

EXHIBIT B

Chapter 5.77 - SIDEWALK CAFES

Section 5.77.010 - Purpose.

The purpose of the regulations and standards in this chapter is to allow increased business and pedestrian traffic by providing safe and visually appealing opportunities for outdoor services at the discretion of the Sparks City Manager or his or her designee.

(Ord. 1816, 1994.) (Ord. 2231, Amended, 07/12/2004)

Section 5.77.020 - Definitions.

"Outdoor services" means the use of sidewalks and public rights-of-way for the consumption of food and/or beverages.

"Restaurant" means a business licensed to serve food and/or beverages for on-premises consumption and/or which uses a kitchen on the premises for food preparation with a minimum floor area of 200 square feet.

"Bar / Lounge" means a business used primarily for the sale of alcoholic beverages where the beverages are consumed on the premises.

"Pour station" means a bar, portable bar, beer keg, or other facilities and equipment for mixing or pouring alcoholic beverages.

(Ord. 1816, 1994.) (Ord. 2231, Amended, 07/12/2004)

Section 5.77.030 - Outdoor services permit/encroachment permit required.

Outdoor services are not allowed without an outdoor services permit and an encroachment permit as set forth in Section 5.77.100. This chapter does not apply to outdoor services authorized by a special event permit issued pursuant to Chapter 9.34 of this code.

(Ord. 1816, 1994.) (Ord. 2231, Amended, 07/12/2004)

Section 5.77.040 - Outdoor services in public rights-of-way permitted.

Outdoor services are not permitted where the speed, volume and proximity of vehicular traffic is incompatible with sidewalk services. All outdoor service areas must be adjacent to, or where not possible, within ten (10) feet to the operation of an indoor restaurant or bar. Use of the sidewalk must be confined to the actual sidewalk and public right-of-way frontage of the indoor restaurant or bar building.

(Ord. 1816, 1994.) (Ord. 2231, Amended, 07/12/2004)

Section 5.77.050 - Required sidewalk width.

Outdoor services are permitted only where the sidewalk is wide enough to adequately accommodate both the usual pedestrian traffic in the area and the operation of the proposed activity. The outdoor service area shall leave not less than ~~six~~eight consecutive feet of sidewalk width at every point which is clear and unimpeded for pedestrian traffic.

(Ord. 1816, 1994.) (Ord. 2231, Amended, 07/12/2004)

Section 5.77.060 - Alcoholic beverage restrictions.

The service of alcoholic beverages shall be restricted solely to on-premise consumption by customers within the outdoor service area. Each of the following standards apply to service of alcoholic beverages:

- A. The outdoor service area must be immediately adjacent to and abutting, or where not possible, within ten (10) feet of, the indoor restaurant or bar which provides it with food and/or beverage service;
- B. The outdoor service area must be clearly separated from pedestrian traffic using physical barriers such as planters and/or fences but barriers may not be affixed to public property in the right-of-way, including lamp posts, sidewalks, or landscaping, without the express written permission of the Sparks City Manager or his or her designee;
- C. The operator shall post a written notice to customers that the drinking or carrying of an open container of alcoholic beverage is prohibited and unlawful outside the outdoor service area;
- D. The outdoor service operation must maintain a valid alcoholic beverage license.
- E. Pour stations authorized by the event producer are allowed within an outdoor service area only during special events. All pour stations shall abide by alcohol serving rules for special events.
- F. Any violations of Section 5.77.060 provisions as defined by Section 5.28 may be grounds for revocation of the business' liquor license.

(Ord. 1816, 1994.) (Ord. 2231, Amended, 07/12/2004)

Section 5.77.070 - Health standards.

The operator shall not permit the following outside the building: tables preset with utensils, glasses, napkins, condiments, bussing service stations, or trash and garbage storage. Outdoor food preparation is not allowed except in compliance with conditions of an outdoor services permit. All exterior surfaces within the outdoor service area shall be easily cleanable and shall be kept clean at all times by the permittee. Rest rooms sufficient for indoor and

outdoor services shall be provided in the adjoining indoor restaurant or bar. The permittee shall be responsible for maintaining the outdoor service area, including the sidewalk surface and furniture and adjacent areas in a clean and safe condition.

(Ord. 1816, 1994.) (Ord. 2231, Amended, 07/12/2004)

Section 5.77.080 - Hours of operation.

Outdoor cafes may only operate between seven a.m. and eleven p.m.

(Ord. 1816, 1994.)

Section 5.77.090 - Special closures.

Outdoor services are a privilege. The city shall have the right and power, acting through the city manager and his/her designee, to prohibit the operation of an outdoor service area at any time because of anticipated or actual problems and conflicts in the use of the sidewalk area. Such problems and conflicts may arise from, but are not limited to, scheduled festivals and similar events or parades or marches, or repairs to the street or sidewalk, or from demonstrations or emergencies occurring in the area. To the extent possible, the permittee shall be given prior written notice of any time period during which the operation of the outdoor service area will be prohibited by the city.

(Ord. 1816, 1994.) (Ord. 2231, Amended, 07/12/2004)

Section 5.77.100 - Permit issuance.

The city council may issue an outdoor service permit upon such terms, conditions and fees as it deems appropriate. The design and signage of the proposed outdoor service area must meet the minimum standards set by the Sparks City Manager or his or her designee.

The Sparks City Manager or his or her designee is authorized to issue the necessary encroachment permit. The Sparks City Manager or his or her designee shall condition the permit on:

- A. Execution of a hold harmless agreement in a form acceptable to the city attorney;
- B. Insurance meeting the City's current requirements as approved by the Sparks City Manager or his or her;
- C. Such other conditions as are necessary for public safety or to protect public improvements;
- D. Conditions necessary to restore the appearance of the sidewalk on termination of use.

(Ord. 1816, 1994.) (Ord. 2231, Amended, 07/12/2004)

Section 5.77.110 - Permit—Suspension or revocation.

An outdoor service permit may be suspended or revoked by the city council following notice to the permittee and a noticed public meeting. The permit may be suspended or revoked if the city council finds that one or more conditions of the permit or of this chapter have been violated or that the outdoor service area is being operated in a manner which constitutes a nuisance, or that the operation of the sidewalk café unduly impedes or restricts the movement of pedestrians past the outdoor service area.

(Ord. 1816, 1994.) (Ord. 2471, § 50, Amended, 2/11/2013; Ord. 2231, Amended, 07/12/2004)