
9.135 SIDEWALK CAFE AND ROADWAY CAFE EXPANSION LICENSES.

- (1) Sidewalk Cafe and Roadway Cafe Expansion Licenses. The following types of sidewalk cafe licenses are available under this Section: Regular Mall/Concourse Sidewalk Cafe License, Regular Citywide Sidewalk Cafe License, Roadway Cafe Expansion Licenses (Seasonal) and Roadway Cafe Expansion License (Winter).

- (2) Definitions.

Approved Cafe Area means the entire space on the public right-of-way, including sidewalk, terrace, and roadway, if any, as shown in the record of an approved Sidewalk Cafe License.

Citywide, for purposes of sidewalk cafes, refers to all areas of the City other than the State Street Mall/Capitol Concourse Street Vending Area.

Director is defined in Sec. 9.13.

Mall/Concourse means the State Street Mall/Capitol Concourse Street Vending Area defined in Sec. 9.136(1)(a).

Roadway is defined in Wis. Stat. § 340.01(54) and Sec. 10.30.

Roadway Cafe Expansion Area is the portion of an approved Sidewalk Cafe located in the Roadway and authorized by a Roadway Cafe Expansion License.

Roadway Cafe Expansion License is an add-on to a Sidewalk Cafe License that authorizes all of the activities allowed for a Regular Sidewalk Cafe to take place in a portion of the roadway (also known as a "Streeterly"). A Roadway Cafe Expansion License cannot be issued without an approved Roadway Cafe Permit for the identical space, under Sec. 10.30.

Roadway Cafe Permit means the permit approved by the Traffic Engineer under Sec. 10.30 authorizing the privilege of placing obstructions beyond the lot line in the roadway portion of the public highway right-of-way, as a prerequisite to a Roadway Cafe Expansion License.

Sidewalk Cafe, when used in this Section without reference to a Regular or Roadway Cafe Expansion License, refers generally to the entire approved cafe area, whether on the sidewalk, terrace, or roadway.

Sidewalk Cafe (Regular) means a group of tables, chairs, enclosures, umbrellas, tents and other authorized equipment authorized in Sec. 9.135(5) maintained upon the sidewalk or terrace portion of the public highway right-of-way, used for outdoor seating for food and beverage service and alcohol consumption by an establishment eligible under this Section.

Sidewalk Cafe License means a license issued under this Section for a Regular Sidewalk Cafe, authorizing all of the equipment in the record of the approved license, and all of the operations authorized by this Section, and when a Roadway Cafe Expansion License and Roadway Cafe Permit have been issued, the Sidewalk Cafe License also serves as the Roadway Cafe Expansion License and authorizes the entire approved cafe area on the (sidewalk, terrace, and roadway) all of the equipment in the record of the approved license, and all of the operations authorized by this Section.

Space Delineators are defined in Sec. 10.30 as any City-approved equipment used to prevent or stop motor vehicles from entering the Roadway Cafe space. This may include a temporary or movable curb or bumper, jersey barriers, traffic delineators, or other durable items designed to notify of, or impede motor vehicles from entering the Roadway Cafe Expansion area and provide some protections to occupants thereof. The City Traffic Engineer shall maintain a list of approved space delineators and their purpose.

(3) Administrative Requirements for all Sidewalk Cafe Types.

- (a) Operations/Purpose. Regular Sidewalk Cafe and Roadway Cafe Expansion Licenses are available to eligible establishments to allow outdoor seating for service and consumption of food and beverages on the public sidewalk and roadway directly adjacent to the establishment. A Regular Sidewalk Cafe and Roadway Cafe Expansion shall be used only for outdoor seating for the service and consumption of food and beverages from the corresponding establishment and for no other purpose, during the hours and under the conditions described herein. All sidewalk cafes shall be placed within the approved dimensions and in the configuration shown in the record of the approved license hereunder.
- (b) Establishment Eligibility. Any establishment that serves food or beverages to consume on-site and holds all necessary licenses to do so from the applicable regulating authorities for the food and beverages in question is eligible for a sidewalk cafe license. Establishments that serve alcohol beverages are also subject to Sec. 9.135(3)(h).
- (c) Location Eligibility.
 - 1. General. Establishments on the Mall/Concourse will qualify for a sidewalk cafe adjacent to their business, either near the curb or against the building, consistent with specific placement requirements for the Mall/Concourse in Sec. 9.135(6). Generally, a location with a paved public sidewalk (or paved sidewalk and paved terrace) of not less than nine (9) feet in width is eligible for consideration, subject to the placement rules below and elsewhere in this Section.
 - 2. Specific location eligibility - Mall/Concourse and Citywide.
 - a. Lateral placement. Sidewalk cafes shall extend no further in either direction on the public sidewalk than the side property lines of the establishment's street-level occupancy on the corresponding building face, unless a lateral extension is approved as described below, or unless expressly approved as part of an alternate placement authorized elsewhere in this Section.

Lateral expansion. The boundaries on one or both sides of the eligible sidewalk cafe site (including any corresponding Roadway Expansion) may be extended beyond the side property lines of the establishment's street-level occupancy on the corresponding building façade, with written permission from the side(s) where the expansion occurs. If the adjacent space is occupied, permission shall be obtained from the occupant/tenant and the property owner or their designated management company. If the space is vacant and will remain so for the duration of the license, permission shall be obtained from the property owner or their designated management company for the full duration of the license requested. The license applicant shall demonstrate such written permission(s) to the Director's satisfaction.
 - b. The paved portion of the adjacent public sidewalk must be at least nine (9) feet wide.
 - c. The entire sidewalk surface for the proposed sidewalk cafe must be paved with concrete, asphalt, cement, brick, pavers, or other impervious surface. Paved areas of the establishment's private property may be included within the boundary of the proposed cafe if immediately adjacent to the paved public sidewalk.
 - d. Required Pedestrian Walkway. An establishment is not eligible for a Regular Sidewalk Cafe if its placement does not allow the required minimum unobstructed pedestrian walkway on the adjacent public sidewalk of seven (7)

feet on the Mall/Concourse as required by Sec. 9.135(6)(a), and six (6) feet in all other locations Citywide.

