



LEGISLATIVE SPONSORS

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| <input checked="" type="checkbox"/> MAYOR LESTER M. MILLER | <input type="checkbox"/> MAYOR PRO TEMPORE SETH CLARK |
| <input type="checkbox"/> COMMISSIONER VALERIE WYNN | <input type="checkbox"/> COMMISSIONER PAUL BRONSON |
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| <input type="checkbox"/> COMMISSIONER RAYMOND WILDER | <input type="checkbox"/> COMMISSIONER BILL HOWELL |
| <input type="checkbox"/> COMMISSIONER VIRGIL WATKINS, JR. | <input type="checkbox"/> COMMISSIONER BRENDA LYN BAILEY |
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AN ORDINANCE OF THE MACON-BIBB COUNTY COMMISSION TO AMEND DIVISION 15 OF ARTICLE II, CHAPTER 7 OF THE MACON-BIBB COUNTY CODE OF ORDINANCES TO AMEND THE SIDEWALK CAFE PERMITTING PROCESS; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, Article II, Division 15 of Chapter 7 of the Macon-Bibb County Code of Ordinances (the "Code") governs the permitting process for Sidewalk Cafés located in Central Business District 1 ("Sidewalk Cafés"); and

WHEREAS, Macon-Bibb County desires to amend the Code to provide for an updated permitting and enforcement mechanism for balancing the opportunity for Macon citizens and visitors to enjoy downtown al fresca dining and the need to enforce reasonable rules and regulations for such use of public sidewalks; and

WHEREAS, a copy of the affected Code sections to be repealed and replaced is attached hereto as Exhibit A, and incorporated herein by reference; and

WHEREAS, the Macon-Bibb County Commission finds that this Ordinance is necessary and proper to promote or protect the safety, health, peace, security, and general welfare of Macon-Bibb County and its inhabitants;

NOW, THEREFORE, BE IT ORDAINED by the Macon-Bibb County Commission and it is hereby so ordained by the authority of the same that:

Section 1.

Division 15 of Article II, Chapter 7 of the Macon-Bibb County Code of Ordinances, concerning Sidewalk Cafés, is hereby repealed in its entirety, and replaced with the following:

Chapter 7 – BUSINESS REGULATIONS

ARTICLE II. – BUSINESSES

DIVISION 15 – SIDEWALK CAFÉS

Sec. 7-381. Definitions.

As used in this article, the following words shall have the meanings as ascribed to them in this section unless the context clearly indicates otherwise:

Applicant. The individual who serves as the point of contact for the Permit application.

Barriers. Barriers, fences, dividers, or any other obstacles or items which separate the Sidewalk Café from the portion of the sidewalk outside the Sidewalk Café.

Department of Code Enforcement. The Department of Code Enforcement of Macon-Bibb County or the successor department designated by the County Manager.

Director. The Director of the Department of Code Enforcement or the successor department designated by the County Manager, or designee thereof.

Establishment. The business premises of the Permittee which uses the Sidewalk Café as an extension of its business in accordance with this chapter and other applicable laws and regulations.

Full Menu Food Service. Restaurant food service available to patrons at Establishments with Sidewalk Café which includes:

- (1) The menu offers a broad range of foods for patrons to choose from including multiple entrees, appetizers, non-alcoholic beverages, and multiple salads, soups, or desserts;
- (2) The menu available is not reduced from the ordinary lunch or dinner menus of the Establishment. Such menus are often referred to as a late night menus or bar food menus;
- (3) A sufficient number of cooks shall be employed to prepare, cook, and serve suitable food at tables with seating both inside the Establishment and in the Sidewalk Café;
- (4) The Establishment shall hold a certificate of inspection and approval from the county health department; and
- (5) At least one meal per day shall be served at least five days a week, with the exception of holidays, vacations, and periods of remodeling, and the serving of such meals shall be the principal business conducted, with the serving of alcoholic beverages to be consumed on the premises as only incidental thereto.

Permit. Sidewalk Café permit per this division of the Macon-Bibb County Code of Ordinances.

Permittee. The term "Permittee" shall mean the individual or entity who is the recipient of a Sidewalk Café permit under the terms and provisions of this chapter.

Sidewalk Café means the location and use of tables and chairs and other associated equipment and furnishings on the public sidewalk or public pedestrian way and operated as an extension of a licensed food service establishment in the Sidewalk Café District, which sidewalk cafe shall be an incidental activity of the establishment.

