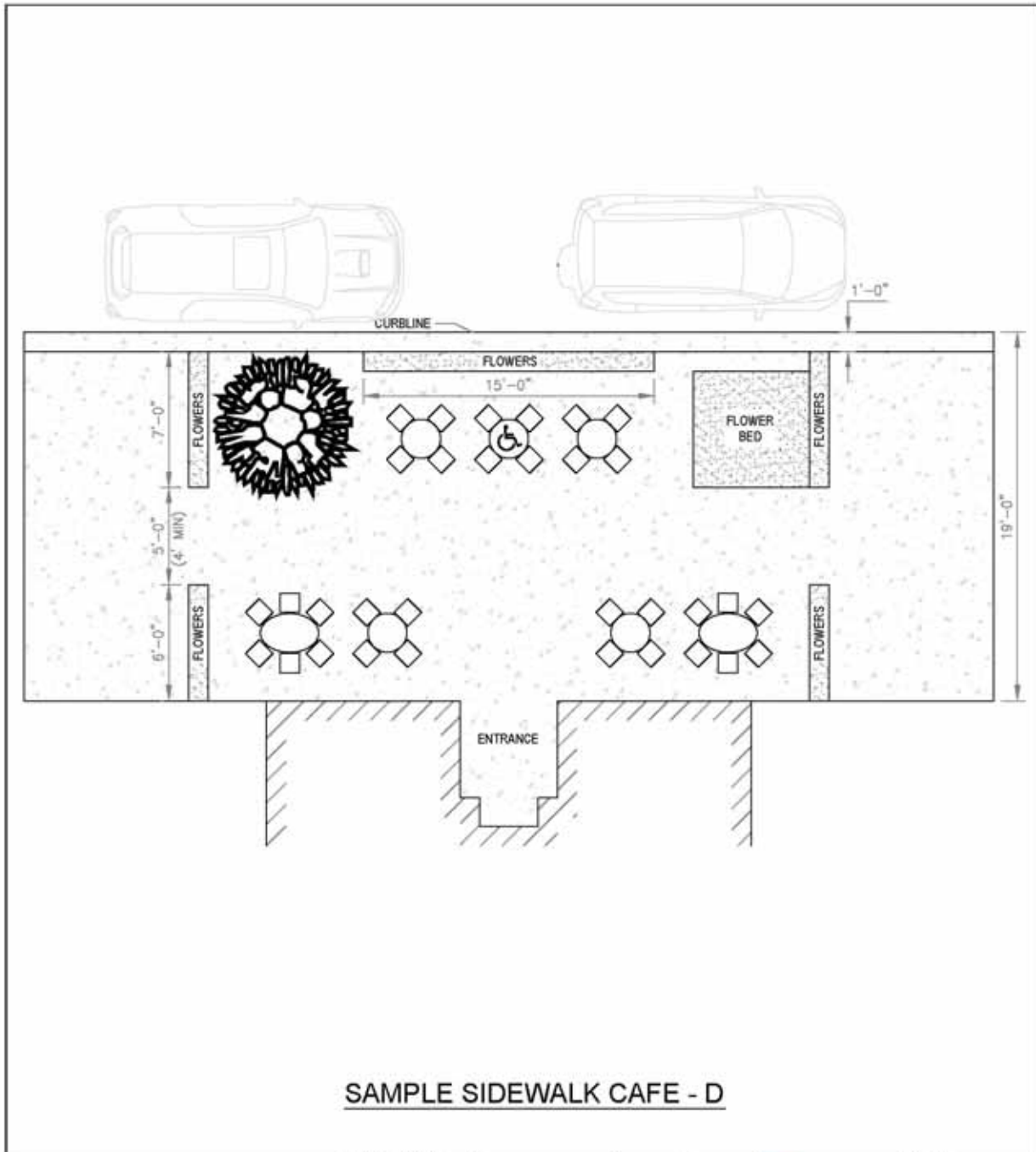
SAMPLE SIDEWALK CAFÉ SITE PLAN – C



SAMPLE SIDEWALK CAFE - C

<p>PREPARATION DATE: 3-25-2014</p> <p>REVISIONS:</p>	<p>PROJECT TITLE: DRAWING TITLE:</p>		<p>CITY OF PEORIA</p> <p>PUBLIC WORKS DEPARTMENT Traffic Engineering 3505 N. Drive Ln. Peoria, IL 61604 PH 308-694-6801 FAX 308-694-6055 www.peoria.gov</p>	<p>CAD FILE: Sidewalk Cafe plans.DWG</p> <p>EXTERNAL REF. FILE:</p>
<p>DRAWN: BRW CHECKED: NAG APPROVED: NAG SURVEY: N/A NOTEBOOK: N/A CITY PROJECT NO.: N/A</p>				<p>SHEET</p> <p>1</p> <p>of 1 sheet(s)</p>

