

**ORDINANCE NO. __ SUPPLEMENTAL
AMENDING CHAPTER 214, ARTICLE V, OF THE CODE OF ORDINANCES, OUTDOOR
DINING, TO EXPAND OUTDOOR DINING INTO PARKING SPACES AND THE ROADWAY**

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF STAMFORD THAT Chapter 214, Article V of the Stamford Code of Ordinances, Outdoor Dining, be amended as follows:

ARTICLE V. OUTDOOR DINING

Sec. 214-44. Purpose.

This Article is designed to permit outdoor dining in areas where it is appropriate and to promote and protect the public health, safety and general welfare. Specific purposes of this Article are:

- (1) To ensure adequate space for pedestrians on the sidewalk adjacent to outdoor dining areas;
- (2) To preserve and enhance the character of the neighborhoods where such outdoor dining is permitted and to protect the adjacent areas;
- (3) ~~To promote the most desirable use of land.~~ To reimagine the potential of City Streets
- (4) To promote an active and healthy street life; and
- (5) To support the City's local businesses

Sec. 214-45. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

Outdoor Dining. Any outdoor cafe, sidewalk cafe, Streatery, outdoor eating area or any outdoor food service accessory to a Food Service Establishment.

Permittee. A person who has received a permit from the City of Stamford to operate an Outdoor Dining facility.

Public Property. Includes all property owned or used by the City of Stamford, including City parks.

Public Sidewalk. Any portion of the ~~street~~ Public Right-of-Way, between the curb and the adjacent property line, intended for the use of pedestrians

Public Right-of-Way. Any portion of any street, avenue, boulevard, highway, sidewalk, alley, park, waterway, railroad or similar place which is owned or controlled by a governmental entity.

Food Service Establishments. Food Service Establishments include Restaurants, Cafes, Drive-ins, Carry-outs, Bakeries and all other retail food shops, as same are defined in the Zoning Regulations and Chapter 132 of the Code of Ordinances.

Sidewalk Cafe. Any group of tables, chairs, benches and suitable decorative devices maintained solely upon any Public Sidewalk for use in the sale to the public of food, refreshment and beverages.

Streatery. Any group of tables, chairs, benches and suitable decorative devices maintained upon any portion of a public road or any portion of a public parking area for use in the sale to the public of food, refreshment and beverages.

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Winter Months. The period of time from November 30 to March 15 of the next succeeding year.

Amenity Zone. That area which is generally ~~twenty-four (24)~~ forty-eight (48) inches in width and is intended to contain trees, fire hydrants, parking meters, utility poles and other items of a similar nature. ~~Said Amenity Zone shall be located directly adjacent to the roadway.~~

Sidewalk Cafe Season. The period from March 15 to November 30.

Streatery Season. The period from April 1 to November 1.

Outdoor Dining Area: The area of private property or Sidewalk Cafe or Streatery permitted for use to a Food Service Establishment in accordance with this Article.

Sec. 214-46. - Permit and license required.

- A. An owner of any Food Service Establishment, seeking to provide Outdoor Dining on either publicly or privately owned property, shall make application to the Director of Operations of ~~the Zoning Enforcement Officer~~ of the City of Stamford for a permit to provide Outdoor Dining. The issuance of said permit shall require the review and approval of the Director of Operations, ~~the~~ Zoning Enforcement Officer, the Building Department, the Transportation, Traffic, and Parking Department, the Director of Health Inspections, and the Fire Marshal or their designee. ~~and the Police Chief or his/her designee.~~
- (1) For Outdoor Dining on privately owned property, the qualifications, regulations and conditions relative to said permit and the issuance thereof are those that are otherwise applicable to the indoor part of the restaurant, including optimal accessibility for all ages and abilities.
 - (2) Furthermore, the Outdoor Dining area on privately owned property shall not encroach on any Public Sidewalk or Public Property unless approved, permitted, and licensed in accordance with this Article.
 - (3) Application forms and instructions for an Outdoor Dining permit shall be made available to the public by the Director of Operations ~~Zoning Enforcement Officer.~~
 - ~~(4) A fee of two hundred and fifty dollars (\$250.00) per year shall be charged for an Outdoor Dining permit.~~
- B. In addition to the permit required in Subsection 214-46.A, an owner of a Food Service Establishment seeking to provide Outdoor Dining ~~on a Public Sidewalk~~ within the Public Right-of-Way shall enter into a license agreement with the City of Stamford for utilization of same as hereinafter provided.
- (1) Application forms and instructions for a license agreement to use ~~a Public Sidewalk~~ the Public Right-of-Way for Outdoor Dining shall be made available to the public by the Director of Operations ~~Zoning Enforcement Officer.~~
- C. A completed application for a license agreement to use ~~a Public Sidewalk~~ the Public Right-of-Way for Outdoor Dining shall include the following:
- (1) A lease or other satisfactory evidence of proprietorship of the existing Food Service Establishment.
 - (2) A certificate of insurance naming the City of Stamford and its officers, employees, agents and assigns as the additional insured party. Said certificate of insurance shall be in a minimum amount of one million dollars (\$1,000,000.00) against any and all damage and injury to property or person by reason of or