- e. An establishment is not eligible if immovable, obtrusive or too numerous public amenities on the adjacent sidewalk make cafe placement impractical, or when existing amenities would create obstacles to accessibility if a sidewalk cafe were added to that location, in the opinion of the Director.
- f. An establishment is not eligible if the grade or slope of the adjacent public sidewalk is prohibitive, if the sidewalk does not offer a sufficiently level surface for food and drink service, or if cafe placement would present a safety hazard due to any other elements of the topography or layout of the sidewalk, regardless of the width or square footage of the adjacent public sidewalk, in the opinion of the Director.
- g. An establishment is not eligible for a Mall/Concourse sidewalk cafe if it does not meet the additional location requirements in Sec. 9.135(6).
- h. An establishment is not eligible for a Citywide sidewalk cafe if it does not meet the additional location requirements in Sec. 9.135(7).
- i. Eligibility for a Regular Sidewalk Cafe does not guarantee eligibility for a Roadway Cafe Permit or a Roadway Cafe Expansion License. See Sec. 9.135(8) for specific criteria.
- j. An establishment may be eligible for a Roadway Cafe Expansion License even if not eligible for a Regular Sidewalk Cafe due to the size or configuration of the sidewalk and terrace.
- k. All sidewalk cafes, including Roadway Cafe Expansions, are subject to the general rules for street vending in Sec. 9.13, including Sec. 9.13(4), unless expressly stated otherwise.

(d) Applications, Required Contents. Applications for all sidewalk cafes, including a Roadway Cafe Expansion shall be filed with Director by the deadlines in Table B, using the method designated by the City for that purpose. All applications shall include:

- 1. Applicant information. The applicant shall be the entity holding the applicable license(s) for eligible establishments under Sec. 9.135(3)(b) above. The application shall include the full legal business name and address of the establishment, any DBA, any registered agent's name and address, and the applicant's Wisconsin Seller's Permit Number (state tax identification number). Where the establishment is a corporation, cooperative or partnership, the legal name and mailing address (if different) of the business entity and the name and address of the chief officer, or general partner, as appropriate. All sidewalk cafe applicants shall provide the name of at least one individual as the main point of contact for the City. The license, if approved, shall be issued in the name of the applicant.
- 2. Type of license. The application shall indicate which cafe license type is applied for.
- 3. Cafe information. The application shall include a diagram showing the footprint of the entire proposed cafe area on the sidewalk, terrace and roadway, and its impact on the public right-of-way. The diagram should show the building face, sidewalk, curb, and roadway. The diagram must include:
 - a. The location of all enclosures, and space delineators if applying for a Roadway Cafe Expansion License.

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- b. Dimensions, in feet and inches, of the following:
 - i. The footprint of the entire cafe area on the sidewalk/terrace.
 - ii. For cafes not placed against the building: distance from the building face to the edge of the sidewalk cafe nearest the building, to demonstrate the available space for the required pedestrian walkway.
 - iii. For cafes placed against the building: the dimension and location of the required pedestrian walkway.
 - iv. If applying for Roadway Cafe Expansion License:
 - Dimensions of the footprint of the entire Roadway Cafe area (see Sec. 10.30).
 - Distance from the curb to the farthest roadway space delineator in the roadway.
 - v. Additional relevant dimensions if applying for a lateral expansion under Sec. 9.135(3)(c)2.a.
 - c. Location of all permanent, public amenities within or near the proposed cafe, including curbs, curb cuts, trees, planters, light poles, benches, grates, street furniture, fire hydrants, bus shelters, and any other City amenities.
 - d. Color photographs, catalog pages, links, or accurate renderings of the tables, chairs, enclosures, and other allowed equipment to be used within the cafe, and their location.
 - e. Storage location for items allowed to be stored in the roadway cafe by Sec. 9.135(9).
 - f. Any other information required by Sec. 10.30 for the Roadway Cafe Permit.
4. Written permission required if requesting a lateral expansion under Sec. 9.135(3)(c)2.a.
 5. The indemnification agreement required by Sec. 9.136(1)(m).
 6. Proof of insurance required by Sec. 9.136(1)(m).
 7. Other information or supporting documents required by the Director or by ordinance.
 8. Any material omission, misstatement or misrepresentation in the application or supporting documents shall be grounds for denial or suspension of a resulting license under Sec. 9.135(3)(f).
- (e) Required License Contents. Licenses approved under this Section shall be provided to the licensee after all license fees are paid and shall contain the following information:
1. Sidewalk cafe license type (Mall/Concourse or Citywide).
 2. Whether the license includes a Roadway Cafe Expansion License under Sec. 9.135.
 3. Duration and expiration date for the Regular Sidewalk Cafe (annual) and any Roadway Cafe Expansion License (seasonal or winter).
 4. Permit number of the Roadway Cafe Permit issued under Sec. 10.30 (must match the duration of the Roadway Cafe Expansion License).
 5. Licensee name (i.e. full legal business name of the applicant establishment).

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6. DBA and street address of the approved cafe location (i.e. name of the establishment).
 7. Applicant's contact person name and contact information.
 8. A statement that the license only authorizes a cafe that complies with the location, dimensions, equipment and operations in the record of the approved license on file with the City.
- (f) Application Review Process.
1. Review and Approval. Applications for all sidewalk cafe license types shall be reviewed as stated in Sec. 9.136(1)(i)2. For any new sidewalk cafe, the Director shall inspect the proposed cafe location for compliance with this Section and to make placement suggestions, and may do the same on request for any returning cafe. An application may be denied for failure to comply with the requirements of this Section or for the reasons in Sec. 9.136(1)(i)3.
 2. Appeals. A decision to grant or deny a sidewalk cafe license may be appealed under the procedures set forth in Sec. 9.136(1)(i)2.
 3. Revocation or Suspension. The procedures in Sec. 9.13(8)(a) shall govern revocation or suspension of a Sidewalk Cafe License. Revocation or suspension of a Roadway Cafe Permit shall follow the procedures in Section 10.30.
- (g) Hours of Operation. Sidewalk cafes (with or without a Roadway Cafe Expansion) shall operate only when the establishment is open for business, may remain open until the establishment closes, and are exempt from any earlier closing time for street vending in the area where the establishment is located. Notwithstanding the foregoing, alcohol service shall stop and all containers of alcohol beverages shall be off the tables and removed from the cafe by 1:00 a.m. Sunday through Thursday and 1:30 a.m. Friday and Saturday unless an earlier closing time has been required on the establishment's alcohol beverage license. If a Mall/Concourse Sidewalk Cafe chooses to set up their cafe before 9:30 a.m., the licensee must sweep and remove all debris and litter from the entire approved sidewalk cafe area. Mall/Concourse hours of operation are also subject to any other closing time required for snow removal in Sec. 9.136(1)(l)6.c.ii.
- (h) Alcohol Service. Establishments intending to serve any type of alcohol beverage for consumption in a sidewalk cafe must be eligible under Sec. 9.135(3)(b), and shall hold all licenses required by and follow all applicable provisions of Chapter 38 of the Madison General Ordinances, when applicable, and any State of Wisconsin law or administrative code applicable to the alcohol beverage(s) in question.
1. Consumption of alcohol beverages in all sidewalk cafes shall be limited to persons seated at tables in the approved site.
 2. The approved cafe area, including any Roadway Cafe Expansion, for an establishment serving alcohol beverages and regulated by Chapter 38 must be included in the licensed premise approved by the ALRC.
 3. Establishments serving alcohol beverages for consumption but not regulated by Chapter 38, such as tasting rooms, distilleries, wineries, breweries and brewpubs, shall follow the state laws and regulations applicable to outdoor service and consumption of such beverages, if any.
 4. A sidewalk cafe licensee serving alcohol beverages shall be responsible for ensuring that customers are of the legal drinking age and that alcohol beverages are not removed from the premises, consistent with the applicable requirements under Chapter 38 or applicable state law or administrative code.