Sidewalk Café District means and refers to that area of Macon-Bibb County which is designated CBD-1 Central Section of the Central Business District as defined in the Comprehensive Land Development Resolution for Macon-Bibb County.

Sec. 7-382. Permit.

- (a) No person shall operate a Sidewalk Café in the Sidewalk Café District without a Permit issued by the Tax Commissioner, or successor department or office. The Permit shall be renewed on an annual basis. The Permit shall be placed on the Establishment's window at street level in clear view from the sidewalk where the Establishment's Sidewalk Café is located. Sidewalk Café Permits shall only be issued to Permittees for Establishments located in the Sidewalk Café District which offer Full Menu Food Service.
- (b) The permit fee for a Sidewalk Café shall be \$150.00 per year.
- (c) Permits are non-transferable. Permits will expire upon the earlier of transfer of ownership, change in use of the establishment, or December 31st of each year.
- (d) The issuance of a Permit shall not be construed or interpreted to convey any vested property rights or any leasehold rights or interests to any person or business. The holder of a Permit shall have the right to enforce trespass laws within the Permittee's Sidewalk Café. Permittee's use of the Sidewalk Café is subject to the rights of utility companies pursuant to franchise or easement. Prior to acceptance of a Permit, a Permittee shall acknowledge that Permittee has inspected the proposed Sidewalk Café and determined that the area is suitable for its purposes and that it assumes all risks associated with its use of such area.
- (e) County reserves the right to close any sidewalks or portion of sidewalks whenever it deems necessary.

Sec. 7-383. Application and Renewals.

Any person desiring to operate a Sidewalk Café shall submit an application, on a form prescribed by the County Manager or the County Manager's designee to the Tax Commissioner's Office. Renewal applications shall be submitted between September 1st and December 31st of each year. Late submissions may result in expiration of the Permit pending review of the renewal applications. Applicants who submit an initial application on or after July 1st for a permit to expire within six months on the following December 31st shall have the dollar amount of their permit fee reduced by half. The application shall include, but not be limited to, the following:

- (1) Name of Applicant and Permittee;
- (2) Name, address, email address, and telephone number of Establishment and Permittee's designated contact individual;
- (3) A copy of a valid Macon-Bibb County business registration certificate for the establishment of which the sidewalk cafe will be an incidental activity;
- (4) A copy of a current certificate of insurance in the amounts and categories required by Sec. 387.1(b)(1) of this chapter;

- (5) A certificate of good standing from the Permittee and the Applicant as required by Sec. 26-51(d)(1) and Sec. 26-51(d)(2);
- (6) A current lease, property deed, management agreement, or other document demonstrating a right of possession to the property upon which the premises are located;
- (7) Written approval of the owner of the real property parcel where the Establishment is located for the Permittee to operate a Sidewalk Café in the vicinity of the Establishment.
- (8) A sketch identifying the perimeter area, the dimensions of the area, and the dimensions from perimeter to curb or nearest obstacle; and
- (9) Renewal applications shall require the timely submission of all of the requirements herein this Section except Subsections (6), (7), and (8) unless the Permittee or Applicant seeks to alter the Sidewalk Café's perimeter area, the dimensions of the area, or the dimensions from perimeter to curb or nearest obstacle.
- (10) Any other materials required in order to assess compliance with this Division.

Sec. 7-384. Americans with Disabilities Act.

Any person or entity receiving a permit hereunder agrees to fully comply with all applicable requirements of the Americans with Disabilities Act as currently existing or as may be hereafter amended.

Sec. 7-385. Distance Regulations.

- (a) Sidewalk widths shall be measured the shortest straight-line distance from the building to the curb. A building average is generally calculated by measuring the distance from the most prominent fixed points on a building or store front at their corners, and approximate center in a location that is not utilized for building ingress/egress.
- (b) Sidewalks shall be at least twelve (12) feet wide for a Sidewalk Café to be allowed on one side of the sidewalk either along the building or the curb so long as other distance requirements are met.
- (c) Sidewalks shall be at least nineteen (19) feet wide for a Sidewalk Café to be allowed on both side of the sidewalk along the building and the curb so long as other distance requirements are met.
- (d) The minimum distance between a curb and a Sidewalk Café is four (4) feet or six feet if no other alternative path on the sidewalk allows a minimum width of six (6) feet for pedestrian travel.
- (e) *Limitations on area.* For establishments which adjoin a public pedestrian space other than a conventional sidewalk, the area in which a Sidewalk Café is operated shall be located and be of such dimensions as in the discretion of the Director will not unduly encroach upon said public space.
- (f) Contiguous pedestrian flow must be maintained between two (2) or more adjacent Sidewalk Cafés. If two adjacent Establishments have Sidewalk Cafés, the Establishment which submitted its initial Permit application later shall be obligated if necessary to align its Sidewalk Café to allow for contiguous travel along the public sidewalk.