related to the permittee's use of the ~~Public Sidewalk~~ Public Right-of-Way. If any applicable insurance expires prior to the end of the Sidewalk Café and/ or Streatery Season, any associated permit and license agreement issued shall immediately be revoked.

- (3) An executed agreement, in form and substance as determined by the city, to indemnify and hold harmless the City of Stamford and its employees, officials and/or agents and assigns from any and all claims, actions, injuries or damages of every kind and description which may accrue to or be suffered by any person by reason of or related to the operation of a said ~~Sidewalk Café~~ Outdoor Dining Area.
- (4) An Outdoor Dining Plan detailing the area for which the application to occupy the Public ~~Sidewalk~~ Right-of-Way is made. The Outdoor Dining Plan shall include the following:
 - (a) The proposed location of any ~~Sidewalk Café~~ Outdoor Dining Area. The final, approved location of the Outdoor Dining Area shall be the area designated by the Director of Operations and shall be approved by the Zoning Enforcement Officer;
 - (b) A drawing or illustration with dimensions depicting with reasonable accuracy the location of public waiting areas, tables, chairs, temporary poles, planters, buildings, curbs, roadway, railings, similar supports and dividers and like appurtenances;
 - (c) a clear and unobstructed path for pedestrians that is not less than forty-eight (48) inches in width which allows for adequate pedestrian movement and is generally coordinated with adjacent properties ~~and is outside the Amenity Zone~~;
 - (d) a clear and unobstructed path for pedestrian movement that allows ingress and egress ~~to the interior of the Food Service Establishment to any building access point; and~~
 - (e) a written narrative describing any noise, noise producing systems, waste management, odor, light pollution or environmental impacts expected in such outdoor area as a result of such outdoor activities and an explanation of how such impacts will be mitigated.

~~No portion of the Sidewalk Café may be located in the Amenity Zone, or in either of the areas designated for pedestrian movement.~~ The Outdoor Dining Plan shall require the review and approval of the Zoning Enforcement Officer, the Building Department, the Director of Health Inspection or their designee, , the Transportation, Traffic, and Parking Department, the Fire Marshal or their designee, ~~and the Police Chief or his/her designee~~ verifying that the plan permits adequate public access in the area surrounding the cafe area and ingress and egress from the Food Service Establishment and adjoining buildings so as not to endanger the public health, safety and welfare. ~~The plan referenced above shall meet the following requirements: it shall be prepared by a Connecticut licensed surveyor, architect or engineer, and shall be to scale with dimensions, showing all physical features existing or proposed.~~ The provisions of an approved Outdoor Dining Plan shall be adhered to at all times.

- (5) In the event that alcoholic beverages are to be sold, a copy of a valid and current liquor permit from the State Liquor Commission.

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- D. No permit or license shall be issued until the fee required for such license or permit has been paid by the applicant. The yearly fees to be charged for the license for an Outdoor Dining area located within the Public Right-of-Way ~~on a Public Sidewalk or public land shall be in addition to the Outdoor Dining permit fee, and shall be in the amount of two dollars (\$2.00) per square foot, based upon the square footage detailed in the plan described in Section 214-46.C(4) hereof. This fee shall be in addition to the Outdoor Dining permit fee shall be as follows:~~

Effective Upon Enactment.

