

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMADOR CITY
AMENDING AND REPLACING SECTION 12.08.010 OF THE CITY MUNICIPAL
CODE AND ADDING SECTION 12.08.030 TO CHAPTER 12 OF THE CITY CODE**

Ordinance No. 181

Whereas, the City desires an expedient and uniform method of granting encroachment permits for businesses to utilize outdoor space within public right-of-ways in order to support a healthy and safe business climate in the City of Amador City;

Whereas, the ability to provide outdoor seating will also support safe practices in times where public health concerns necessitate outdoor seating and will support local businesses in such times;

Whereas, the revocable permitting process expressed in this Ordinance will provide flexibility for the City to evaluate encroachments for local restaurant and bar establishments to utilize public space in a way that protects the public interest in free movement through the city by pedestrian traffic, and will also provide an ambiance consistent with local building and aesthetic standards;

Whereas, the permit process provided for in this Ordinance will include a revocation option by the City without cause, and will preclude an expectation to possession or continued rights to use, and will allow the City to revoke any permit without cause in the City's sole discretion;

NOW THEREFORE, the City Council of Amador City, a general law city of the State of California, does **ORDAIN** as follows:

1. Enactment. Chapter 12.08.010 of the Amador City Municipal Code is amended and replaced, and Section 12.08.030 is added, as follows:

12.08.010 - Permit required.

All encroachments of every kind, nature or description (excluding public utilities) upon any city street, sidewalk, or public space without a permit issued in accordance with the provisions of Sections 12.08.020 and 12.08.30, is prohibited.

12.08.030 Sidewalk restaurant and bar revocable encroachment permits.

A. Establishments in the business primarily of serving food and beverages may be permitted on a city sidewalk, boardwalk, alleys, or other public space located in the public right-of-way, subject to location and issuance of a sidewalk revocable encroachment permit under this section and compliance with the application, and operational requirements of this section.

B. Applications for a sidewalk revocable encroachment permit shall be made to the city engineer. A completed sidewalk revocable encroachment permit application must be

accompanied by two sets of plans drawn to scale. The site plan must show the location of tables, chairs, a perimeter barrier element, and any fixed elements on the sidewalk, boardwalk, alley, or public space within a twenty-five (25) foot radius around the sidewalk café area. Plans must include the dimension of the clear zone, as defined in subsection E of this section, from outer perimeter of the sidewalk trade fixtures to nearest sidewalk infrastructure features.

C. The terms restaurant and bar use shall mean and refer to an establishment in the primary business of offering food and drink services, including alcoholic beverages, to the general public.

D. Sidewalk permits shall not obstruct pedestrian traffic, accessibility to vehicles parked adjacent to the curb, or create public health or safety hazards.

E. A minimum three-foot clear zone is required between the outside edge of any sidewalk trade fixture and any fixed element within the sidewalk, alley, or public space within the pedestrian right-of-way. Fixed elements include, but are not limited to, light and sign poles, trees and landscape strips, traffic poles, parking meters, curbs, tree-wells, flower pots, and waste containers. "Clear zone" means a pedestrian area that is maintained free of all obstructions for purposes of foot passage.

F. The sidewalk revocable encroachment permit holder is responsible for compliance with all federal and state laws relating to disabled access in the operation of a sidewalk restaurant or bar establishment and in maintaining the clear zone required by subsection E, as may be applicable.

G. No additional parking shall be required for sidewalk business establishments permitted under this section.

H. Permitted areas under this Section shall be used only as seating areas for service by the restaurant or bar. All other uses, including storage, kitchen, or restroom uses, are not allowed. Tables and chairs must be movable unless otherwise approved by the City Engineer.

I. Placement of tables and chairs shall be limited to the public right-of-way frontage adjacent to the associated restaurant and bar use as determined by the City Engineer unless the applicant demonstrates to the satisfaction of the City that the areas proposed for use under the encroachment permit are areas over which the applicant exercises lawful dominion and control. All tables and chairs subject to the permitting requirements of this Section must be approved in advance by the City Engineer.

J. Service and consumption of alcoholic beverages in a sidewalk café shall comply with applicable laws and licensing requirements.

K. A decorative element separating the sidewalk permit seating area from adjacent pedestrian traffic must be provided. The design and materials of this element must complement and be compatible to the architectural design features of the City. Decorative elements of the permitted area must be approved in advance by the City Engineer or designee as established by the City Council.

L. Areas permitted for use under this Section may be uncovered, partially covered, or fully covered by means of umbrellas, awnings or canopies. Width and height of awnings and canopies shall meet applicable building code requirements. Awnings, canopies and umbrellas must be made of fire-treated or nonflammable materials. Decorative or accent lighting may be incorporated into the permitted area and shall meet all City Code requirements.

M. Permit approval under this Section is subject to the applicant obtaining all required building and electrical permits prior to construction, and satisfactorily demonstrating compliance with applicable building and fire safety standards as may be applicable.

N. The permit issued under this section shall be displayed in a prominent location easily accessible to the public together with a copy of the approved design submitted in conjunction with the application for issuance.

O. The business establishment applying for a permit under this Section shall utilize an application developed by the City Engineer and approved for mandatory use by the City Council. The application shall include an application fee established by the City Council as well as agreement to terms and conditions as established by the City Council, including but not limited to indemnity and insurance requirements. A permit issued under this section is revocable in the sole discretion of the City Council, or designee, at any time without notice. The City Council may, by resolution, establish such other administrative procedures and standards not inconsistent with this Section as may be necessary or convenient in administering this Section. A permit issued under this Section shall not give right to an expectation of continued use, nor a right to possession.

2. Effective Date. This ordinance shall be in full force and effect commencing thirty (30) days after its final adoption and publication according to law.

3. Severability. This Ordinance is intended to comply with all laws of the State of California and should be interpreted in such a manner. Should this Ordinance be found invalid as a matter of law by a court of competent jurisdiction in any provision, part thereof, or as applied to any circumstances, then any such provision, or part thereof, causing the invalidity may be severed by such court to the least extent possible and the remainder hereof be left enforce.

This Ordinance was introduced and read by title only on the 17th day of August, 2021 and was passed and adopted on this 21st day of September, 2021 by the following vote:

AYES: Bragstadt, Kel-Artinian, Marks, Robinson, Smith

NOES:

ABSENT: 



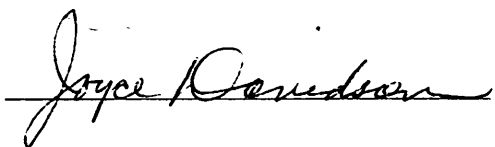
Anne Kel-Artinian

Mayor

Amador City, California

I, Joyce Davidson, City Clerk of Amador City, do hereby certify that the foregoing ordinance was introduced on the 17th day of August, 2021, was regularly adopted at a meeting thereof on the 21st day of September, 2021, and was published/posted pursuant to law.

ATTEST:

A handwritten signature in cursive script, reading "Joyce Davidson", written over a horizontal line.

Joyce Davidson, City Clerk