

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, AMENDING TWIN FALLS CITY CODE BY THE ADDITION OF A NEW SECTION 8-2-15 PROVIDING FOR PERMITTING OF OUTDOOR SEATING ON PUBLIC SIDEWALKS.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TWIN FALLS, IDAHO:

That Chapter 2 of Title 8 of the Twin Falls City Code is amended as follows:

“8-2-15: OUTDOOR SEATING ON PUBLIC SIDEWALKS:

The City may issue permits for use of public sidewalks for outdoor seating within the CB Central Business and OT Old Towne zoning districts. Permits issued as authorized by this section are discretionary with the City Council, and shall never create any property rights by the permittee in the public right-of-way. Permits may be issued under the following conditions:

(A) Anyone wishing to use the public sidewalk for outdoor seating must submit a written application to the City along with a scaled drawing demonstrating that the proposed outdoor seating area will conform to the following standards.

1. Seating abuts or is parallel to the on premise vendor in which the seating will serve.
2. The boundaries of the outdoor seating area are identified by the placement of one or more continuous physical barriers with a maximum height of three (3) feet. Barrier gates shall not swing into the required unobstructed sidewalk area required in this Section.
3. In areas where the sidewalk is less than ten (10) feet, at least five (5) feet of clear, unobstructed sidewalk width will remain available for pedestrian use along the cement pavement, in a linear direction more or less parallel to the right-of-way the full length of the outdoor seating area. In areas where the sidewalk is twenty (20) feet, ten (10) feet of clear, unobstructed sidewalk shall remain.
4. Outdoor seating area shall have a five (5) foot setback between the designated seating area and a driveway, alley, or street.
5. Awnings associated with the outdoor seating will be installed in accordance with the Building Code. Umbrellas shall not extend into the required unobstructed sidewalk area required in this Section.
6. Signs associated with the outdoor seating area will be installed in accordance with provisions of the underlying zone. One (1) freestanding menu sign is permitted for each outdoor seating area subject to the sign being located within the approved seating area and being no more than six (6) square feet in size.
7. Garbage cans for collection of trash generated by the outdoor seating area will be provided at a convenient location, and removed from the public right-of-way at closing every day.
8. Use of the outdoor seating area for service of food shall be in compliance with all regulations of South Central Health District.
9. Where applicable, seating located within an ITD or Highway District Right-Of-Way shall require written approval from the governing entity.

- (B) Upon determining that the application meets the requirements of this section, the City may issue a permit signed by the applicant including, but not limited to, the following conditions:
1. Certificate of commercial/general liability insurance in the minimum amount of \$500,000, naming the City of Twin Falls an additional insured for any claim arising out of use of the public right-of-way for outdoor seating.
 2. Twin Falls City, its officers, agents and employees, will be held harmless from any claims, causes of action, injuries, losses, damages, expenses, fees and costs, including attorneys' fees, associated or arising from the operation of the outdoor seating.
 3. The outdoor seating owner and operator will be responsible for repair of any damage done to the public sidewalk due to the installation or removal of furnishings, barriers or other features of the outdoor seating area.
Hours of outdoor use will be limited to not earlier than 6:00 A.M. and not later than 12:00 A.M. and will not exceed the operating hours of the associated eating or drinking establishment.
 4. Any music or ambient sounds shall meet the sound limitation requirements outlined in Title 10 of City Code.
 5. The outdoor seating area and surroundings will be maintained in a neat and clean condition at all times.
 6. The outdoor seating owner and operator will remove seating area if necessary for sidewalk repair or replacement, utility maintenance, or upon failure to comply with the terms of the agreement.
- (C) Revocation of Permit: The City Council may suspend or revoke any permit issued under this Chapter for violation of any of the provisions of the City Code or laws of the State, or for any other reason, in the discretion of the City Council. Prior to suspension or revocation by the City Council, the City shall notify the permittee in writing, setting forth the reasons for the revocation, and setting the time and place of a hearing before the City Council on the matter."

PASSED BY THE CITY COUNCIL _____, 2018.

SIGNED BY THE MAYOR _____, 2018.

MAYOR

ATTEST:

DEPUTY CITY CLERK