SAMPLE SIDEWALK CAFÉ SITE PLAN – D



SAMPLE SIDEWALK CAFE - D

PREPARATION DATE 4-11-2014 REVISIONS	PROJECT TITLE DRAWING TITLE		 CITY OF PEORIA PUBLIC WORKS DEPARTMENT Traffic Engineering 3025 N. Dixie Ln. Peoria, IL 61604 PH 309-694-8901 FAX 309-694-8955 www.peoriago.org	CAD FILE: Sidewalk Cafe plans.DWG EXTERNAL REF FILES:
				DRAWN: BRW CHECKED: NAB APPROVED: NAB SURVEY: N/A NOTEBOOK: N/A CITY PROJECT NO.: N/A

Peoria City Code Chapter 26, Sections 286-303

Sec. 26-286. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Application shall mean that form generally described in subsection 26-288 which must be completed prior to the issuance of a permit hereunder.

Director shall mean the Director of Public Works.

Newsstand means any structure erected on the public right-of-way for the sale of newspapers, magazines or other periodicals. The term shall not include self-service or coin-operated dispensers occupying an area of less than eight square feet of the right-of-way.

Owner shall include any owner of fee simple title, part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety of the whole of the land contiguous to the right-of-way on which a sidewalk café is to be operated under the authority of this section.

Permit shall mean the written authorization from the City granted pursuant to the provisions of this section.

Person shall mean an individual, a group of individuals, an association, a club, a society, a firm, a partnership or a corporation.

Sidewalk restaurant means any restaurant facility where foods, frozen desserts, or beverages are sold for immediate consumption both within a building and upon any adjacent public sidewalk, right-of-way and/or plaza immediately abutting such building by the same establishment, but excluding any use licensed pursuant to article XII of chapter 18 of this Code.

Vestibule means any structure erected on the public right-of-way to serve as a passage, hall, or room to the entrance of a building.

Sec. 26-287. - Permit—Required.

It shall be unlawful for any person to erect, place, maintain or operate on any public right-of-way any newsstand, vestibule, sidewalk restaurant, or other use without having first obtained an annual permit from the City specifying the exact location of such use.

Sec. 26-288. - Same—Application.

An application for a permit required by this division shall be made in writing to the public works department, which shall set forth the following:

- (1) The name of the individual, partnership, corporation or association applying for the license.
- (2) The residence and phone number of the applicant or partners or, if a corporation or association, the residence and phone numbers of the principal officers.
- (3) The location for which the license is requested.

- (4) Scale drawings, on 8.5" x 11" sheet, of the proposed use with sufficient details and clarity to show dimensions, elevations, materials and mode of construction. For a proposed sidewalk café a site plan must be submitted, complying with applicable regulations, and demonstrating that the sidewalk café shall not unreasonably interfere with: (1) adequate pedestrian flow, (2) access to building entrances; (3) pedestrian and traffic safety; and (4) the aesthetic quality of the surrounding area.
- (5) Proof that the applicant holds a valid retail food establishment license issued to the establishment that will provide food for the sidewalk café, or that the applicant is the owner or manager of an indoor retail market. The owner or manager of the indoor retail market is not required to obtain a retail food establishment license.
- (6) A proof of insurance as required by this article.

Sec. 26-289. - Same—Fees.

If approved by the City Manager, the permit holder shall pay no for the calendar year of its issuance, as per Section 26-298(a)

Sec. 26-290. - Same—Bonding and insurance.

- (a) The applicant shall file with the city, along with the application, a bond issued by an insurance company authorized to do business in this state in the penal sum of \$1,000.00 with the city named as obligee, conditioned for the faithful performance of the provisions of this division.
- (b) The applicant shall file with the city, along with the application, proof of general liability insurance in the amount of \$300,000.00 per person, \$500,000.00 per occurrence and \$15,000.00 in property damage, naming the city as coinsured.

Sec. 26-291. - Same—Review and Processing.

- (a) Upon receipt of an application for a permit, the director of public works shall cause a copy of the application to be sent to various departments of the city, which shall report back to the director within 15 days whether the application meets the requirements for issuance of a permit as required by this division, and as to what conditions should be imposed upon the applicants if the permit is granted.
- (b) If after receiving the reports required in section 26-291 (a), and the if the Director finds that the applicant meets the requirements of this article and the regulations promulgated hereunder, the Director shall recommend to the City Manager whether or not to grant the permit, and on what conditions the permit should be granted. Such approval shall not be unreasonably withheld. Upon approval of the application, the Director shall issue the sidewalk café permit to the applicant.
- (c) If the Director finds that the applicant fails to meet the requirements of this article or the regulations promulgated hereunder, the Director shall deny the application. The Director shall notify the unsuccessful applicant in writing of the denial and the reasons therefore within ten business days after the denial.