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5. Alcohol service shall stop and all containers of alcohol beverages shall be off the tables and removed from the cafe by 1:00 a.m. Sunday through Thursday and 1:30 a.m. Friday and Saturday, unless an earlier closing time has been required on the establishment's alcohol beverage license. There shall be no sale of alcohol for consumption at a sidewalk cafe after 1:00 a.m. Sunday through Thursday and 1:30 a.m. Friday and Saturday, or the time specifically indicated on the alcohol beverage license, whichever is earlier, until normal opening of business each day.
- (i) Insurance and Indemnification. The insurance and indemnification requirements for all sidewalk cafe license types are set forth in Sec. 9.136(1)(m). Additional insurance and indemnification requirements for the Roadway Cafe Permit are in Sec. 10.30.
- (j) Relocation, Emergencies, Construction. Changes to cafe size and location may be made for any type of Sidewalk Cafe License for the reasons described in Sec. 9.136(1)(l)4., provided that any change to a Roadway Cafe Expansion License (other than complete elimination) shall also require a change to the Roadway Cafe Permit with Traffic Engineer approval under Sec. 10.30.
- The approved dimensions of any cafe are not guaranteed to remain available. Public construction, street improvements or redesign may result in a cafe site being modified, reduced in size or eliminated at any time. All cafe dimensions are subject to change if the City makes changes to the construction of the sidewalk or streetscape that affect the vending site, including but not limited to the addition or removal of planters, trees, benches, bike racks, bus shelters, sculptures, or any other public amenity.
- (k) Special Events. All Sidewalk cafe license types are subject to the procedures in Sec. 9.136(1)(k) for temporary invalidation of their licenses during a street use event.
- (l) The general rules in Sec. 9.13 for street vending apply to vending activities in this Section, unless otherwise specified. Definitions not provided in this Section shall be as defined in Secs. 9.13 and 9.136.
- (4) License Fees. The license fees for each Sidewalk Cafe license type, and associated late fees, shall be as set forth in Table B. The fee for a Roadway Cafe Permit under Sec. 10.30 is included as part of the Roadway Cafe Expansion License fee below. The license fee is determined by the square foot of the cafe's approved dimensions, as measured by the City. The square footage of any tree grate or other obstruction that is considered unusable in the opinion of the Director shall be subtracted from the total square footage of the cafe for fee purposes.
- (a) License Type and Fee. Each sidewalk cafe license type shall have the fee shown in Table B.
- (b) License Duration. Annual licenses are valid from April 15 or the date issued, if later, to April 14. Roadway Cafe Expansion licenses are valid for a seasonal or winter duration as set forth in Table B.
- (c) Application Due Date. Each license type shall be applied for by the Application Due Date in Table B. Applications filed after the Application Due Date are subject to the late application fee, if applicable. The Application Due Date and late application fees shall not apply to a first-time applicant seeking a license mid-season (where available) or if applying for a Roadway Cafe Expansion License after already being issued a Regular Sidewalk Cafe license.
- (d) Payment Due Date. Once approved, each license type shall be purchased by the applicant no later than the Payment Due Date in Table B. Payment shall include the license fee and any late application fee. Applicants who pay for their license after the payment due date shall pay the Late Payment fee in Table B, if applicable, addition to the license fee and any other fees owed for the license in question.

- (e) Payment Process. Payment instructions will be provided upon notification of license approval. An approved license shall not be valid until payment is received.
- (f) Sidewalk Cafe and Roadway Cafe Expansion License Fees.

Table B Sidewalk Cafe and Roadway Cafe Expansion Fees

MGO	Sidewalk Cafe Type	License Fee	Application Due Date	Late Application Fee	Payment Due Date	Late Payment Fee
9.135(6)	Mall/Concourse Regular Sidewalk Cafe (Annual)	\$5.50/sq. ft. ^{1,2,3}	February 1	\$250	April 1	\$75
9.135(8)(e)1.	Mall/Concourse Roadway Cafe Expansion License (Seasonal)	\$7.50/sq. ft. ² for Seasonal License	February 1 when applying with regular cafe	N/A	April 1 if applying with regular cafe	N/A
9.135(8)(e)2.	Mall/Concourse Roadway Cafe Expansion License (Winter)	\$5.35/sq. ft. ² for Winter	October 15	N/A	Nov. 15	N/A
9.135(7)	Citywide Regular Sidewalk Cafe (Annual)	\$3.00/sq. ft. ²	February 1	\$250	April 1	\$75
9.135(9)(b)2.	Citywide Regular Sidewalk Cafe (Annual) with after-Hours Storage	\$5.00/sq. ft. ²				
9.135(8)(e)1.	Citywide Roadway Cafe Expansion License (Seasonal)	\$5.00/sq. ft. ² for Seasonal License	February 1 when applying with regular cafe	N/A	April 1 if applying with regular cafe	N/A
9.135(8)(e)2.	Citywide Roadway Cafe	\$3.57/sq. ft. ² for	October 15	N/A	Nov. 15	N/A

	Expansion (Winter)	Winter Operations				
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¹400 Block West Gilman Street Discount . The annual fee for a Regular Sidewalk Cafe located in the 400 block of West Gilman shall be three dollars (\$3.00) per square foot effective with the 2016 vending season. The fee for a Roadway Cafe Expansion License is not discounted.

²Construction Discount . For sidewalk cafes located on a block or series of blocks that experiences public road construction under a City of Madison Public Works contract during any portion of the vending season, all sidewalk cafe license fees for that vending season (including Roadway Cafe Expansion) shall be 33% of the total as calculated above. A vendor shall be entitled to this reduced fee if, at the time the vendor applies for the annual license, the Common Council has adopted a resolution approving plans and specifications for a phase of road construction to take place anytime during the vending season in question.

