

Sec. 14-164. - Downtown outdoor café dining standards.

- (a) *Barriers.* Dining Area barriers shall be visually appealing and help to separate the dining area from the sidewalk. All barrier materials shall be maintained in good visual appearance, without visible fading, dents, tears, rust, corrosion, or chipped or peeling paint.

Barriers shall be required in the following instances:

Required for all dining areas leading edges: A detectable barrier is required for the leading edge of all outdoor café dining areas to ensure that visually impaired pedestrians using canes can detect the dining area safely. The leading edge is defined as the section of a dining area that is at or near a perpendicular angle to the building wall and/or curb line. The bottom of barriers shall be no greater than 27 inches above the sidewalk surface.

Required for full perimeter of all dining areas: A detectable barrier is required for the full perimeter (with the exception of access openings) for all outdoor café dining seating areas in the public right-of-way.

Required for full perimeter of all outdoor café dining areas serving alcohol: Applicants shall comply with all applicable laws and regulations set forth by the State of Indiana and the Alcoholic Beverage Commission with regard to the sale of alcohol on public property.

(1) *Barrier designs.*

Fencing: Fencing (generally defined as rigid fence segments that can be placed together to create a unified fencing appearance) is a desirable solution for outdoor café dining seating using barriers. Such fencing is portable, but cannot be easily shifted by patrons or pedestrians. Sectional fencing must be of metal (aluminum, steel, iron, or similar) or of wood construction and must be of a dark color (either painted or stained).

Posts: Vertical support posts (stanchions, bollards, etc.) must be constructed of wood or metal (aluminum, steel, iron, or similar).

Support post tripping hazard: If vertical supporting post is attached to a base, that base must be flat and must measure no more than one-half of an inch above the sidewalk surface.

Freestanding: Any barrier (whether sectional fencing or rail-type) must be freestanding, without any permanent or temporary attachments to sidewalks or other public infrastructure.

(2) *Prohibited barriers.*

Rope or chain rails: Rope or chain-type barriers are prohibited in all outdoor café dining areas in the city right-of-way.

Chain-link and other fencing: The use of chain-link, cyclone fencing, chicken wire or similar appurtenances is prohibited. Materials not specifically manufactured for fencing (including but not limited to buckets, food containers, tires, tree stumps, vehicle parts, pallets, etc.) and not expressly permitted elsewhere in these Guidelines may not be used as components of a barrier.

(3) *Barrier measurements.*

Height: The highest point of a barrier (such as a stanchion) shall measure at least 36 inches in height.

"Open" appearance: Fences or other perimeter enclosures with a height of between 36 inches [and] be at least 80 percent open (see-through) in order to maintain visibility of street level activity.

Maximum distance from ground: All barriers shall be detectable to visually impaired pedestrians who employ a cane for guidance. The bottom of barriers shall be no greater than 27 inches above the sidewalk surface.

- (b) *Furniture and fixtures.* Outdoor café dining furniture becomes a prominent part of the streetscape when used in the front of buildings, and such furniture needs to uphold the high standards applied to buildings and other improvements.

To ensure a quality visual appearance in keeping with the historic context of downtown LaPorte's architecture, the following requirements apply to all furniture used for outdoor café dining:

(1) *Types of furniture.*

Acceptable furniture: A wide range of furniture styles, colors and materials are permitted. All furniture and fixtures shall be maintained in good visual appearance, without visible fading, dents, tears, rust, corrosion, or chipped or peeling paint. All furniture and fixtures shall be maintained in a clean condition at all times. All furniture and fixtures shall be durable and of sufficiently sturdy construction as not to blow over with normal winds.

Prohibited furniture: All furniture other than tables, chairs and umbrellas are prohibited. Examples of prohibited furniture include, but is not limited to, serving stations, bar counters, shelves, racks, sofas, televisions, trash receptacles, heaters (automatic turnoff are permitted with board approval) and torches.

Freestanding: Furniture and fixtures shall not be secured to trees, lampposts, street signs, hydrants, or any other street infrastructure by means of ropes, chains or any other such devices, whether during restaurant operating hours or at times when the restaurant is closed.