Sec. 26-292. - Same—Hearings on issuance.

Any person aggrieved by any action of the Department, in the denial or revocation of a Sidewalk Café Permit, shall have the right to appeal to the Traffic Commission. The appeal shall be taken by filing with the Department within 30 days of the notice of the action, a written statement setting forth the grounds for appeal. The Department shall place the appeal on the agenda of the next regularly scheduled meeting of the Peoria Traffic Commission, which shall conduct a hearing and affirm, modify or reverse the action of the appeal. All such hearings shall be open to the public.

Sec. 26-293. - Same—Issuance.

- (a) The City Manager may approve a permit under this division if he finds that:
 - (1) The use is to be located on a paved, city-owned sidewalk in the City of Peoria.
 - (2) The location requested for a newsstand is not on the same block face as an existing similar use.
 - (3) The location requested is not adjacent to or within a designated bus stop. Sight distance at intersections is maintained.
 - (4) The use shall be constructed and installed in conformity with chapter 5 of this Code.
 - (5) The use, where located, shall not reduce the paved pedestrianway to less than four feet.
 - (6) The use as proposed meets the planning goals of the city and is aesthetically compatible with existing goals and uses.
 - (7) Neither the applicant, its shareholders, officers or directors have had a permit revoked for cause by the city.
- (b) Prior to granting a permit, the City Manager may modify any existing requirements or may impose any additional conditions or limitations on the granting of the permit as may in its judgment be necessary for the protection of the public interest and to secure compliance with the requirements of this division. The City Manager may require such evidence and guarantees as it deems necessary, as proof that the conditions stipulated in connection therewith are being and will be fulfilled.
- (c) No permit for a newsstand shall be issued or renewed unless the applicant shall first present to the director of planning and growth management proof that the applicant has arranged for at least one off-street parking space for every two employees or persons working at the stand within 500 feet of the proposed location, and has paid the fee as required by section 26-289(b).

Sec. 26-294. - Same—Suspension and revocation.

- (a) Any permit issued under this division may be suspended for a period not to exceed 30 days or revoked by the city manager if the city manager shall find after a hearing that:
 - (1) The permit holder has violated any of the provisions of this article, the laws of the state, or the ordinances of the city while engaged in the business of operating the newsstand; or

- (2) The permit holder has knowingly furnished false or misleading information or withheld relevant information on any application for a permit required by section 26-288 or 26-296 or any investigation into any such application.

(b) The permit holder shall be responsible for the acts of his agents, servants and employees in the operation of any stand. Prior to holding a hearing concerning the question of whether a permit issued pursuant to this division shall be revoked or suspended, the city manager shall give at least ten days' written notice to the permit holder setting forth the alleged violations specifically. The permit holder may present evidence at such hearing and cross-examine witnesses.

Sec. 26-295. - Same—Transfer.

No permit issued pursuant to this division shall be transferred, sold, or assigned to any other person without the prior written permission of the city manager. No transference, sale, or assignment shall be approved unless the proposed owner meets the requirements of sections 26-290 and 26-293(a)(7). A nonrefundable fee of \$100.00 must accompany the request for transfer.

Sec. 26-296. - Renewal.

Once granted, a permit issued under this division may be renewed by the city manager or his designate upon written application of the permit holder setting forth the information required in section 26-288 and filing of bond and proof of insurance as required by subsections 26-290, if the city manager or his designate shall find that the permit holders have complied with all provisions of this division, plus any modifications or conditions imposed upon the permit holder pursuant to subsection 26-293(b) for the original application. Any person as set forth in subsection 26-293(c) who could have filed a written protest to an original application may likewise file a written protest against the renewal of a permit, thereby requiring such renewal to be reviewed and approved by a favorable vote of two-thirds of all councilmembers for permit renewal.

Sec. 26-297. - Regulations.

(a) No advertising signs shall be permitted on the exterior of any newsstand or vestibule except one sign identifying the establishment.

(b) All publications of a newsstand shall be displayed in compliance with state law relating to material harmful to minors.

(c) No permit holder or any officer, associate, member, representative, agent or employee of such permit holder shall engage in any activity or conduct, or permit any other person to engage in any activity or conduct in or about the licensed premises which is prohibited by any ordinance of the city or law of the state or the United States.

(d) No newsstand shall sell any items other than newspapers, magazines and other periodicals.