Sec. 7-386. Regulations regarding furniture, dividers, fences, barriers, and other items in Sidewalk Cafés.

- (a) *Furniture removal within 24 hours' notice.* The Director of Code Enforcement, the Director of the Emergency Management Agency, or other person designated by the Mayor or County Manager may require removal of all tables and chairs used in conjunction with operation of the Sidewalk Café within 24 hours for inclement weather predicted to severely impact Macon in at least 36 hours or as may otherwise be deemed necessary by Macon-Bibb County. The 24 hours' notice shall run from the moment Macon-Bibb County or its agent sends the designated person or establishment email notice or otherwise delivers actual notice to the Permittee via one or more of the points of contact listed in the Permittee's most recent application or renewal application.
- (b) *Furniture regulations.* No upholstered furniture or other indoor furniture not reasonably suited to be subject to the elements for extended periods of time shall be placed in Sidewalk Cafés. Removable seat cushions may be used in Sidewalk Cafés. However, removable seat cushions must be stored indoors in the place of business daily by 10:00 p.m. or within 30 minutes of closing time, whichever is later. Chairs, umbrellas, and all items weighing forty (40) pounds or less shall be removed from the Sidewalk Café and stored within the Establishment. Furniture and items in Sidewalk Café shall be in good and safe condition. Furniture shall not be permanently affixed to the sidewalk. The Director shall otherwise have the authority to prescribe standards for the type, color and quality of tables, chairs, umbrellas or other approved associated equipment and furnishings used in conjunction with a Sidewalk Café as herein defined. If such standards are imposed, then a copy of such standards shall remain on file in the Code Enforcement Department.
- (c) *Minimum umbrella criteria.* Umbrellas and their bases shall not be permanently affixed to the sidewalk and must be no less than the weights and pole diameters listed here. Umbrellas shall never exceed thirteen (13) feet in diameter and shall not open to a public space which is outside the Sidewalk Café:
 - (1) 5 feet diameter and below: 50-pound base weight and 1.5" pole diameter.
 - (2) More than 5 feet to 7.5 feet: 80-pound base weight and 1.5" pole diameter.
 - (3) More than 7.5 feet to 10 feet: 100-pound base weight and 1.75" pole diameter.
 - (4) More than 10 feet to 13 feet: 130-pound base weight and 2" pole diameter.
- (d) *Barriers, fences, dividers.* Permanently affixed Barriers as defined in Section 7-381 are strictly prohibited. Permittees may use movable Barriers to separate the Sidewalk Café from the portion of the sidewalk outside the Sidewalk Café if Barriers are regularly removed from the Sidewalk Café in accordance with the furniture regulations in subsection (b) of this Section, with the exception that Barriers must be removed regardless of whether such items weigh greater than or equal to 40 pounds. Barriers shall not be less than three feet or more than four feet in height.
- (e) *Legacy exception.* Permanent fencing or other barriers installed prior to March 19, 2024 may be allowed to continue operation so long as said improvements are compliant with the requirements of the Americans with Disabilities Act as currently existing or as may

be hereafter amended. However, upon the change of ownership of the Establishment at which the Permittee holds the Sidewalk Café Permit or period of expiration of the Permit for at least one year, Macon-Bibb County may require the owner to remove the fencing or replace the fencing with removable fencing and repair any and all damage caused to the sidewalk by the removal of the permanent fencing and installation of the removable fencing.

- (f) Notwithstanding any other provision in this Division, no Establishment shall be permitted to place any furniture, Barrier, or other obstruction or item in the sidewalk path of travel that must be preserved under this Division, and any such obstruction shall be subject to removal or relocation without notice.

Sec. 7-387. Other Regulations.