³ If a Saturday-only street vending site (established on the official map) is located adjacent to an establishment that qualifies for a Mall/Concourse Regular Sidewalk Cafe, and the size of the Regular Sidewalk Cafe is reduced on Saturdays by the presence of the street vending site, the cafe's annual license fee shall be reduced by five percent (5%) for that vending season. The license shall be approved for both the full size and the reduced Saturday size. This fee adjustment is not available for a Roadway Expansion cafe. (Cr. by ORD-22-00036 , 5-19-22)

(5) Sidewalk Cafe Furniture and other Equipment . The following is a complete list of all equipment allowed in a sidewalk cafe and rules for its use. No person shall place, allow to remain in place, or use any equipment in any sidewalk cafe other than the approved equipment as described below:

(a) Furniture: Tables, Chairs, Other Seating . Tables in sidewalk cafes shall be no more than thirty-two (32) inches in diameter or on the longest side of the table top, unless otherwise authorized by the Director based on the size and configuration of the site. Tables, chairs and other seating such as benches, when allowed, must be weatherproofed, attractive and in good repair and made of a sturdy and safe material. All sidewalk cafe furniture shall be maintained in an attractive and presentable condition.

Plastic furniture is prohibited. Furniture, enclosures, other approved equipment containing some elements of resin may be approved, depending upon the quality and integrity of design. The urban design of the area should be considered when planning furniture design and all equipment should be representative of the corresponding establishment.

(b) Enclosures . This Section applies to fencing and similar decorative enclosures for Regular Sidewalk Cafes and the enclosures that are placed inside required space delineators for a Roadway Cafe.

1. Placement . All pieces of the cafe enclosures shall fit within the dimensions of the approved cafe area. All Regular Sidewalk Cafes shall be enclosed on at least three (3) sides, except when more than one establishment has an adjoining Roadway Cafe permit under Sec. 10.30(5)(b)4. the Director may approve a cafe enclosure configuration with fewer than three (3) sides as long as each establishment's seating area is sufficiently defined. Where sidewalk cafes may be located next to a building the building wall may serve as one side of the enclosure and other enclosures shall be flush against the building wall. For all other cafes, the interior face of the enclosure on the street side shall be no closer than two (2) feet from the curb or the pavement markings delineating the edge of the roadway if there is not a raised curb, except when a Roadway Cafe Expansion License is approved, and except that an approved Sidewalk Cafe enclosure may be placed less than two (2) feet from the curb when the cafe is adjacent to a street that is low volume, and not high risk, as those phrases are defined in Sec. 10.30, and only if consistent with public safety as determined by the Traffic Engineer. If a Roadway Cafe Expansion license is approved, the enclosures in

the roadway portion of the cafe shall also meet the requirements for enclosures in Sec. 10.30.

2. Entrance. Enclosures shall have at least one (1) unobstructed entrance at least three (3) feet wide that complies with the Americans with Disabilities Act and any other law impacting accessibility for persons with disabilities. The entrance shall not be in the roadway portion of the cafe. The position of cafe entrance(s) and enclosures shall not interfere with the entry or egress from the establishment.
 3. Height. Enclosures shall be between thirty-six (36) and forty-two (42) inches in height, and the bottom of the structure shall be no more than six (6) inches from the ground.
 4. Durability. Enclosures shall be constructed of a stable, rigid, wind-resistant, self-supporting framework, capable of containing all furniture and approved equipment within the confines of the cafe and free from any structures that may cause a tripping hazard within or outside the cafe. Hanging elements such as chains or ropes shall not be considered sufficiently stable enclosures.
 5. Design/Style. Furniture design and the overall urban design of the area should be considered when selecting enclosures. All enclosure material must be weatherproofed, attractive and in good repair, maintained in an attractive and presentable condition.
 6. Plants. Planter boxes or potted plants may be incorporated into the enclosure structure, if meeting all other requirements of this Section for enclosures. See also Sub. (i) for plants within the cafe.
- (c) Umbrellas must be securely anchored such that wind will not lift them out of their holders and shall otherwise be capable of withstanding windloads. Umbrella color and design should be consistent with the cafe furniture and urban design of the area and maintained in good repair. The umbrella circumference, when open, shall not exceed the area covered by the tables and chairs that it covers. The umbrella height, when open, shall provide a vertical clearance of not less than seven (7) feet measured from ground to the lowest point of the umbrella so as to provide safe pedestrian clearance. Umbrellas shall not contain any signage, per Chapter 31. No heaters shall be placed under umbrellas.
- (d) Trash. At least one covered trash receptacle shall be provided if the cafe does not include table service, and the cafe shall be maintain in a clean, orderly and litter free manner.
- (e) Service Items. Small tables, stands and similar equipment used as a service station or host stand by establishment staff may be approved on a case-by-case basis.
- (f) Lighting. Light strings, light boxes, or other decorative lighting marked "UL listed" or "UL classified" and rated for outdoor use may be used within the cafe area. Any such lighting shall be securely fastened to the enclosure, umbrella, or other approved equipment, so that it does not blow or swing in the wind, and shall not hang in such a way to create a hazard. No such lighting or other decorative features or cords shall be attached to any public amenity or hung across the street. An extension cord, plugged into the establishment's building only, may be used to provide power to decorative lighting within the cafe, provided it is used according to manufacturer's specifications, does not hang lower than nine (9) feet over the pedestrian walkway when measured from the ground, is placed so that it does not create danger or likely to result in damage to the cord, and must be appropriately monitored when in use and unplugged from the power source when not in use or not being monitored. Electrical cords within the cafe space shall be secured using cord covers approved as part of the approved plan. All decorative lighting, including approved light boxes, must be capable of being removed or stored as required by Sec. 9.135(9).