(e) No permit holder shall be granted an adult use license pursuant to articles III and IV of chapter 18 for the location granted by the city council.

(f) No permit holder shall solicit or conduct business with persons in motor vehicles.

(g) Should any permit holder not operate a permitted use other than seasonal uses for a period of 30 consecutive days, the use shall be considered abandoned and the permit automatically

revoked. The permit holder shall have 15 days thereafter to dismantle any structure on the sidewalk and return the sidewalk to its condition prior to the construction of the structure. Should the permit holder fail to comply with this regulation, the city shall cause the structure to be removed and disposed of and the sidewalk repaired with the cost thereof to be taken from the bond of the permit holder.

(h) Permit holders shall be responsible for the cleanliness of the right-of-way within 50 feet of the approved location.

(i) A sidewalk café permit shall only authorize food and alcoholic beverage service at the sidewalk café. Regardless of what other activity may take place inside the establishment pursuant to license or permit, such activity shall not be allowed at the sidewalk café by virtue of the sidewalk café permit.

(j) If alcoholic beverages are served at the sidewalk café, the operator must be validly licensed under this code for such sales. Alcoholic beverages supplied by the customer or by any person other than the permittee will not be allowed at sidewalk cafés.

(k) All holders of a sidewalk café permit, shall be subject to and comply with all applicable requirements and standards for retail food establishments contained in the code, as amended, and the rules and regulations promulgated there under, and all laws, rules and regulations pertaining to the sale of alcoholic beverages.

Section 26-298 Operational conditions.

(a) The annual permit for a sidewalk café shall be valid from March 1st to and including December 1st of the year of its issuance.

(b) Sidewalk cafés permitted under this article shall not operate earlier than 6:00 a.m. nor later than 12:00 midnight.

(c) The operator of a sidewalk café shall install and maintain a physical boundary separating the permitted outdoor seating from the remainder of the public way. The entrance is the only part of the perimeter that may be open to the public way. The operator shall leave four feet of public way unobstructed for pedestrian passage; the Director may alter this requirement by regulation in a situation where adherence to the requirement would make operation of a sidewalk café impossible and reduction of the unobstructed portion of the public way would not compromise pedestrian safety. The construction, configuration and other characteristics of the boundary, including landscaping, shall be set forth by regulation.

(d) The permittee shall maintain adequate lighting in and around the public clearance way to ensure that all obstructions may be easily seen. Such lighting shall be of such type and location and shall have such shading as will prevent the source of the light from being seen from any contiguous, adjacent residential property. It shall not cause illumination beyond the boundaries of the property on which it is located so as to be obtrusive to adjacent property owners and shall not cause illumination beyond the boundaries of the property in excess of five-tenths footcandle. The illumination of the street from the sidewalk shall be no brighter than the illumination provided by ornamental street lights nor shall it have an adverse impact on the flow of vehicular traffic. In addition, its design and color shall not be such that it could be mistaken for a traffic signal.

(e) The sidewalk shall be kept free of standing water, maintained in good repair and kept free from material defects that may present a hazard to life or property.

(f) The boundary shall have no less than 50% of its top covered with planter boxes. The planter boxes shall be no less than 6 inches deep and no less than 8 inches wide and be securely fastened to the boundary. In addition, for every 100 square feet beyond a standard 300 square feet sidewalk café, the applicant shall provide one 24" shrub.

Section 26-299. Promulgation of regulations; force and effect.

(a) The Director is authorized to promulgate regulations to carry out the purposes of this article, including without limitation regulations governing: The location, arrangement and design of sidewalk cafés to ensure the flow of pedestrian traffic, the safety of pedestrians and auto traffic, the access to buildings and transportation facilities, the prevention of an excessive number of cafés, and the best service to the public;

(b) The size, design and other specifications for tables and serving equipment to be used by operators, and the design of enclosures or partial enclosures;

(c) The types of food and beverages that may be served at sidewalk cafés;

(d) The time periods during which application can be made for a sidewalk café permit;

(e) Landscaping and other aesthetic components of the sidewalk café; and

(f) Any other matter pertaining to this article.

Section 26-300. Compliance with plan and other components of application.

Each sidewalk café shall comply in all respects with the specifications set out in the plan submitted to the Director, and with the other components of the application.

(a) In the event that the application, including the plan, becomes inaccurate or incomplete in any respect as a result of circumstances or events outside the control of the permittee, the permittee shall notify the Director within three business days of such circumstances or events.

(b) Before taking any action that would result in the application, including the plan, becoming inaccurate or incomplete in any respect, the permittee shall seek the prior approval of the Director.