- (a) *Limited operation after food service ceases.* The Sidewalk Café shall close and cease table service no later than one hour after Full Menu Food Service ceases before the Establishment's daily closing time. Patrons may still use the Sidewalk Café, but service and receipt of orders in the Sidewalk Café by the Permittee shall cease.
- (b) *Lighting.* Adequate exterior lighting must be provided for use of a Sidewalk Café in operation between dusk and dawn.
- (c) *Alcoholic beverages/open containers.* Permittees and their patrons shall be exempt from any restrictions on possession of open containers of alcoholic beverages, as provided in Chapter 4 of this Code, within the Sidewalk Café, if the Establishment is otherwise licensed to sell such alcoholic beverages under all applicable laws and ordinances. All relevant provisions of Chapter 4 - Alcoholic Beverages in this Code shall be enforced regarding the sale, service, possession, and consumption of alcoholic beverages.
- (d) *Food and beverage preparation and sales.* Food and beverage preparation of any kind within the Sidewalk Café shall be strictly prohibited as well as food service appurtenances. Sales shall be restricted to individuals patronizing the Sidewalk Café and shall be prohibited to pedestrians traveling on the sidewalk. Such pedestrians may be offered food and drink service inside the Establishment.
- (e) *Permits at adjacent locations.* Sidewalk Cafés shall not encroach upon the sidewalk in front of adjacent structures unless the Applicant submits to the Director an agreement signed by the owner of the adjacent structure and occupant of the sidewalk level space in the adjacent structure nearest to the Applicant's business, then the Sidewalk Café Permit may include sidewalks of the immediately adjacent structure as well.
- (f) No Establishment, nor Sidewalk Café that is permitted pursuant to this division, shall be ordered closed, or constructively closed, for any street party or similar event in the Sidewalk Café District regardless of street closings related to said parties and events unless specifically ordered by resolution of the mayor and commission.

Sec. 7-387.1. Insurance Requirements

- (a) Except for actions arising out of Macon-Bibb County's sole negligence, the permittee shall indemnify, defend, save, and hold harmless the Consolidated Government of Macon-Bibb County, its officers and employees, from any and all claims, liability, damages, and causes of action which may arise out of the permit or the permittee's activity on the premises.

- (b) The Permittee shall meet and maintain for the entire permit period, at its own expense, the following requirements:
 - (1) Commercial general liability in the amount of \$1,000,000.00 per occurrence for bodily injury and property damage. The Consolidated Government of Macon-Bibb County must be named as an additional insured on this policy, and an endorsement must be issued as part of the policy reflecting compliance with this requirement.
 - (2) The Consolidated Government of Macon-Bibb County must receive 30 days' written notice prior to any cancellation, non-renewal, or material change in the coverage provided.
 - (3) The Permittee must provide an original certificate of insurance as evidence that the above requirements have been met prior to issuance or renewal of a permit.

Sec. 7-387.2. Revocation and suspension of permit.

- (a) Mayor or County Manager or their designee may revoke or suspend Permits for violations of this Division or local ordinance by the Permittee, or for the any activity in the Sidewalk Café which is a threat to public health, welfare, or safety.
- (b) Revocations are subject to review by the Municipal Court or other Bibb County court with jurisdiction to hear matters pertaining to the Macon-Bibb County Code of Ordinances. The revocation or suspension shall be denied by the court if the revocation lacks substantial justification because the grounds for revocation or suspension are substantially arbitrary or frivolous, substantially groundless and not based upon violation of this Division or other applicable law or regulation, or substantially vexatious. Notice of the action and hearing date, time, and location to revoke or suspend the Permit shall be served on the Permittee and owner of the real property where the Establishment is located via certified mail, return receipt requested, overnight statutory delivery, or personal service delivered to the manager on duty of the Establishment.
- (c) Permits may be revoked or suspended for a period up to 12 months depending upon history and severity of violations.
- (d) Violations of this Division shall be subject to fines of up to \$400 for a first offense per annual permit period. Subsequent fines may be issued up to \$800 per offense per day. Each day in which a violation continues shall constitute a separate offense.
- (e) Permittees and persons acting for or employed by Permittees are responsible for compliance with this Division. Landowners of Establishments who are not the Permittees of said Establishments and are not acting for or employed by Permittees are not liable for violations of this Division.

Section 2.

The Commission hereby declares that the foregoing preamble and whereas provisions set forth hereinabove constitute, and shall be considered to be, substantive provisions of this Ordinance and are hereby incorporated by reference into this provision.

Section 3.

