



2. An application for a zoning permit shall be submitted to the zoning administrator, with a site plan identifying the location and dimensions of the outdoor seating area; the type and height of proposed outdoor barriers, the proposed location of all sidewalk café furniture and equipment; site dimensions of the building; and existing public improvements, such as fire hydrants, light poles, trees and tree grates; and photographs of the area. A consultation with the street administrator may be sought before a permit is issued to determine if the proposed pedestrian area is sufficient for passage past the café area and any other potential issues. A sidewalk café area shall not be located in a clear vision intersection area.
3. The immediate area of the café shall be maintained free of litter and debris. Trash receptacles related to the sidewalk café area shall be placed outside of the public right-of-way during non-business hours.
4. Sidewalk cafés may only be located adjacent to the restaurant or food service business with which they are associated. This requirement may be waived, however, to extend the sidewalk café to an adjacent property, if deemed appropriate after review by the zoning administrator and agreeable to the adjacent property owner. Food preparation shall not be conducted on the sidewalk café area, but only inside of the adjacent restaurant or food service business. All food shall be brought outside to the patrons in the marked seating area, except drinks may be served from a rolling cart.
5. Hours of operation of the sidewalk café shall not be later than 10:00 p.m. Sunday through Thursday, and 11:00 p.m. on Friday and Saturday.
6. Days of operation of the sidewalk café shall not occur before April 1 or after October 31. Tables, chairs, portable signs, barriers and other equipment used in the operation of the café shall be removed from November 1 to March 31.
7. A sidewalk café permit shall be in effect as long as the restaurant or food service business has an active customer business.
8. A certificate of general liability insurance that names the village and its officers and agents as additional insureds, and provides for a least 15 days' notice of cancellation, must be submitted prior to issuance of the permit. The minimum amount of coverage required is \$1,000,000.00 per occurrence and \$2,000,000.00 in aggregate.

9. The village shall have the right to suspend the operation of a sidewalk café because of anticipated or actual problems or conflicts in the use of the public sidewalk. Such problems may arise from, but are not limited to, festivals and similar events, parades, or repairs to the street, sidewalk or utilities within the public right-of-way. To the extent possible, the café owner will be given prior written notice of any time period during which the operation of the sidewalk café may be suspended.
 10. Violations of the permit requirements shall be given in writing to the owner and operator of the restaurant or food service business and sidewalk café with a reasonable time limit to correct the violation. All permits issued under this section are subject to immediate suspension or revocation by the village manager or his or her designee for failure to comply with any or all provisions of this section after the time limit to correct the violation. Revocation shall be reserved for third offense repeat violations and violations that present an egregious safety risk to the public.
 11. Persons who have had their permit revoked may request in writing a hearing on that revocation before the village council. Requests for a hearing or an appeal must be made within five business days of the revocation.
- b. Sidewalk cafés with alcohol service are subject to the following additional regulations:
1. The operator of the sidewalk café shall take whatever steps are necessary to procure the appropriate license from the Michigan Liquor Control Commission if he or she intends to serve alcoholic beverages in the sidewalk café area and shall comply with all other laws and regulations concerning the serving of alcoholic beverages in the State of Michigan.
 2. The sidewalk café area shall be separated from pedestrian traffic by an approved barrier, which can consist of planters, railings and other similar materials. All barriers used for sidewalk cafés serving alcoholic beverages shall also conform to Michigan Liquor Control Commission Regulations.
 3. A sign reading "No Food or Beverage Allowed Beyond Barrier," or words to that effect, shall be posted at a conspicuous location within the sidewalk café.
 4. All alcoholic beverages to be served at sidewalk cafés shall be prepared within the adjacent indoor restaurant or food service business, and alcoholic beverages shall only be served to patrons *seated* at tables. The drinking of alcoholic beverages by a member of the public while a patron at a sidewalk café within the confines of the sidewalk café area shall not be construed as a violation of any ordinance controlling open containers in a public area.
 5. Notice to the adjacent property owners or occupants on both sides of the applicant's property shall be required in the application package before a permit is issued by the village. Proof of this notice shall be provided to the village by the applicant.

6. Sidewalk cafés serving alcohol shall be continuously supervised by employees of the establishment.
7. To be eligible to apply for a sidewalk café, the adjoining restaurant or food service business from which the sidewalk café extends must provide a full-service menu for the on-site consumption of food.

Section 4. Effective Date. This ordinance shall take effect immediately upon its publication in a newspaper circulated within the Village.

YEAS: McCloud, Jaquays, Thomas, Brighton, Rudisill, Walkington, Banks
 NAYS: None
 ABSTAIN: None
 ABSENT: None

ORDINANCE DECLARED ADOPTED.

 Karen L. Banks, President

 Pearl Goodemoot, Clerk/Treasurer

CERTIFICATION

As the Clerk of the Village of Lake Odessa, Ionia County, Michigan, I certify this is a true and complete copy of an ordinance adopted by the Village Council at a regular meeting held on December 18, 2017.

Date: _____, 2018

 Pearl Goodemoot, Village Clerk

PC Public Hearing: December 5, 2017
 Adopted: December 18, 2017
 Published: _____, 2017
 Effective: _____, 2017