(c) Upon being notified of an actual or contemplated change pursuant to either subsection (b) or (c) of this section, the Director shall review the change to determine if such change is insubstantial or substantial, using the same criteria as relevant to the Director's consideration of an initial application. If such change is insubstantial and if the application, as so changed, meets the criteria for an initial application, the Director shall approve the change. If such change is insubstantial and if the application, as so changed, does not meet the criteria for an initial application, the Director shall disapprove the change. If such change is substantial, a new permit application shall be required.

Sec. 26-301. - Violation and penalty.

(a) Any person who shall violate any of the provisions of this division shall upon conviction thereof be fined not less than \$100.00 nor more than as provided in Section 1-5 of this Code.

(b) Any sidewalk café in operation without a valid sidewalk café permit is subject to removal from the public way by the Director or his designee. The provisions of Section 26-299 of the code shall apply to the removal of any portion of a sidewalk café, from the public way, whether for unpermitted

operation or for obstruction of public way; provided, however, that the amount of the fine for a violation shall be as set forth in this section.

Section 26-302. Enforcement.

(a) The Director or his designee is authorized to take such action as necessary to enforce the provisions of this article, including conducting on-site inspections of sidewalk cafés associated retail food establishments to determine compliance with the permitting and other requirements of this article and regulations promulgated hereunder.

(b) Upon request by the Director or his designee, the operator of a sidewalk café shall provide for the documents required by this article to operate a sidewalk café, including the sidewalk café. permit, the plan for the sidewalk café, and proof of insurance for inspection.

(c) Any sidewalk café for which a permit is required by this article, and which has failed to obtains such permit, may be closed by the Director or his designee until such permit is procured. Upon being notified of closure, all sidewalk café activity must cease, and all obstructions in the public way, including boundaries, tables and chairs, must be removed.

Section 26-303. Severability.

The invalidity of any section or part of any section of this article, or any regulation promulgated hereunder, shall not affect the validity of any other section or part thereof or regulation.

ACCESSIBILITY REQUIREMENTS FOR SIDEWALK CAFES

The following accessibility requirements must be complied with in all sidewalk cafés operating in the City of Peoria. These provisions are not comprehensive and include only applicable municipal requirements. Restaurant owners and operators must also comply with all applicable State and Federal requirements.

SIDEWALK CAFÉ BOUNDARIES

Sidewalk café boundaries must not interfere with the accessibility of the public right of way on the sidewalk.

Sidewalk café boundaries must be positioned so that at least 4 feet separates the outer edge of the barrier from City property such as street signs, planters, newspaper dispensers, fire hydrants, bus shelters or other obstacles or where no obstacles are present, the edge of the sidewalk (not including the curb).

Sidewalk café boundaries must be constructed so that they are free of objects between 27 and 80 inches above the ground that protrude more than 4 inches unless a corresponding barrier is positioned under the protruding object 27 inches above the ground or lower to provide cane detection. Examples of potential non-compliant protruding objects are hanging lanterns, signs or other objects mounted on or alongside the café fences or barricades.

Sidewalk café boundaries must be constructed so that they provide cane detection for pedestrians who are blind or have visual impairments. A continuous uninterrupted fence or barricade meets this requirement if it has a continuous, firm barrier at 27 inches above ground or lower. If the fence or barricade is not continuous or if the barricade consists of posts or other objects connected by hanging ropes, chains or nylon strips, a detectable barrier must run continuously along the pedestrian side of the barricade or fence at a height of 27 inches or less.

ACCESSIBLE TABLES

At least 5% but not less than one of the tables in each sidewalk café seating area must be accessible to people with disabilities, including those who use wheelchairs. Accessible tables must be located on an accessible route, (see below), throughout the café seating area. Accessible tables have the following characteristics:

- Table top surfaces that are 28 to 34 inches above the floor
- Clear floor space at the table that is at least 30 inches wide and 48 inches deep. Where possible this seating should be located where the sidewalk has a slope that is no greater than 1:50
- Knee clearance underneath the table 27 inches in height to a depth of at least 8 inches and toe clearance at least 9 inches in height to a depth of at least 11 inches
- Under no circumstances should seating in sidewalk dining areas consist only of “high” or “bar stool” height tables and chairs. Where high tables and chairs are used, accessible tables outfitted with chairs of corresponding height must be provided as well.

ACCESSIBLE ROUTES

An accessible route must connect the sidewalk café table seating with the restaurant entrance, restrooms and public telephones.