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- (g) Electrical power source. Other than for Lighting or Electric Heaters described herein, there shall be no electrical power cords connected to any part of a sidewalk cafe, including a roadway cafe expansion, and no sidewalk cafes shall draw power from any City of Madison power source.
- (h) Heaters. Outdoor heaters may be used only if meeting the following requirements and only if approved by the Madison Fire Department prior to use:
1. All proposed heaters and their location must be shown on the application diagram required by Sec. 9.135(3)(e). The applicant shall provide information including manufacturer, style, fuel or power source, and any other details required by the City.
 2. Heaters must be unplugged or disconnected when not in use and during after-hours outdoor storage, if allowed.
 3. Sufficient clearance shall be maintained between heaters and all other objects. Required minimum clearance distance depends on the heating device; five (5) feet is recommended.
 4. Heaters shall be operated in compliance with the operations manual and all recommended safety guidance issued with the heater.
 5. Heaters shall be operated in compliance with any additional laws, ordinances or guidance provided by the Madison Fire Department.
 6. Storage. Heaters and associated equipment shall only be stored outdoors after-hours in compliance with Sec. 9.135(9), and an approved storage plan, if required below.
 7. Propane Heaters. Propane heaters shall be used only in compliance with all Fire Department requirements and only after a propane heater and tank storage plan is approved by relevant City agencies including the Madison Fire Department and the Director. Propane shall not be used if such a plan is not approved. No propane tank shall be stored or remain in any part of the sidewalk cafe area or the public right-of-way after hours. See Sec. 9.135(9) for storage requirements. Establishment staff should be trained in proper installation of fuel tanks and detecting leaks.
 8. Electric Heaters. Electric heaters may be used if the power source complies with the electrical requirements in Subs. (f) and (g) above and in compliance with any other guidelines issued by the City for their use.
- (i) Potted plants, trees, flowers. The establishment may provide its own plants or trees in pots, or planter boxes, to be approved on a case-by-case basis. Planter/flower boxes may be hung on the inside of enclosures or on the exterior, if not facing the public pedestrian walkway, and otherwise not creating a hazard. Enclosures may be designed with built-in planters that do not reduce the required minimum pedestrian walkway adjacent to the cafe. Any such plants shall be watered and maintained in a healthy and attractive condition.
- (j) Tents. Pop-up tent(s) of not more than ten by ten feet may be used in a sidewalk or roadway cafe area, in the discretion of the Director based on factors including available space, proximity to street amenities and other previously-approved vending sites, and only in compliance with applicable fire codes. The following criteria shall apply in the absence of a more strict fire code regulation:
1. Tents shall not exceed 10' x 10' in area.
 2. Tents maintain a minimum vertical clearance of seven (7) feet measured from ground level to the lowest point of the tent canopy.
 3. Tents shall not be staked. Rather, all tent legs must be weighted with a minimum of 40 pounds per leg, using any of the following methods:

- 5 gallon bucket full of water, sand, or concrete.
- 4" PVC pipe at least 36" long filled with concrete.
- Large commercially available tent weights.
- Sandbags or salt bags 40 lbs. or heavier.

Weights must be on the ground and not dangling.

4. Tents shall be secured and weighted as soon as they are put up, and brought down as soon as weight is removed. Tents shall not be left unsecured or unweighted at any time.
 5. Use of tents may be deemed unsafe and prohibited during severe weather events.
 6. All tents must be taken down upon close of business. Tents may only be stored in the cafe area if allowed by Sec. 9.135(9).
 7. No signage of any kind shall be displayed on a tent.
 8. Heaters of any kind shall not be used under tents.
 9. Smoking is prohibited under tents.
 10. Tents must not have closed walls in place and all sides shall remain open while open for business.
- (k) Fire Code Compliance. All equipment hereunder and its placement and storage shall comply with Chapter 34, the Fire Prevention Code, and any other applicable fire code.
- (l) Signs. Any signs, graphics or other logos within a sidewalk cafe shall comply with Chapter 31 of the Madison General Ordinances, any other applicable ordinances, and state law. See Sec. 31.046(2)(c)6.a. for permissible signage on enclosures and portable signs.
- (m) Other authorized equipment. The Director may approve other decorative or functional equipment on a case-by-case basis, which shall be noted in the official record of the approved license.
- (n) City Amenities. Unless expressly authorized herein, no sidewalk cafe equipment shall be attached, affixed or hung from any City street amenity of any kind and no City amenity may be used as part of the cafe.
- (o) Maintenance. All cafe furniture and equipment shall be maintained in an attractive and presentable condition. Items that become weathered or worn shall be repaired or replaced within sixty (60) days of written notice from the Director. Failure to comply with the written notice may result in further enforcement action; however, nothing in this paragraph shall limit the authority of the City to enforce violations of this or any other ordinance through citation or other means.
- (6) Mall/Concourse Sidewalk Cafes. This subsection provides additional location and placement requirements for Sidewalk Cafes in the State Street Mall/Capitol Concourse Vending Area. Licenses for a Sidewalk Cafe and Roadway Cafe Expansion issued to establishments on the Mall/Concourse are considered Mall/Concourse Vending Licenses, and licensees are considered Mall/Concourse Vendors under Sec. 9.136.
- (a) 7-foot Pedestrian Walkway. All Mall/Concourse Sidewalk Cafes shall be placed with a minimum of seven (7) feet of unobstructed pedestrian walkway on the adjacent public sidewalk. No sidewalk cafe may obstruct the pedestrian right-of-way required by the City to be maintained adjacent to the cafe. All sidewalk cafe equipment and operations shall remain within the

boundaries of the sidewalk cafe site as shown in the record of the approved license and surrounded by enclosure(s) meeting the requirements herein.

Establishments that have been issued a regular Mall/Concourse sidewalk cafe license prior to the 2022 vending season where the approved cafe placement provided less than a seven (7) feet minimum pedestrian walkway, as set forth in the record of their most recently approved license, may continue to be approved with a walkway of less than 7 feet, but no less than six (6) feet. If the licensee wishes to change their cafe configuration or dimensions from the most recently approved license (other than by adding a Roadway Cafe Expansion License) any such change shall comply with the 7 foot rule. All new applicants shall comply with the 7 foot rule, including new ownership of the establishment.

- (b) Standard Placement of Mall/Concourse Sidewalk Cafes . Mall/Concourse Sidewalk Cafes shall be placed toward the street, no closer than two (2) feet from the face of the adjacent street curb, and no closer than seven (7) feet to the building face, to allow space for the pedestrian walkway required in Sub. (a), unless alternative placement is required by or approved under Sec. 9.135(6)(d). A Sidewalk Cafe enclosure may be placed less than two (2) feet from the adjacent street curb when the cafe is adjacent to a street that is low volume, and not high risk, as those phrases are defined in Sec. 10.30, and only if consistent with public safety as determined by the Traffic Engineer.
- (c) Lateral dimensions . Mall/Concourse Sidewalk cafes shall extend no further on the public sidewalk than the side property lines of the street level establishment's occupancy space on the corresponding building face, unless a lateral extension is approved under Sec. 9.135(3)(c)2.a. or alternative placement is approved under Sec. 9.135(6)(d) below.
- (d) Mall/Concourse Alternative Sidewalk Cafe Placement .
 - 1. Sidewalk Cafes in 100 Block of Martin Luther King Jr. Boulevard . Sidewalk cafes within the 100 block of Martin Luther King Jr. Boulevard, due to the unusual width and design of the sidewalk between the roadway and the property line of adjacent buildings, shall be located between the building face and a distance of twelve (12) feet from the building face and shall comply with the lateral placement requirement in Sec. 9.135(6)(c) above.
 - 2. Sidewalk Cafes on the Capitol Square . Due to the width and unique design and layout of sidewalks on the Capitol Square, establishments located on the 10 blocks of E. and W. Mifflin, N. and S. Pinckney, E. and W. Main, and N. and S. Carroll Streets may choose a sidewalk cafe location that either complies with Sec. 9.135(6)(b) if the layout of the permanent amenities on sidewalk in front of the business allows, or placed next to the building, but not both. Sidewalk cafes located next to the building shall comply with the lateral placement requirement in Sec. 9.135(6)(c), shall extend no more than five (5) feet from the primary building face (not including any private property), and shall otherwise comply with all applicable requirements of this Section.
 - 3. 500, 600 and 700 Blocks of University Avenue (North Side) . Due to the unique design of the roadway, bus lanes and pedestrian ways on University Avenue, particularly the wide sidewalks, absence of permanent street amenities, and proximity to the bus lane, sidewalk cafes located on the North side of the street within the 500, 600 and 700 blocks of University Avenue shall be placed next to the building. Sidewalk cafes shall comply with the lateral placement requirements in Sub. (6)(c) above, shall extend no more than five (5) feet from the building face, and shall otherwise comply with all applicable requirements of this Section.
 - 4. Mall/Concourse Case-by-Case Placement . The Director may, on a case-by-case basis and at their discretion, allow a sidewalk cafe on portions of the Mall/Concourse other than State