<u>Fee Level</u>	<u>Seating Number in Public Right of Way</u>	<u>Fee</u>
<u>Level 1</u>	<u>20 seats or fewer</u>	<u>\$250.00</u>
<u>Level 2</u>	<u>21-45 Seats</u>	<u>\$500.00</u>
<u>Level 3</u>	<u>Greater than 45 seats</u>	<u>\$1,500.00</u>

Effective January 1, 2025.

<u>Fee Level</u>	<u>Seating Number in Public Right of Way</u>	<u>Fee</u>
<u>Level 1</u>	<u>20 seats or fewer</u>	<u>\$300.00</u>
<u>Level 2</u>	<u>21-45 Seats</u>	<u>\$600.00</u>
<u>Level 3</u>	<u>Greater than 45 seats</u>	<u>\$1,800.00</u>

Effective January 1, 2027.

<u>Fee Level</u>	<u>Seating Number in Public Right of Way</u>	<u>Fee</u>
<u>Level 1</u>	<u>20 seats or fewer</u>	<u>\$350.00</u>
<u>Level 2</u>	<u>21-45 Seats</u>	<u>\$700.00</u>
<u>Level 3</u>	<u>Greater than 45 seats</u>	<u>\$2,100.00</u>

Notwithstanding the above, the yearly fee for the permit and license for an Outdoor Dining Area that includes the use of a metered parking space shall be charged a fee equal to Level 3, regardless of the number of seats in the Public Right-of-Way.

The yearly fee for the permit for Outdoor Dining solely on private property shall be equal to Level 1, as set forth above.

The yearly fee for the permit and license for Outdoor Dining Area on both private property and within the Public Right-of-Way shall follow the above fee schedule.

- F. An Obstruction Permit from the Engineering Department will not be required if the above conditions are satisfied.

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G. The Director of Operations shall notify the Chief of Police upon approval any permit and license issued in accordance with this Article.

Sec. 214-47. - General regulations and restrictions.

- A. ~~Sidewalk Cafe~~ A Sidewalk Café and Streatery may only be located in the Public Right-of-Way directly in front of the Food Service Establishment with which they are associated, except under the following circumstance. The Food Service Establishment may submit with the license application required by Sec. 214-46, written permission from the adjacent property owner to use a portion of the Public Right-of-Way located directly in-front of the adjacent property. The use of this adjacent property shall be included in the Outdoor Dining Plan.
- B. ~~Sidewalk Cafes~~ Outdoor Dining Areas shall not be permitted to operate between the hours of 1:00 a.m. and 7:00 a.m., Monday through Friday, or 1:30 a.m. and 7:00 a.m., Saturdays and Sundays.
- C. The furnishings of Sidewalk Cafes and Streateries shall consist solely of movable tables, chairs and decorative accessories. Furnishings must be kept in a state of good repair and in a clean and safe condition at all times.
- D. Sidewalk Cafes and Streateries shall only operate during the permitted Sidewalk Cafe Season and Streatery Season, and for the remainder of the year, all chairs, tables and appurtenances shall be removed from the Public Right-of-Waysidewalk area. If this provision is not complied with, the City shall remove and dispose of said items, the cost of which shall be borne by the owner of the Food Service Establishment.
- E. A structure or device which is not of a permanent nature and which is not less than thirty (30) inches in height shall be erected or placed in, on or about the perimeter of the area which the Sidewalk Cafe Outdoor Dining Area is permitted to occupy. However, temporary poles, railings or similar supports or dividers may be anchored to non-protruding fixtures in the sidewalk. No tables, chairs, signs, heaters, decorations, planters, or other appurtenances may encroach outside of the area demarcated by the above referenced perimeter devices.
- F. The Department of Health shall, at all times, have full jurisdiction concerning compliance with appropriate laws, statutes, ordinances, and regulations concerning the safe handling and servicing of food and beverages, and nothing contained herein shall be construed to limit or abrogate the powers of the Director of Health.
- G. Refuse receptacles located in Outdoor Dining Areas shall be covered at all times.
- H. Litter located in or emanating from the Sidewalk Cafe or Streatery shall be collected by the permittee, as defined in section 214-45 hereof, as often during the course of day or night as may be required to keep the sidewalk-Public Right-of-Way clear of litter and debris. At the end of the permitted Sidewalk Cafe Season or Streatery Season, the permittee must thoroughly clean the Public Right of Way subject to the permit and ensure the to removal or repair of any hazardous conditions located therein.
- I. Tables may not be preset in a Public Right-of-Way.
- J. No open grills or barbecues shall be permitted in a Public Right-of-Way .
- K. All tables, chairs and appurtenances shall be positioned and maintained in strict compliance with the approved Outdoor Dining Plan.
- L. Illumination of ~~Sidewalk Cafes~~ Sidewalk Cafes and Streateries shall be confined to the café-permitted portion of the sidewalk-Public Right-of-Way.