In order for a route to be considered accessible:

- It should be at least 36 inches wide except where passing through an entrance gate, doorway or partition opening.
- Doorways and entrances on the accessible route should have a clear opening width of at least 32 inches (measured from the door surface to the doorframe when the door is open 90 degrees).
- Thresholds along the route should be ½ inch or less and beveled with a slope no greater than 1:2.
- The ground or floor surface should be stable, firm and slip-resistant (no dirt paths, loose gravel or grass).
- The floor surface should have a slope no greater than 1:20 in the direction of the accessible route and a cross-slope no greater than 1:50.
- Where it changes level, appropriate slopes (1:20 or less) or curb ramps, ramps, elevators or platform lifts must be used to provide access.
- It must be free of objects that protrude more than 4 inches into the circulation path at a height from 27 to 80 inches, unless a cane detectable barrier less than 27 inches above the ground is provided.

SERVICE ANIMALS

Service animals are animals trained to perform tasks for people with disabilities. These include but are not limited to guide dogs for people who are blind or have visual impairments, hearing dogs for people who are deaf or hard of hearing, seizure alert dogs and dogs that assist people with mobility impairments. Service animals are not pets and must be permitted to accompany individuals with disabilities who patronize sidewalk cafés. In addition, Illinois law requires that service animals in training be allowed in these establishments as well.

POLICIES, PRACTICES AND PROCEDURES FOR MANAGEMENT AND STAFF

Restaurants must implement policies, practices and procedures to ensure that people with disabilities have access to accessible seating in sidewalk seating areas. Some basic policies that should be considered:

- Before opening each day and at other times during the course of the operating hours of the sidewalk café, make sure that tables and chairs have not shifted in a way that intrudes on the accessible route.
- Train all staff as to the location of the accessible seating areas. Make sure that they give individuals with disabilities the choice of waiting for an accessible table or proceeding to another table if that is available.
- Reserve accessible tables and chairs for use by individuals with disabilities until all other tables have been occupied. This will maximize the opportunity for people with disabilities to use these accessible features without unnecessary delays. If a person with a disability chooses to sit at a

table that is not configured to be accessible you must allow that person to do so.

- If a platform lift is utilized to provide an accessible route to an outdoor dining area:
 - The lift must be left on and unlocked at all times so that it can be operated independently by patrons with disabilities.
 - The lifts should receive scheduled maintenance. It is the responsibility of the restaurant to take steps to ensure that it is operable and that any outages in service are minimized.
 - Staff should test the lift at the beginning of each day and be instructed to contact a repair service immediately if the lift is not working.
 - Staff should be trained on use of the manual back-up system of the lift to ensure that individuals with disabilities will be able to exit in the event of a mechanical breakdown or power outage.

RULES AND REGULATIONS FOR SIDEWALK CAFES

As promulgated by the Public Works Department pursuant to the provisions of Section 26 of the Municipal Code of the City of Peoria

I. Application

Applications received incomplete or containing inconsistent information shall result in delayed processing of your application.

a) All applications and required documents shall be forwarded to:

Peoria Public Works Department
3505 N. Dries Lane
Peoria, IL 61604

b) Plan

Proposed Sidewalk Café Plan shall be submitted on 8-1/2" X 11" paper. The Plan need not be to-scale, but shall show exact length and width dimensions of entire Sidewalk Café relative to the associated business, building, curb line, and existing encumbrances on the public way. Public way encumbrances include, but are not limited to, parking meters, fire hydrants, bike racks, light poles, and trees. The Plan shall demonstrate compliance with all landscaping and design requirements. Additional written narrative may accompany the Plan for greater clarity. The Plan shall include the business name and address as indicated on your business license.

c) Photographs

Pictures shall be clear and shall be submitted on 8-1/2" X 11" paper. They shall show the proposed site where the Sidewalk Café is to be located and the relationship of the proposed Sidewalk Café to the surrounding public way.

II. Permit

A Sidewalk Café Permit is valid from the date of issuance up to and including December 1st.

a) Account Holds

All holds on your business account shall be resolved prior to the issuance of your Sidewalk Café Permit.

b) Insurance

Applicant shall furnish the insurance certificate. Certificates of insurance shall be renewed at least 30 days prior to the expiration of the policy. If the licensed establishment has an address range on their City of Peoria licenses, the Certificate of Insurance must match the range on the licenses.

If alcoholic beverages will be served at a Sidewalk Café operated by an indoor retail market, the owner or manager of the indoor retail market shall provide proof that each retail food establishment serving alcoholic beverages at the sidewalk café has obtained liquor liability insurance for the sidewalk café.

c) Annual Fee

There shall be no annual fee for Sidewalk Café permits.

