

CHAPTER 10 FOOD AND FOOD ESTABLISHMENTS

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Article I – Sidewalk Cafes

Sec. 10-1 Definitions

For the purpose of this chapter:

- (1) “Sidewalk Café” means any area situated on a public sidewalk where food, refreshments, and alcoholic beverages are sold by a restaurant, delicatessen, ice cream shop or coffee shop (hereinafter “operating establishments”) for public consumption at tables or counters located on the public sidewalk fronting the operating establishment.
- (2) “Street fixtures” means a physical object located within a public sidewalk. Examples of street fixtures are streetlights, trees and any surrounding landscaped area, planters, benches, signs and parking meters.

(Ordinance 474 effective 9/30/2004)

Sec. 10-2. Applicability; Other Town Ordinances.

Sidewalk cafes shall operate only as authorized pursuant to this chapter. The provisions of this chapter shall apply to sidewalk cafes even if the adjacent street is temporary closed. This chapter does not apply to food and beverage concessions permitted by the Town in conjunction with festivals and other public events. The provisions of Section 18-10 of the Town Code pertaining to the consumption of alcoholic beverages in public places shall not apply to sidewalk cafes which are authorized by this chapter. (Ordinance 474 effective 9/30/2004)

Sec. 10-3 Permit.

- (1) An application for a sidewalk café permit shall be made to the Town Clerk on forms provided by the Town Clerk. The application shall include a scale drawing depicting the sidewalk abutting the business, the location of all street fixtures and the locations of the proposed tables and chairs. The application shall be made by the operating establishment.
- (2) A sidewalk café permit shall be for one year from July 1st in each year until the following June 30th. The holder of the permit shall pay an annual fee as established by resolution of the Town Council. The annual fee shall be paid with the original permit application and with any request for renewal of the permit. Until such time as a separate fee is established by the Town Council, the annual fee shall be two hundred dollars.

- (3) A sidewalk café permit shall specify the location of tables and chairs, whether or not tables and chairs must be removed at the close of business and other conditions consistent with this chapter to protect the public health, safety and welfare.

(Ordinance 474 effective 9/30/2004)

Sec. 10-4 Standards

- (1) No part of a sidewalk café area shall encroach upon any part of the sidewalk frontage of any adjacent premises, right-of way or alley.
- (2) A Sidewalk Café must leave a minimum six-foot unobstructed passageway for pedestrians along the length of the café. The passageway shall be measured from the outer edge of the chair or table to the inner edge of any street fixture on the sidewalk in front of the operating establishment. For operating establishments adjacent to sidewalks less than ten feet wide at the location of the proposed sidewalk café, the Town Clerk, with the consent of the Town Engineer, may reduce the obstructed passageway to not less than that required by federal or state law or regulation or four feet in width, whichever is greater.

- (3) A sidewalk café shall comply with all building, health, safety, fire, zoning and environmental standards applicable to such uses.

(Ordinance 474 effective 9/30/2004)

Sec. 10-5 Hour of operation.

Service at a sidewalk café shall end by 11:00 PM. The café area shall be cleared of all other furniture(except any furniture approved to remain in the café area overnight pursuant to the permit), debris and obstructions to the sidewalk no later than midnight. (Ordinance 474 effective 9/30/2004)

Sec. 10-6 Alcoholic Beverages.

An operating establishment shall not sell, serve, or allow consumption of alcoholic beverages on its sidewalk café without obtaining the required license from the alcoholic beverage control board. Alcoholic beverages shall be served on the sidewalk café only in conjunction with the service of food. Notwithstanding any contrary of different hours of operation in its alcoholic beverage license, an operating establishment shall not sell, serve or allow consumption of alcoholic beverages on its sidewalk café after the sidewalk café's closing time. (Ordinance 474 effective 9/30/2004)

Sec. 10-7 Furniture.

Except as explicitly stated in the permit, all sidewalk café furniture shall be readily moveable and shall be stored indoors when not in use. No permanent structures or improvements shall be installed on any sidewalk or other public property. (Ordinance 474 effective 9/30/2004)

Sec. 10-8 Insurance and Indemnification.

The holder of a sidewalk café permit shall fully insure, indemnify, defend and hold harmless the Town of Easton and in their capacity as such, the officers, agents, and employees thereof from and against any and all claims and damages in any way arising out of or through the acts or omissions of the permit holder or its employees in the

construction, operation, maintenance, use, placement or condition of the sidewalk café. An applicant for sidewalk café shall provide proof of such insurance before a permit may be issued or renewed under this chapter. (Ordinance 474 effective 9/30/2004)

Sec. 10-9 Prohibitions.

The following are prohibited in the café area: cooking of food; unshielded trash or refuse storage; advertisements (exclusive of menus intended to be read from café); outdoor entertainment, music speakers, or public address systems; exclusively carry-out transactions. (Ordinance 474 effective 9/30/2004)

Sec. 10-10 Violations.

The provisions of this chapter shall be enforced by the Town's code enforcement officials. A person who continues to violate this chapter after written request to take corrective action is guilty of a municipal infraction and shall be fined one hundred dollars for the first offense and two hundred dollars for each subsequent offense plus costs. In addition, the Town Council may revoke or suspend a permit issued pursuant to this chapter upon a second or subsequent infraction under this section in any twelve month period. (Ordinance 474 effective 9/30/2004)

