

§ 10.27. Use of Sidewalks by Private Parties in Accordance with State Statutes when Applicable.

10.27.1. Temporary Retail Displays. Retail displays, including temporary signage may be displayed on public sidewalks provided they meet the following conditions:

10.27.1.1. Temporary displays are limited to items for sale within the establishment directly adjacent to the frontage upon a sidewalk. This provision shall not apply to flower boxes, historic markers, or other decorative architectural items that are consistent with the historic character of surrounding buildings. Display of autos or parts for sale is prohibited on the sidewalk.

10.27.1.2. At all times, displays must allow for a minimum of 3' of unoccupied and unobstructed space on sidewalk to allow for adequate pedestrian and handicap access and shall not block an egress. The width of the sidewalk is measured from the property line to curbside obstacles, including but not limited to trees, sign posts, light poles, flag poles, utility poles, and fire hydrants.

10.27.1.3. Display must be kept in a neat, and orderly manner, and not create a nuisance or safety hazard.

10.27.1.4. The City of Gardiner will not be responsible for any damage to or loss of any items placed on the sidewalks.

10.27.2. Sidewalk Cafés. No person shall expand a food service establishment to the outside on any sidewalk in the City except under a duly authorized outdoor dining permit.

10.27.2.1. Regulations and Restrictions.

10.27.2.1.1. Sidewalk cafés are only allowed for restaurants and food-serving establishments.

10.27.2.1.2. Sidewalk cafés shall be contiguous with the establishment with which they are associated.

10.27.2.1.3. Sidewalk cafes shall leave a minimum width of three (3) feet unoccupied and unobstructed in order to allow adequate pedestrian movement and handicap access. The width of the sidewalk is measured from the property line to curbside obstacles, including but not limited to trees, sign posts, light poles, flag poles, utility poles, and fire hydrants.

10.27.2.1.4. Sidewalk Café Permits are valid from June 1st to May 31st of each year. Chairs, tables and appurtenances may remain on the sidewalk area, and shall not interfere with snow removal and maintenance.

10.27.2.1.5. No permanent structure or device shall be erected or placed in, on, or about any public sidewalk.

10.27.2.1.6. Any damage done to the public right-of-way by the applicant or by its patrons shall be repaired at the expense of the applicant.

- 10.27.2.1.7. Litter emanating from the sidewalk café area, and from whatever area to which it may flow, shall be collected by the permittee as often as may be required to keep the sidewalk clear of litter and debris.
- 10.27.2.1.8. Sidewalks shall be swept and cleaned at the close of business each day.
- 10.27.2.1.9. Outdoor music associated with any eating establishment that is wholly or partially on municipal property shall abide by current noise standards.
- 10.27.2.1.10. There shall be no additional signage for the outdoor dining.
- 10.27.2.1.11. Aside from individual table lighting, such as candles, there shall be no additional exterior lighting installed.
- 10.27.2.1.12. These standards shall not apply to a restaurant, vendor, or other party participating in a duly approved event under the City of Gardiner's "Special Events" ordinance.
- 10.27.2.1.13. The City of Gardiner will not be responsible for any damage to or loss of any items placed on the sidewalks.
Failure to adhere to these standards shall result in the revocation of the permit until such time that the violation has been corrected.

10.27.2.2 Sidewalk Café's and other outdoor food service establishments on city property must follow all Regulations and Restrictions described in 10.27.2.1. and shall approach city council to negotiate for use of any city property other than sidewalks (parks, streets, empty lots etc.).

10.27.2.2. Permit Procedures.

- 10.27.2.2.1. The applicant shall apply for a Sidewalk Café Permit from the City Clerk on an annual basis.
- 10.27.2.2.2. The applicant shall provide a plan showing the area intended for outdoor dining, the proposed seating, the barrier fencing and the ingress and egress. In addition, the plan shall also include the dimensions of the seating area and the distance from the barrier fencing to any curbside obstacles. The Plan will be reviewed and approved by the Code Enforcement Officer, Fire Chief, Police Chief and Public Works Director.
- 10.27.2.2.3. The applicant shall also provide a Certificate of Liability Insurance covering the effective dates of the permit in the amount of \$500,000. In addition, the City of Gardiner shall be named as an additional insured.
- 10.27.2.2.4. In the event alcoholic beverages are to be sold, a copy of a valid and current liquor permit from the State Liquor Commission shall be presented.
- 10.27.2.2.5. Sidewalk Café Permits are subject to an annual application fee as set by the City Council.