III. Operation

a) Permit/Plan Display and Capacity Requirement

The Sidewalk Café Permit and approved Plan shall be conspicuously displayed on the exterior wall or window of the main entrance of the Sidewalk Café during all hours of operation. The boundaries of the Sidewalk Café, including the physical boundary separating the permitted outdoor seating from the remainder of the public way, shall reflect the approved plan and shall not be modified or altered unless approved by the Public Works Director. The arrangement and number of tables and chairs within the authorized boundaries of the Sidewalk Café shall reflect the approved plan and shall not be substantially changed, altered, added to or reduced without the approval by the Public Works Director. Tables and chairs shall always be set up and maintained in a manner ready for access and use by patrons. In addition, the capacity of the Sidewalk Café shall not exceed the approved seating capacity number on the Sidewalk Café Permit. At no time may the Sidewalk Café be used in excess of the approved seating capacity to allow for standing room patrons.

b) Responsibilities of Sidewalk Café Permittee

A Sidewalk Café permittee is responsible to the community surrounding the Sidewalk Café premises. It is the affirmative duty of a Sidewalk Café permittee to report promptly to the police department all illegal activity reported to or observed by the permittee on or adjacent to the permitted Sidewalk Café premises; to answer fully and truthfully all questions of an identified police officer who inquires or investigates concerning persons or events on or adjacent to the permitted Sidewalk Café premises; to cooperate with the police in any such inquiry or investigation, including the giving of oral or written statements to the police at reasonable times and locations in the course of investigations; and to sign a complaint against any person whom the licensee observes in any illegal conduct or activity on or adjacent to the permitted Sidewalk Café premises. For purposes of this rule, "Adjacent" means: (1) any public way located immediately next to a Sidewalk Café premises; or (2) any private property that is located immediately next to a Sidewalk Café premises, if such private property is owned, leased or rented by the permittee or permittee's property owner; or (3) any private property separated from a Sidewalk Café by a public way and located immediately next to such public way, if such property is owned, leased or rented by the permittee or the permittee's property owner.

c) Alcoholic Beverage Service Responsibility

A Sidewalk Café permittee has an affirmative duty to prohibit any patron from leaving the Sidewalk Café premises with any alcoholic liquor, except in a package properly sealed, bagged and receipted pursuant to Section 6-33 of the Liquor Control Act of 1934, added by P.A. 94-1047, effective January 1, 2007, and codified at 235 I.L.C.S. 5/6-33, as amended.

If alcoholic beverages are served at a sidewalk café operated by an indoor retail market:

- the retail food establishment selling the alcoholic beverages must be validly licensed under the code for such sales;
- the retail food establishment serving the alcoholic beverage must have maintained its liquor liability insurance when serving the alcoholic beverage; and
- the alcoholic beverages must be served in plastic cups which shall clearly identify the retail food establishment from which each alcoholic beverage was purchased.

Bring Your Own Bottle (BTOB) is never allowed in a Sidewalk Café.

d) Landscaping

In order to remain consistent with the City of Peoria's objective of developing attractive tree-lined streets and boulevards and greener neighborhoods, as well as to enhance property values and in as much that applicants desiring to use public way for semi-private use as Sidewalk Cafés are enhancing the private interests of their enterprise as well that of the City, the following landscape and design standards shall apply to establishments seeking permission to operate a Sidewalk Café within the city of Peoria.

- 1) The railing, fencing or other such method to enclose a space for the use of a Sidewalk Café shall have to no less than 50% of its railing, top of fence, etc., covered with planter boxes. These planter boxes shall be no less than 6 inches deep and no less than 8 inches wide and shall be securely fastened to the Café fence or railing. In addition, for every 100 additional square feet of area beyond a 300 square foot Café, the applicant shall provide one 24 inch shrub in a suitable planter which allows the shrub 100% visibility above the rail, fence etc. Figure may be rounded up or down the nearest 100 for calculation purposes. A small tree may substitute for 24" shrub.
- 2) Due to unique nature of planter boxes as temporary landscape features, the planter boxes shall be entirely covered with living plant material at the time of installation. The outward or public facing side of all planters shall have cascading or trailing vine-like plants. All planter boxes and plant material within shall be maintained throughout the entire time the Café or planters are present on the public way. Dead, dying, or unhealthy material shall be replaced with healthy material. Planter boxes shall not extend over the permitted seating area.
- 3) Any exceptions to the Landscaping Requirements must be approved by the Public Works Director.