(a) It is hereby declared to be the intention of the Macon-Bibb County Commission that all sections, paragraphs, sentences, clauses, and phrases of this Ordinance are and were, upon their enactment, believed by the Macon-Bibb County Commission to be fully valid, enforceable, and constitutional.

(b) It is hereby declared to be the intention of the Macon-Bibb County Commission that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Chapter is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Macon-Bibb County Commission that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Macon-Bibb County Commission that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs, and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 4.

All Ordinances and Resolutions, or parts thereof, in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

Section 5.

In the event scrivener's errors shall be discovered in this Ordinance or in the Exhibits hereto after the adoption hereof, the Commission hereby authorizes and directs that each such scrivener's error shall be corrected in all multiple counterparts of this Ordinance.

Section 6.

The Commission hereby grants the Mayor and all other proper officers and agents of the County the authority to take any and all further actions necessary to carry out the intents and purposes of this Ordinance.

Section 7.

In the event that this Ordinance or part thereof is found by any court of competent jurisdiction to be substantively more appropriately denominated an act of resolution by the Macon-Bibb County Commission, it is the intent of this Commission that this Ordinance or such portion thereof shall be considered to have been adopted as a resolution of the Macon-Bibb County Commission. Where any law bearing on the subject matter of this Ordinance calls for the taking of any legislative action by the governing authority of Macon-Bibb County, and such law specifies for such action to be taken by resolution or by ordinance, it is the intent of this Commission that this Ordinance satisfy such requirement, and that this Ordinance be construed accordingly.

Section 8.

This Ordinance shall become effective September 1, 2024, upon its approval by the Mayor or upon its adoption into law without such approval. Sidewalk Café permits shall be required for all Sidewalk Cafés subject to regulation pursuant to this Ordinance effective on and after January 1, 2025. Pursuant to Section 14 of the Charter, the Mayor may also disapprove or reduce any item or items of appropriation with respect to this Ordinance, and the item or items disapproved shall not become law unless subsequently passed into law over the Mayor's veto by the affirmative vote of six (6) members of the Macon-Bibb County Commission.

SO ORDERED AND ORDAINED this 19 day of March, 2024.


LESTER M. MILLER, MAYOR

ATTEST:


JANICE S. ROSS, CLERK OF COMMISSION

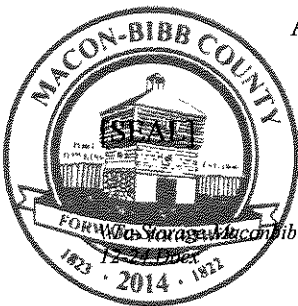


EXHIBIT A

DIVISION 15. SIDEWALK CAFES

Sec. 7-381. Purpose.

The purpose of this division is to provide for regulation of sidewalk cafes operated by qualified restaurants on public sidewalks in the downtown area, and to more fully promote the public interest by contributing to a viable and attractive commercial and pedestrian environment. In recognition thereof, reasonable regulation of sidewalk cafes is necessary to protect the public health, safety, and welfare, and the interest of Macon-Bibb County and the primary use of the public streets and sidewalks by vehicular and pedestrian traffic.

Sec. 7-381.1. Qualifications; special permit.

The use of sidewalks for restaurant tables shall only be permitted incidental to the operation of a qualified, registered restaurant on private property. For purposes of this chapter, a qualified, registered restaurant would be one which derives at least fifty (50) percent of its total annual gross food and beverage sales revenues from the sale of prepared meals or food. A special permit to conduct such use shall be allowed for by the Tax Commissioner and shall become effective on the date of issuance and shall automatically expire on the following March 31st. Permits for sidewalk cafes may be renewed yearly between January 1st and March 31st. A request for the use of sidewalks shall be subject to approval of the urban development authority, compliance with this Code and building code regulations, and all other legal requirements.

(Ord. No. O-21-0081 , § 1(Exh. A), 10-19-2021)

Sec. 7-381.2. No closing of sidewalk cafes for special events.

No restaurant, nor sidewalk cafe that is permitted pursuant to this division, shall be ordered closed, or constructively closed, for any street party or similar event in the central business district regardless of street closings related to said parties and events unless specifically ordered by resolution of the mayor and commission.

Sec. 7-382. Restrictions on use of sidewalks.