Street to be placed up against the building using the criteria in Sub. (d)1. above, or to split a sidewalk cafe into two (2) sections for one establishment if, after inspecting the site, in the Director's opinion, such variance is necessary to allow a sidewalk cafe for an otherwise eligible establishment.

To be eligible, the adjacent sidewalk must meet the general location eligibility criteria in Sec. 9.135(3)(c).

An establishment shall be eligible for a 2-part sidewalk cafe if made necessary by permanent public amenities positioned in the sidewalk adjacent to the establishment, if there is sufficient space for an enclosed sidewalk cafe on both sides of the amenity(ies). In that case the cafe is considered one licensed cafe site that is split into two sections.

An establishment is eligible for two separate sidewalk cafes if located on a street corner or if it has two street frontages and both adjacent sidewalk and/or roadway areas are otherwise eligible. For establishments on State Street, the cafe on the State Street side shall conform to the rules above for placement on State Street. The cafe on the other side shall be placed against the curb under the standard placement in Sub. (6)(b) above if space allows, or may be placed against the building under the rules of Sub. (6)(d)1. if, in the opinion of the Director, placement against the building is more safe and consistent with the traffic and pedestrian flow on the corresponding street. In this case, the establishment shall obtain two sidewalk cafe licenses. The placement rules in this paragraph shall also apply to an establishment with multiple addresses in Sec. 9.135(6)(e)2.c. below.

(e) Assignment of Sidewalk Cafe Sites Among Street-Level and Non-Street Level Establishments.

1. Definitions.

Contiguously-Located, Street-Level Establishments. An establishment is considered to be "contiguously-located, "street-level" if its place of business is located on the ground floor of a building with a street address that abuts a public sidewalk and there is space on that sidewalk that is not otherwise prohibited for vending by the Madison General Ordinances.

Corresponding Non-Street-Level Establishment. A sidewalk cafe applicant is considered to be a corresponding non-street-level establishment if it is located in the same building as a contiguously-located, street-level establishment, but not on the ground floor.

2. Sidewalk cafe site eligibility shall be determined as follows:

- a. Contiguous Street-Level Establishments. A contiguously-located, street-level establishment shall apply for a sidewalk cafe license by the deadlines in Table B. The site shall be assigned to that applicant if all applicable licensing criteria is met.
- b. Corresponding Non-Street Level Establishments. If a sidewalk cafe is not approved for the street-level establishment by April 1, any eligible establishment in the building, including a corresponding non-street level establishment, may apply for a sidewalk cafe. Cafes shall be issued on a first come, first served basis, taking into account any corresponding merchant vendor application under Sec. 9.136(1)(j)4. If more than one such application is received for the same sidewalk site on the same day, the site shall be assigned by lottery by the Director.
- c. Multiple Addresses. If an eligible establishment has more than one street address abutting a public sidewalk that is otherwise available for a sidewalk

cafe, the establishment is eligible for a sidewalk cafe at both addresses. If multiple eligible tenants use the same street addresses, the site(s) shall be allocated among street-level and non-street level establishments as described above, taking into account any merchant vendor application under Sec. 9.136(1)(j)4.

(7) Citywide Sidewalk Cafes. This subsection sets forth requirements for Sidewalk Cafes for eligible establishments located anywhere in the City but the Mall/Concourse, and are in addition to the provisions that apply to all sidewalk cafes.

(a) Citywide Sidewalk Cafe Location Eligibility.

1. Must meet the establishment eligibility criteria in Sec. 9.135(3)(b).
2. Must meet the location eligibility criteria in Sec. 9.135(3)(c), except that the default location for a citywide Sidewalk Cafe without a Roadway Cafe Expansion License is against the building, unless alternative placement is approved under Sub. (e) below.
3. Required Pedestrian Walkway. An establishment is not eligible if sidewalk cafe placement would result in a violation of Sec. 9.13(4)(d) (minimum six (6) foot wide unobstructed public pedestrian walkway).

(b) Citywide Cafe Placement and Dimensions. Citywide Sidewalk Cafes (without a Roadway Cafe Expansion) shall be located against the building except as allowed under Sub. (e), alternative placement. All components of the sidewalk cafe shall be placed as required by Sec. 9.135(3), (7)(a), and the following criteria:

1. Sidewalk cafes (without a Roadway Cafe Expansion) shall be placed against the building, unless the cafe has been approved for alternate placement under Sec. 9.135(7)(e) below.
2. Sidewalk cafes shall extend no further than the side property lines of the establishment's street frontage unless a lateral expansion has been approved under Sec. 9.135(3)(c)2.a.
3. No Citywide sidewalk cafe may obstruct the minimum of six feet (6') unobstructed public pedestrian walkway required to be maintained on the adjacent public sidewalk. Except for cafes with alternative placement under sub. (7)(c), this six-foot walkway shall be measured from the outside of the cafe enclosure to the:
 - Curb edge,
 - Roadside edge of sidewalk if there is an unpaved terrace,
 - Edge of the roadway if there is no curb, or
 - The near edge of any curbside public amenities such as parking meters, trees, or light posts located adjacent to the proposed cafe and shall be otherwise free from obstructions and public amenities. The points of measurement shall be determined by the Director, according to these standards.
4. Cafe Width. The maximum width of a Citywide sidewalk cafe shall be determined by the width of the adjacent public sidewalk, according to Table C below. Sidewalk width shall be measured from the building face to the edge of the curb (or edge of the sidewalk nearest the roadway if there is an unpaved terrace).
5. Cafe Equipment and Furniture. Allowable equipment in a Citywide Sidewalk Cafe shall be as stated in Sec. 9.135(5) except that the maximum cafe width and table sizes shall be as shown in Table C, below.

