



# City of Annapolis

160 Duke Of Gloucester  
Street  
Annapolis, MD 21401

**Signature Copy**

**Ordinance: O-19-14**

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**File Number: O-19-14**

**Sidewalk Café Hours** - For the purpose of permanently codifying the authorization in Ordinance 36-12 that permitted sidewalk cafes to remain open during the normal business hours governing such establishments.

## CITY COUNCIL OF THE City of Annapolis

**Ordinance 19-14**

**Introduced by: Alderman Budge**

**Referred to  
Economic Matters**

**A ORDINANCE** concerning

### **Sidewalk Café Hours**

**FOR** the purpose of permanently codifying the authorization in Ordinance 36-12 that permitted sidewalk cafes to remain open during the normal business hours governing such establishments.

**WHEREAS,** the City Council adopted Ordinance 36-12 on June 10, 2013 that authorized permitted sidewalk cafes to remain open during the normal business hours governing such establishments; and

**WHEREAS,** Ordinance 36-12 shall be deemed abrogated and of no further effect on June 1, 2014 and stricken from the Code of the City of Annapolis in order to assess any impacts of later sidewalk café hours on the surrounding community; and

**WHEREAS,** no significant adverse community impacts have been reported as a result of the later sidewalk café hours; and

**WHEREAS,** the City Council intends to now permanently codify the changes originally adopted in Ordinance 36-12.

**SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL** that there shall be no abrogation of any of the following from the Code of the City of Annapolis:

### **CHAPTER 7.42 - SIDEWALK CAFES**

#### **7.42.010 Sidewalk café-Defined-Permit required.**

- A. A person shall not construct, maintain, use or operate a sidewalk café without first obtaining a permit as provided in this chapter.
- B. An application for a sidewalk café permit shall be made to the City Clerk on forms provided by the City Clerk. The application shall be made by the operating establishment.
- C. A sidewalk café permit shall be for one year from May 1st in each year until the following April 30th, except that, for the 1996-1997 term, the permit shall be valid from the date on which the

permit is issued, even if prior to May 1, 1996. The holder of a permit shall pay an annual fee as established by resolution of the City Council. The annual fee shall be paid with the original permit application and with the request for renewal of the permit.

- D. For purposes of this chapter, "sidewalk café" means any area situated on a public sidewalk where food, refreshments, and/or beverages are sold by a restaurant, delicatessen, ice cream shop or coffee shop (hereinafter "operating establishment") for public consumption at tables or counters located on the sidewalk fronting the operating establishment. Sidewalk cafés shall operate only as authorized pursuant to this chapter.

**7.42.020 Standards.**

- A. No part of a sidewalk café area shall encroach upon any part of the sidewalk frontage of any adjacent premises, right-of-way or alley.
- B. A sidewalk café must leave a minimum six-foot unobstructed passageway for pedestrians along the length of the café. For operating establishments adjacent to sidewalks less than ten feet wide at the location of the proposed sidewalk café, the City Clerk, with the consent of the Department of Public Works, may reduce the unobstructed passageway to not less than that required by the Americans With Disabilities Act (42 U.S.C. 12101 et seq.) or its successors.
- C. The holder of a sidewalk café permit shall fully insure, indemnify, defend and hold harmless the City and in their capacity as such, the officers, agents and employees thereof from and against any and all claims and damages in any way arising out of or through the acts or omissions of the permit holder or its employees in the construction, operation, maintenance, use, placement or condition of the sidewalk café. An applicant for sidewalk café shall provide proof of such insurance before a permit may be issued or renewed under this chapter.
- D. A sidewalk café shall close and all café seating shall be removed from the café area no later than thirty minutes before the permitted closing time of the operating establishment. The café area shall be cleared of all other furniture (excepting any furniture approved pursuant to Section 21.08.060(D) to remain in the café area overnight), debris and obstructions to the sidewalk no later than thirty minutes before the permitted closing time of the operating establishment.
- E. An operating establishment shall not sell, serve or allow consumption of alcoholic beverages on its sidewalk café without obtaining the required license from the Alcoholic Beverage Control Board. Alcoholic beverages shall be served on the sidewalk café only in conjunction with the service of food. Notwithstanding any contrary or different hours of operation in its alcoholic beverages license, an operating establishment shall not sell, serve or allow consumption of alcoholic beverages on its sidewalk café within thirty minutes before the operating establishment's permitted closing time.
- F. Sidewalk café furniture shall comply with any and all guidelines adopted pursuant to Section 21.08.060(D) of this code. Except as otherwise provided pursuant to Section 21.08.060(D), all sidewalk café furniture shall be readily moveable and shall be stored indoors when not in use. No permanent structures or improvements shall be installed in or near the café area.
- G. The following are prohibited in the café area: cooking of food; unshielded trash or refuse storage; advertisements (exclusive of menus intended to be read from café); outdoor entertainment, music, speakers, or public address system; exclusively carry-out transactions.
- H. A sidewalk café shall comply with all applicable building, health, safety, fire, zoning and environmental standards.

**7.42.030 Existing sidewalk cafés.**

Sidewalk cafés in existence in the C2 district as of November 13, 1995 under authority of a lease agreement with the City, may, at the option of the lessee, continue to operate pursuant to either the existing terms of such lease agreement or the terms of this chapter.

**7.42.040 Sidewalk café violation.**

The provisions of this chapter shall be enforced by the Department of Public Works and the Department of Neighborhood and Environmental Programs. A person who continues to violate this chapter after a written request to take corrective action is guilty of a municipal infraction and shall

be fined for each violation as established by resolution of the City Council plus costs. In addition, the City Council may revoke or suspend a permit issued pursuant to this chapter upon a second or subsequent conviction under this section in any twelve-month period.

**SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL** that this Ordinance shall take effect from the date of its passage.

**EXPLANATION**

CAPITAL LETTERS indicate matter added to existing law.

~~Strikethrough~~ indicates matter stricken from existing law.

Underlining indicates amendments.

ADOPTED this 19th day of May, 2014.

**Aye:** 7 Mayor Pantelides, Alderman Budge, Alderman Paone, Alderwoman Pindell Charles, Alderwoman Finlayson, Alderman Kirby and Alderman Arnett

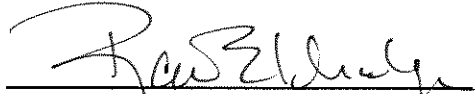
THE ANNAPOLIS CITY  
COUNCIL

  
\_\_\_\_\_  
Michael J. Pantelides, Mayor

Date

6/3/14

ATTEST

  
\_\_\_\_\_  
Regina C. Watkins-Eldridge, MMC,  
City Clerk

Date

6/3/14