- (2) *Tables.* Tables need to be functional, not only for patrons, but also for pedestrians, given the limited space available for outdoor café dining on many downtown sidewalks. Outdoor café dining furniture must also contribute to the overall atmosphere of the downtown commercial district and be complementary in both appearance and quality.

Color: Tables may be colored or of a natural unpainted material (i.e., wood, metal etc.) Tables are not permitted to be white plastic or of any fluorescent or other strikingly bright or vivid color.

Size and shape: The size and shape of tables strongly affects the functionality of an outdoor café dining area. Due to downtown LaPorte's narrow sidewalks, restaurants should strive for space-efficient seating layouts and furniture configuration.

Square or rectangular tables preferred: Square or rectangular tables are strongly recommended for use in outdoor café dining.

Smaller tables preferred: Smaller tables work better than larger tables and are more efficient and flexible. Although optimal table size varies by each restaurant's specific outdoor café dining layout, smaller tables are preferred.

- (3) *Umbrellas.* Appropriately designed and sized umbrellas are permitted for use for outdoor café dining. Umbrellas must be contained within the outdoor café dining area, and the lowest dimension of an extended umbrella must be at least 7 feet above the sidewalk surface. All umbrellas shall comply with the following conditions.

Contained within the outdoor café dining seating area: To ensure effective pedestrian flow, all parts of any umbrella (including the fabric and supporting ribs) must be contained entirely within the outdoor café dining seating area.

Minimum height for sidewalk clearance: When extended, the umbrella must measure at least 7 feet above the surface of the outdoor café dining area in order to provide adequate circulation space below. This measurement must include not only the umbrella frame and panels, but also any decorative borders such as fringes, tassels, or other such ornamentation.

Maximum height: Any part of an umbrella used in an outdoor café dining seating area shall not exceed a height of 120 inches (ten feet) above the level of the sidewalk, in order to avoid causing an undue visual obstruction of other businesses.

Colors: Umbrellas must blend appropriately with the surrounding built environment. Umbrella fabric shall not be of any fluorescent or other strikingly bright or vivid color.

Size and shape: Due to the narrow measurements of most restaurants' outdoor café dining, restaurants using umbrellas should strive for space-efficient umbrella designs.

Market-style umbrellas preferred: Market-style umbrellas - those designed specifically for patio or outdoor restaurant use - are required for outdoor café dining purposes.

Material: Umbrella fabric must be of a material suitable for outdoor use, and must be canvas-type. No plastic fabrics, plastic/vinyl-laminated fabrics, or any type of rigid materials are permitted for use as umbrellas within an outdoor café dining area.

- (4) *Sidewalk coverings.* The following Sidewalk Coverings are prohibited:

Carpet: Prohibited sidewalk coverings include carpet or other flooring material constructed of fabric, canvas, wool, tile, linoleum, nylon, vinyl, or any covering that is intended to resemble turf.

Platforms: Raised decks, platforms, or other such surfaces are not permitted within outdoor café dining areas.

- (5) *Unobstructed pedestrian space.* All outdoor café dining areas shall leave at least four feet of unobstructed pedestrian space between the edge of the outdoor café dining area and the edge of the sidewalk. The four feet of pedestrian space shall be clear of obstructions caused by trees, posts, hydrants, stanchion bases, or any other infrastructure or potential hazards. In addition, no part of an outdoor café dining area (including plants) may extend into the four feet of unobstructed pedestrian space.

If a perimeter enclosure is used, adequate space must be provided within the enclosed outdoor café dining area to permit movement of patrons and wait staff. Wait staff shall not serve patrons from beyond the perimeter enclosure.

An applicant may be required to modify the layout and placement of items in the outdoor café dining area at any time if it is determined by city staff that such placement or layout creates a potential hazard or an issue of ADA accessibility non-compliance. The city reserves the right to move any obstruction that creates a hazard or non-compliance situation. No portion of a ramp for access for those with disabilities shall be considered to count as part of the required four feet minimum of unobstructed pedestrian space.