Table C Citywide Cafe Specifications

Sidewalk Width	Maximum Cafe Width (Citywide)	Maximum Table Size & Configuration (Citywide)
less than 9'	cafe not permitted	n/a
9'—10'11"	3' cafe	24" diameter or longest side of table top
11'—15'	5' cafe	32" diameter or longest side of table top, or greater, at discretion of Director
15' or more	5' or wider, at discretion of Director	32" diameter or longest side of table top, or greater, at discretion of Director

6. Citywide sidewalk cafes shall be enclosed on at least three (3) sides (the building face may serve as one side of the enclosure), with the choice of which side to remain open being approved on a case-by-case basis. When more than one establishment has an adjoining Roadway cafe permit under Sec. 10.30(5)(b)4. the Director may approve a cafe enclosure configuration with fewer than three (3) sides as long as each establishment's seating area is sufficiently defined. Enclosures shall also comply with the sidewalk cafe enclosure requirements of Sec. 9.135(5) herein.
7. Citywide sidewalk cafes shall comply with all other applicable requirements of this Section. In the event of a conflict with another section, the more strict requirement shall control.

(c) Alternative Placement for Citywide Cafes.

1. Regular cafes - Case-by-Case Determination. The Director may, on a case-by-case basis, allow variances to Secs. 9.135(7)(b) 1., 4., 5., and 6., after inspection of the site, if in their opinion such variance is necessary to approve a sidewalk cafe for an otherwise eligible establishment. Any such cafe shall provide the minimum unobstructed six (6) foot clearance for the adjacent public sidewalk according to where the cafe is located in relation to the building face and street.
 2. Roadway Expansion License. Citywide Sidewalk cafes that are eligible for a Roadway Cafe Expansion shall be placed at the terrace, directly adjacent to the approved Roadway Cafe area and not up against the building.
- (8) Roadway Cafe Expansion License. An establishment with a Regular Sidewalk Cafe may be eligible for a Roadway Cafe Expansion License, authorizing expansion of the seating area for food and beverage service into the roadway immediately adjacent to the sidewalk cafe, creating additional space and seating for the operations and equipment allowed under this Section.

(a) Eligibility. To be eligible for a Roadway Cafe Expansion License, the applicant must:

1. Hold a valid Sidewalk Cafe License or be eligible to apply for a Sidewalk Cafe License at their location, under the eligibility criteria in Sec. 9.135(3)(b) and (c), and 9.135(6) or (7).
2. Hold a valid Roadway Cafe Permit under Sec. 10.30 for the identical part of the roadway.
3. Comply with all other applicable requirements for a Sidewalk Cafe under Sec. 9.135.

(b) Equipment. Only the following equipment may be present in the Roadway Cafe Expansion area:

1. Any equipment allowed in a Regular Sidewalk Cafe under Sec. 9.135(5).
2. Any additional equipment allowed for the Roadway Cafe Permit by Sec. 10.30, which shall only be placed in the Roadway Cafe Expansion Area and not the Regular Sidewalk Cafe area.

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3. All approved equipment and its location shall be indicated in the record of the approved Sidewalk Cafe License. No person shall use or place any equipment within a Roadway Cafe Expansion area except as allowed herein and as indicated on the approved license.
- (c) Application. An applicant for a Roadway Cafe Expansion License shall follow the application procedure in Sec. 9.135(3)(d). Roadway Cafe Expansions are applied for as a Sidewalk Cafe License.
- (d) Criteria for issuance. A Roadway Cafe Expansion License shall only be issued if:
1. A Regular Sidewalk Cafe license has been or will be issued under Sec. 9.135(5) or (6).
 2. A Roadway Cafe Permit has been issued under Sec. 10.30 and the proposed Roadway Cafe Expansion area complies with all requirements of Sec. 10.30.
 3. Proof of required insurance and indemnification agreement required for sidewalk cafes and a roadway cafe permit are on-file and approved as needed by the City Risk Manager.
 4. Any storage plan required for propane heaters by Sec. 9.135(5)(h) is approved and on file with the Director.
 5. Any snow removal plan required by Secs. 10.30 and 9.135(10) is approved and on file with the Director.
 6. All applicable license fees in Sec. 9.135(4), Table B have been paid.
- (e) Roadway Cafe Expansion License, Duration. A Roadway Cafe Expansion License shall be issued in connection with the underlying Regular Sidewalk Cafe license (Mall/Concourse or Citywide) and provided to the applicant after payment of the fees in Table B. Roadway Cafe Expansion Licenses are available in two durations:
1. Seasonal from April 15 to November 15.
 2. Winter from November 16 to April 14, and only available if the applicant has also obtained a Roadway Cafe Permit for Winter Operations under Sec. 10.30(5)(d), received approval of all required snow removal plans, and pays the additional Winter License fee in Table B.
- (f) Invalidation of License for Special Events, Removal for Public Purposes. Roadway Cafe Expansion Licenses and the associated Roadway Cafe Permit are subject to the procedures in Sec. 9.136(1)(k) for temporary invalidation of their licenses during a street use event. Roadway Cafe Permit obstructions and equipment are subject to removal for additional reasons listed in Sec. 10.30(6)(c)3.
- (9) Removal and Storage of Sidewalk Cafe Equipment After Hours.
- (a) Regular Mall/Concourse. A Regular Mall/Concourse Sidewalk Cafe without a Roadway Cafe must completely remove from the right-of-way all equipment associated with the sidewalk cafe, including enclosures, during hours that the cafe is not operating, or store such equipment in another establishment's licensed Roadway Cafe Expansion Area, with permission from that establishment, demonstrated to the Director's satisfaction, and in compliance with all requirements of Sec. 9.135(9)(b)2.b., c. and d., and with such storage approved as part of the Sidewalk Cafe License for the cafe requesting the storage. All such equipment must be removed from the site no later than thirty (30) minutes after the close of business until not sooner than one (1) hour prior to being open for business each day. Sidewalk cafes having permanent facilities approved through a maintenance agreement do not have to remove the permanent equipment that is approved through that process.