e) Boundary and Clearance

- 1) Boundary shall fully enclose the permitted area from the remainder of the public way. The Sidewalk Café entrance is the only part of the perimeter that need not have a boundary, and said entrance shall remain unobstructed. The Boundary shall be maintained in accordance with the approved Plan, and shall be no less than 24 inches or more than 36 inches in height. The Boundary shall be durable so that it shall not collapse or fall over due to wind or incidental contact with patrons or pedestrians. The boundary shall be maintained in place during operating hours. No boundary may be stabilized or made permanent by bolting to the Sidewalk.
- 2) The Boundary shall be designed to leave at least 4 feet of clear and unobstructed Sidewalk space to allow for pedestrian passage. Clearance between the Sidewalk Café and all public way encumbrances shall also be at least 4 feet. Sidewalk Cafés located along the curb shall allow a minimum clearance of 1 foot from the Sidewalk Café to the edge of the curb.
- 3) The Sidewalk Café's boundary and furniture may be placed on the public way once the Permit is issued, and shall be removed on the expiration date noted on the Permit. Any Sidewalk Café in operation or continuing to keep the boundaries and/or furniture on the public way shall be subject to removal and citation.
- 4) Non permissible enclosure of City property, within the boundaries of the Sidewalk Café, shall include, but not limited to, parking meters, fire hydrants, newspaper stands and boxes. These types of items can be identified as items which must be accessible to the public or to the City for emergency services.

- 5) Sidewalk Cafés Permits shall only be issued to the address stated on the respective applicant's retail food license. No portion of the Sidewalk Café may expand to include neighboring businesses, residences, or vacant lots.
- 6) Any exceptions to the Boundary and Clearance Requirements must be approved by the Public Works Director.

f) Parkways

Sidewalk Cafés cannot be located on parkways with existing grass surfaces.

g) Debris

All areas surrounding the Sidewalk Café shall be policed by the applicant's staff to ensure the removal of all food wrappings, litter, debris and food. Daily sanitary cleaning is required. Sidewalks shall be washed down on a daily basis, and food from the Café shall not be disposed of in City containers.

h) Operating Hours

Sidewalk Cafés shall not operate earlier than 8:00 am and no later than 12:00 am, unless otherwise specified on the Permit. No activity is allowed within the limits of the Sidewalk Café outside of its approved operating hours as noted on the respective permit.

i) Smoking

Pursuant to the City ordinance, smoking is only allowed within the limits of a Sidewalk Café as long as it occurs fifteen (15) feet beyond any entrance, exit, window, and ventilation intake of a public place or place of employment.

No smoking is allowed within the limits of a Sidewalk Café outside of the Sidewalk Café's approved operating hours as noted on the respective permit.

j) Employees

Sidewalk Café employees shall be subject to and comply with all applicable requirements and standards for a retail food establishment.

k) Patrons

Patrons shall wear shoes and shirts at all times in the Sidewalk Café.

l) Pets

Dogs are allowed within a Sidewalk Café that is accessible from the street.

m) Deck

No portion of the Sidewalk Café can be elevated in the style of a deck.

n) Scaffolding and Construction Canopies

Sidewalk Cafés cannot operate under scaffolding or construction canopies.

o) Food Service

A Sidewalk Café Permit may only be granted to an establishment with a valid retail food license where

the primary business activity in the Sidewalk Café is the service of prepared food and non-alcoholic beverages. As such, prepared food and non-alcoholic beverages must be offered for sale and for immediate consumption at all times the Sidewalk Café is operational.

If the applicant is the owner or manager of an indoor retail market, then the owner or manager of the indoor retail market is not required to obtain a retail food establishment license.

In the event a business applies for a Sidewalk Café Permit, holds a liquor license for their primary business activity, and also holds a retail food license, the service of prepared food and non-alcoholic beverages must be available at all times to any customer during the time the Sidewalk Café is open and occupied. For the purposes of this section, the service of snacks such as pre-packaged foods (potato chips, pretzels, etc.) shall not be considered “prepared.”

IV Compliance

a) Penalties

Any Sidewalk Café permittee who violates these Rules and Regulations or any part thereof adopted by the department under authority vested in it by the Municipal Code of the City of Peoria will be subject to the enforcement and penalties as prescribed in the appropriate Sections of the Municipal Code of the City of Peoria and to the penalties as prescribed in the Illinois Liquor Control Act of 1934.

b) Enforcement

Complaints regarding Sidewalk Cafés will be investigated by the Public Works Department and violations of the rules and regulations heretofore promulgated will result in citations and possible revocation of the Sidewalk Café Permit.

V. Indoor Retail Market Sidewalk Café

a) Additional Application Requirements

Indoor Retail Markets must list all participating Retail Food Establishments at the time of application.

All listed restaurants must have a current Retail Food Establishment license.

b) Changes to participants in the Retail Market

If there are any changes, with regard to participating restaurants, the Indoor Retail Market must notify the Public Works Department, immediately.

c) Insurance

Insurance shall be provided by the Indoor Retail Market, for the sidewalk café, to indemnify the City. All indoor Retail Market participants serving liquor must provide insurance.