- (6) *Setback from other businesses.* Restaurants need to be mindful of adjoining businesses when using outdoor café dining areas, making sure that neighboring businesses remain visible to pedestrians and motorists. The limits of an outdoor café dining area shall not exceed the width and side to side position of the space occupied by the operating dining establishment responsible for the outdoor café dining area at the point where the storefront/front wall of the establishment contacts the outdoor café dining area. A restaurant shall be required to adjust the outdoor café dining seating area's layout, dimensions or distance from the property line (2 feet or more) to ensure that this visibility is maintained.
- (7) *Removal after season.* All outdoor café dining areas, furniture, and barriers shall be removed when not in use, and shall be removed from the City's right-of-way no later than October 31 of each calendar year, and shall not be installed earlier than April 1 of each calendar year.
- (8) *Upkeep, repair and maintenance.* Applicants shall keep all outdoor café dining areas clean and in sanitary condition. Applicants are required to restore the right-of-way surface to the condition it was in prior to occupancy or use of the approved area. All cleaners used on public fixtures or surfaces shall be non-damaging environmentally-friendly, aka "green" substances. The city reserves the right to prohibit the use of any cleaning substance it deems as inappropriate or potentially damaging to fixtures or surfaces in the right-of-way. Any damage done to right-of-way surfaces, fixtures, or infrastructure shall be the responsibility of the applicant to repair at their cost. This includes any stains, physical damage, discoloration or other evidence of misuse. Any repairs should be made as soon as possible, and immediately upon request by the city. Removal and cleaning of cigarette butts and similar matter deposited by patrons of an outdoor café dining business in the vicinity of any other business shall be responsibility of the owner of the outdoor café dining business. The applicant may be subject reimbursement to the city for repairs or restoration as a result of the use of right-of-way by an applicant.

(Ord. No. 28-2014, § I, 10-20-14)

Sec. 14-165. - Violations.

It shall be unlawful for any person, firm or corporation to operate an Outdoor Café Dining Area contrary or in violation of these standards. Any person, firm or corporation who violates any of these standards is subject to being fined and/or having their Approval Certificate suspended or revoked. The Board of Works and Safety reserves the right to deny an application for an Approval Certificate for any establishment found to be in violation of these standards in the past. In general the process for enforcement may include the following:

- (1) A verbal or written warning to the owner of the business operating the outdoor café dining.
- (2) Fines of \$50.00—\$250.00 for each day a violation exists. The fine shall begin at \$50.00 per violation per day, and increase in increments of \$50.00 for each additional occurrence of the same violation or additional violations within a different time period than the initial violations.
- (3) Suspension/revocation of privilege including removal of elements of outdoor café dining (if necessary).
- (4) Further legal action if necessary.

(Ord. No. 28-2014, § I, 10-20-14)

Sec. 14-166. - Approval certificate.

All establishments seeking to offer outdoor café dining that are approved by the Board of Works and Safety will be provided with an Approval Certificate. Owners shall provide a city official with proof of the certificate upon request.

(Ord. No. 28-2014, § I, 10-20-14)

Sec. 14-167. - Outlet usage for lighting.

City Outlets Downtown may be used by building owners in the historic downtown design standard area from the months of April through October for the purpose of lighting outdoor café dining areas with low wattage lights during business hours only. Lighting used must be under 40 watts to be acceptable. Any other use of the Outlets must receive prior approval.

Outlet rental is established at \$5.00 per month of use of outlets directly anterior to the owner's building.

Payments will be made at the first of the month to the Clerk-Treasurer's Office with checks made payable to the 'City of LaPorte.' Multiple months of payment in advance will be permissible, however, no refunds will be offered.

(Ord. No. 28-2014, § I, 10-20-14)

CITY OF LA PORTE

Board of Public Works and Safety

Application for Approval for Downtown Outdoor Café Dining Establishment

Name of Business _____

Address of location of Proposed Dining Establishment _____

Business Mailing Address _____

Contact Person _____

Address _____

Email _____ Telephone _____

Name of Liability Insurance Provider _____

Business has State of Indiana Alcoholic Beverage License Y N

Description of Elements of Outdoor Dining Establishment (attach sheet if necessary)

A Certificate of commercial general liability insurance with the City named as an additional insured on the policy is attached

I have read and understand the Board of Works Downtown Outdoor Dining Policy including the violations provisions. I further understand and agree that permission for use of public right of way is a privilege that can be revoked by the City of La Porte up to and including removal of elements of the outdoor café dining establishment and/or appropriate legal action if I am found to be in violation.

Signature of Applicant _____ Date _____

Printed Name _____