- (a) In no event shall the uses permitted by this division reduce that portion of any sidewalk customarily used by pedestrians to less than five (5) feet in width. At least a 15-foot setback from the street curbs at street intersection corners shall be maintained. Additionally, contiguous pedestrian flow must be maintained between two (2) or more adjacent sidewalk cafes.
- (b) Tables and chairs cannot be placed more than ten (10) feet from the front of the building in which the food is prepared, except as provided otherwise in subsection (g).
- (c) Tables and chairs and all other unsecured fixtures that are not fully secured must be removed from the sidewalk at the close of business of the restaurant and shall be so stored during all nonoperating hours.
- (d) Macon-Bibb County reserves the right of access to all portions of the sidewalk included in areas permitted for the purposes of sidewalk repair or other necessary purposes.
- (e) Persons issued permits pursuant to this section shall maintain the sidewalk area in a clean and safe condition.
- (f) Only the area in front of a restaurant, as defined by projecting its interior width outward perpendicular to the street to a point at which it intersects the roadway, can be used by the restaurant, unless the licensee has a written agreement with adjacent property owners to use part of the sidewalk area in front of his business. Placement of tables and chairs will be permitted in areas more than ten (10) feet from the front of the building only when the permitting authorities determine it is in the best interest of the public to permit such placement. All tables and chairs must be of a design, material, and specification suitable for outside dining. The sidewalk cafe area may be delineated by the use of non-permanent decorative devices such as railings, potted plants, decorative chain fencing or other such fixtures approved by the Urban Development Authority and Macon-Bibb County. The permanent anchoring of railings, fencing, or other fixtures may be

approved by the Urban Development Authority and Macon-Bibb County with assurances that the sidewalk will be repaired upon closure of the sidewalk cafe business. Such railing or fencing material shall be approved by the permitting authorities and shall be similar in design, material and construction for all sidewalk cafes.

- (g) Sidewalk cafes will only be permitted in the CBD-Central Business District Zone as defined by the comprehensive land development resolution for Macon-Bibb County. Actual location approval within said district shall be at the discretion of the Urban Development Authority and Macon-Bibb County.
- (h) Except as specifically provided in this division, the ownership, operation and maintenance of a sidewalk cafe shall be subject to all applicable laws, ordinances and regulations.
- (i) The distance requirements of subsection (a) and (b), shall not apply to nonconforming sidewalk café locations that were approved by the Macon-Bibb County Urban Development Authority prior to November 15, 1994.

Sec. 7-383. Permit—Procedure.

- (a) An applicant for a permit under this division shall file his application therefore with the Tax Commissioner on forms provided by the Tax Commissioner. In addition to the application form, petitioner must submit a site plan of the proposed area and photos or specifications of the proposed furnishings and accessory signage.
- (b) The Tax Commissioner shall refer the application package to the Urban Development Authority, who shall consider the application and conduct a hearing thereon. The Urban Development Authority shall notify by mail the property owners and tenants at the three (3) adjacent business locations on both sides of the proposed sidewalk cafe of the time and place at which such application shall be considered by the authority.
- (c) Upon Tax Commissioner or his designee shall verify approval of the Urban Development Authority, that the applicant is a qualified, registered restaurant operator in good standing at the specified location, payment of appropriate fees, and compliance with all other requirements of this chapter, a permit may be issued by the Tax Commissioner.
- (d) An applicant who shall be refused a permit by the Department of Business and Development Services due to disapproval of his application by the Urban Development Authority shall have ten (10) days from the date of such refusal to appeal to the commission, whose decision shall be final.

(Ord. No. O-21-0081 , § 1(Exh. A), 10-19-2021)

Sec. 7-384. Same—Insurance prerequisite.

- (a) No permit shall be issued pursuant to this section, unless the applicant shall furnish to the Tax Commissioner evidence of public liability insurance, naming Macon-Bibb County and the Macon-Bibb County Urban Development Authority as co-insured parties and insuring them against any liability resulting from the uses permitted pursuant to this section. The coverage shall not be less than five hundred thousand dollars (\$500,000.00).
- (b) No permit issued pursuant to the provisions of this chapter shall be valid at any time the insurance required by this section is not maintained and evidence of its continuance filed with the Tax Commissioner.

(Ord. No. O-21-0081 , § 1(Exh. A), 10-19-2021)

Sec. 7-385. Same—Revocation.

The permit may be revoked at any time by written notice to be served by the Tax Commissioner on the permittee; such service to be by certified mail or personal service. Upon receipt of such revocation notice, the permittee shall have ten (10) days to appeal such revocation to the commission, whose decision shall be final.