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- M. ~~Sidewalk Cafes~~ Sidewalk Cafes and Streateries may be covered by nonstructural material, such as canvas or vinyl, that can be retracted. These may not be permanently supported from the sidewalk.
- N. Noise-producing systems for advertising purposes shall be prohibited on the Public Right-of-Way. Noise producing systems generating background music will be approved or disapproved on a case-by-case basis at the time the application for a license agreement is made, using consideration for the protection of adjacent and nearby residents as the criteria.
- O. Music in Outdoor Dining Areas shall terminate after 8:00pm and no music shall begin before 10:00 am. Live performances, including performances by disc jockeys, bands and other entertainers shall be prohibited within the Public Right-of-Way
- P. The provision of the City of Stamford Noise Control Ordinance, Section 164-1, et seq., shall be observed at all times.
- Q. No advertisement or other signage shall be placed within the public Right-of-Way other than the name of the Food Service Establishment which may be marked onto the barriers referenced in Sec. 214-47 (E) in the public Right-of-Way.
- R. An unobstructed and un-encroached path with a minimum width of 48" shall remain on the sidewalk
- S. The total number of seats in the Outdoor Dining Area shall not be increased beyond the approved and permitted amount.
- T. Licenses and permits issued in accordance with this Article shall be clearly displayed and available for inspection upon request.
- U. The Director of Operations may adopt rules and regulations for the implementation and enforcement of this Article. The violation of any such rule and regulation shall constitute of violation of this Article.

Sec. 214-48. - Limitation of license.

Any license agreement issued hereunder shall be limited to a revocable license for the use of a ~~public sidewalk area~~ Public Right-of-Way for purposes specified herein and shall not be construed as granting any interest to, upon or for the use of a ~~public sidewalk~~ area beyond this limited scope.

Sec. 214-49. - Violations, Penalties and Revocation.

- A. Any person who violates any of the provisions of this Article shall be fined an amount not exceeding Two Hundred and Fifty Dollars (\$250.00.). Each hour or portion thereof in which any violation shall occur shall constitute a separate offense. The recipient of a civil citation shall have the right of appeal as set forth in Chapter 97 of the Stamford Code of Ordinances.
- B. In addition to any other fine or penalty which may be provided by state statute or any other sections of the Code of Ordinances of the City of Stamford, any permit or license for Outdoor Dining on either publicly or privately owned property issued in accordance with this Article may be revoked and/or suspended, without return of the permit fee, by the Zoning Enforcement Officer the Director of Operations, in their sole discretion, upon the occurrence of any of the following:
 - (1) Violation of any regulation under section 214-47 of this Article, or any state, federal or local law.

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- (2) Violation of any Connecticut liquor law and/or regulation.
 - (3) Violation of any Health Department order, regulation, health ordinance or public health statute, including the provisions of the City of Stamford Noise Control Ordinance.
 - (4) A change in circumstances in the surrounding area.
 - (5) In the event that it becomes necessary for the City of Stamford or an applicant with an issued and valid Roadway Obstruction or Road Opening Permit to perform work in or adjacent to the ~~Sidewalk-Cafe~~ Outdoor Dining area.
 - (6) Failure to maintain good order and proper conduct of ~~Sidewalk-Cafe~~ Outdoor Dining patrons.
- C. Upon revocation or suspension of any license or permit issued in accordance with this Article, all chairs, tables and appurtenances shall be removed from the Public Right-of-Way by the Food Service Establishment. If this provision is not complied with, the City shall remove and dispose of said items, the cost of which shall be borne by the owner of the Food Service Establishment,

Sec. 214-50. Inspections

The City shall have the right to inspect any Outdoor Dining Area at any time without notice to ensure compliance with this Article.