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- (b) Regular Citywide. A Regular Citywide Sidewalk Cafe without a Roadway Cafe must completely remove from the right-of-way all equipment associated with the sidewalk cafe, including enclosures, during hours that the cafe is not operating, except for the exceptions noted below. All such equipment must be removed from the site no later than thirty (30) minutes after the close of business until not sooner than one (1) hour prior to being open for business each day, with the following exceptions:
1. Citywide sidewalk cafes having permanent facilities approved through a maintenance agreement do not have to remove the permanent equipment that is approved through that process.
 2. Outdoor storage in Sidewalk/Terrace. On a case-by-case basis, the Director may approve a citywide sidewalk cafe to store some or all of its cafe equipment within the perimeter of its approved sidewalk cafe, if in the opinion of the Director, there is enough room, for an additional license fee set forth in Table B. All such equipment shall be safely secured and stored as required by Sec. 9.135(8)(c)2.c.
- (c) Storage for Sidewalk Cafes with a Roadway Cafe Expansion (Citywide or Mall/Concourse).
1. Removal from the Sidewalk/Terrace. All equipment associated with the sidewalk cafe, including enclosures, must be removed entirely from the sidewalk and terrace portions of the cafe no later than thirty (30) minutes after the close of business until not sooner than one (1) hour prior to being open for business each day. Sidewalk cafes having permanent facilities in the sidewalk or terrace area approved through a maintenance agreement do not have to remove the permanent equipment approved through that process.
 2. Storage in the Roadway Cafe Expansion Area.
 - a. Any equipment required by Sec. 10.30, such as space delineators, shall remain in the roadway in its approved location at all times for the duration of the approved Roadway Expansion License, or until such time as the Roadway Cafe Permit, Roadway Expansion License or entire cafe is discontinued for any reason. Optional heavy equipment such as light boxes, planters, barrels and similar items, if approved as part of the Roadway Cafe Expansion License, may also remain in place after-hours in the approved roadway area only.
 - b. All equipment not listed in Sub. 2.a. above, including the enclosures for the sidewalk and terrace portion of the cafe, shall either be removed completely from any part of the public right-of-way, or may be safely secured and stored within the approved Roadway Expansion area, by no later than thirty (30) minutes after the close of business until not sooner than one (1) hour prior to being open for business each day. This may include cafe equipment from the sidewalk and terrace area as well as the roadway, if there is enough space in the roadway area to store such items as required in Sub. c. This may also include equipment from another sidewalk cafe if approved under Sec. 9.135(9)(a)
 - c. Safe and Secure Storage. Tables, chairs and any other moveable equipment to be stored outside must be gathered or stacked neatly together so that no equipment extends outside the approved perimeter of the Roadway Cafe Permit, secured with a chain or similar device, and locked, such that all stored items cannot be moved, but nothing shall be locked or tied to any City amenity.
 - d. Heater and Propane Tank Storage. When heaters have been approved and overnight storage is permitted under this Section, the following shall apply:

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- i. Heaters. Electric Heaters must be unplugged or disconnected from power, and propane heaters must have the propane tanks disconnected and removed from propane heaters, prior to the heater being stored in the roadway cafe overnight.
 - ii. Propane Tanks. Propane tanks shall not be stored anywhere in the cafe area or public right-of-way after hours. The use of propane heaters shall require an approved propane tank storage plan under Sec. 9.135(5)(h).

(10) Winter Sidewalk Cafe Operations .

(a) Snowfall Procedures for Regular Mall/Concourse Sidewalk Cafes . The following procedures apply to all Regular Mall/Concourse Sidewalk Cafes.

1. Snow Removal . If any cafe site has accumulated snow and ice and the licensee wishes to set up the cafe, they must clear all snow and ice from the site before placing any equipment in the site, including enclosures, and shall not modify the approved perimeter or location of equipment within their approved site.

Operators of cafes with sites on the Capitol Concourse or Municipal Building Vending Area shall push the snow toward, but not into, the road. Vendors shall keep a four foot (4') perimeter around the vending cart, equipment, approved Sidewalk Cafe enclosures clear from accumulating snow and ice at all times.

2. Snow Emergencies . Sidewalk cafe license holders shall not operate, set up any equipment or otherwise operate in the sidewalk portion of their sidewalk cafe on any day when the City has declared a snow emergency under Sec. 12.045(1).
3. Street Vending Snow Day . The Superintendent of Parks or designee (Superintendent) may declare a "street vending snow day" when a full snow emergency under Sec. 12.045 has not been declared but additional time is needed for city staff to safely remove snow and ice from the streets and sidewalks within the Mall/Concourse Vending Area. When a Street Vending Snow Day has been declared, one or both of the following may occur:
 - a. Delayed set-up . Mall/Concourse sidewalk cafe equipment of any kind cannot be placed in the sidewalk or terrace area before 11:00 a.m. or a later time if deemed necessary by the Superintendent and vendors are notified according to the procedure below. Such notification may extend for the entire day.
 - b. Early Closing for Sidewalk Cafes . The Superintendent may also determine that Sidewalk Cafes must close and remove all equipment from the sidewalk/terrace by 12:00 a.m. to facilitate snow removal overnight. The Parks Division will announce the snow day and the specific restrictions above no later than 8:00 a.m. of the affected day by emailing a current list of all affected vendors provided by the Director, and using a call-in telephone number or similar technology established for this purpose.

(b) Snow Removal Plan .

1. Roadway Cafes . If winter operations are approved for a Roadway Cafe Permit under Sec. 10.30(5), a snow removal plan meeting criteria established by the Traffic Engineer and approved by the Streets Superintendent is required.
2. Mall/Concourse Sidewalk Cafe (Regular) . An approved snow removal plan may be required by the Mall Maintenance Supervisor, Streets Superintendent, or both, for a Regular Mall/Concourse sidewalk cafe. Mall/Concourse Licensed Vendors shall comply with all provisions of their approved snow removal plan (if any) when required. In the event of a

conflict between the snowfall procedures set forth above and an approved snow removal plan, the approved snow removal plan shall apply.

3. Citywide cafes without a Roadway Expansion License. No additional snow removal plan is required. Licensees shall follow applicable ordinances for snow removal within their approved sidewalk cafe area.

- (11) Enforcement; Penalties. Any person violating any provision of Sec. 9.135 or the regulations adopted hereto shall be subject to a forfeiture of not less than thirty dollars (\$30) nor more than three hundred dollars (\$300) for each separate violation of the ordinance or regulation. Enforcement of this Section shall not bar proceedings under Sec. 9.13(8), "Procedure for Revocation, Suspension or Nonrenewal of Vending License," nor shall proceedings under Sec. 9.13(8) bar the City from prosecuting violations of Sec. 9.135.

(Cr. by ORD-22-00015 , 4-7-22)