(Ord. No. O-21-0081 , § 1(Exh. A), 10-19-2021)

Sec. 7-386. Same—Fees.

An annual fee of one hundred thirty dollars (\$130.00) shall be due concurrent with the due date of the business occupation tax of the restaurant and shall be paid to the Tax Commissioner. All fees required herein shall be in addition to any other fees or payments required elsewhere in this Code.

(Ord. No. O-21-0081 , § 1(Exh. A), 10-19-2021)

Sec. 7-387. Same—Refunds and prorations.

- (a) When the permit fee has been paid during the first half of the calendar year, and the person paying such fee discontinues the business during the first half of the calendar year, the mayor and Tax Commissioner may authorize the refunding of one-half of such fee, provided all other fees and taxes owing by such person have been paid.
- (b) On any new sidewalk cafe permitted by Macon-Bibb County after July first of each year, the permit fee shall be one-half of the amount as set by ordinance.

(Ord. No. O-21-0081 , § 1(Exh. A), 10-19-2021)

Routing/File Form

Document Type: ☐ Contract ☐ Deed ☒ Ordinance ☐ Resolution ☐ Grant ☐ Other
 (Check one of the above document types)

AN ORDINANCE OF THE MACON-BIBB COUNTY COMMISSION TO AMEND DIVISION 15 OF ARTICLE II, CHAPTER 7 OF THE MACON-BIBB COUNTY CODE OF ORDINANCES TO AMEND THE SIDEWALK CAFE PERMITTING PROCESS; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

Annual Cost:

Total Contract Amount:

Administering Department or Officer:

Contractor(s):

Contract Start Date:

Contract End Date:

Funding Source(s):

Automatic Renewals:

_____ yes

_____ no

Number of Renewals:

5

Final Expiration Date:

<u>Ordinance/Resolution</u>			<u>Contracts/Other</u>	
<u>Reviewed By:</u>	<u>Initials</u>	<u>Month/Day/Year</u>	<u>Initials</u>	<u>Month/Day/Year</u>
Assistant County Attorney	FAH	3/13/24		/ /
Sr. Asst. / County Attorney		/ /		/ /
Grant Administrator		/ /		/ /
Finance Director	Cusi	3/14/24		/ /
County Manager	KM	3/14/24		/ /
Mayor	R	3/14/24		/ /
Clerk of Commission		/ /		/ /
Commission Approval		/ /		

ALL FULLY-EXECUTED CONTRACTS ARE TO BE PLACED ON FILE IN THE CLERK OF COMMISSION'S OFFICE AS SOON AS POSSIBLE AFTER EXECUTION.

SPONSORED BY:

- ☒ MAYOR LESTER M. MILLER
☐ MAYOR PRO TEMPORE SETH CLARK
☐ COMMISSIONER VALERIE WYNN
☐ COMMISSIONER PAUL BRONSON
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☐ COMMISSIONER BILL HOWELL
☐ COMMISSIONER VIRGIL WATKINS, JR.
☐ COMMISSIONER BRENDA LYN BAILEY

COMMITTEE ACTION TAKEN AND DATE:

RECOMMEND: _____

(Approved/Disapproved/Approved as Amended)

Date

APPROVED AS TO FORM BY COUNTY ATTORNEY


Frank A. Howard
Assistant County Attorney

AN ORDINANCE OF THE MACON-BIBB COUNTY COMMISSION TO AMEND DIVISION 15 OF ARTICLE II, CHAPTER 7 OF THE MACON-BIBB COUNTY CODE OF ORDINANCES TO AMEND THE SIDEWALK CAFE PERMITTING PROCESS; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

Referred to the Committee on: _____

Date: _____

REPORT

Rendered _____
and _____



VOTE

Yes No Abstain Absent

Wynn				<input checked="" type="checkbox"/>
Bronson	<input checked="" type="checkbox"/>			
Lucas	<input checked="" type="checkbox"/>			
Jones	<input checked="" type="checkbox"/>			
Clark	<input checked="" type="checkbox"/>			
Wilder	<input checked="" type="checkbox"/>			
Howell	<input checked="" type="checkbox"/>			
Watkins	<input checked="" type="checkbox"/>			
Bailey	<input checked="" type="checkbox"/>			
Mayor Miller				
Total:				