

FACT SHEET

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| <u>Title</u> AN ORDINANCE TO AMEND AND REENACT CERTAIN PROVISIONS OF CHAPTER 10 AND CHAPTER 78 OF THE CODE OF ORDINANCES RELATIVE TO CONSUMPTION OF ALCOHOLIC BEVERAGES ON SIDEWALKS ADJACENT TO CERTAIN PREMISES AND TO OTHERWISE PROVIDE WITH RESPECT THERETO. | <u>Date</u> December 1, 2015 | <u>Originating Department</u> City Council |
| | | <u>Sponsor</u> Councilman Everson |

Purpose

To allow sidewalk cafes and bars with sidewalk permits and alcoholic beverage dealer's permits to serve alcoholic beverages on the sidewalk adjacent to the premises.

Background Information

A sidewalk café ordinance was adopted several years ago to allow businesses in the Downtown Development District to occupy a portion of the sidewalk adjacent to the premises for the sale of food and beverages. However, the provisions of Section 10-190 of the Code of Ordinances prohibited the consumption of alcoholic beverages in such sidewalk cafes. This ordinance would allow the sale of alcoholic beverages on the sidewalk adjacent to a bar or restaurant which has an alcohol retail dealer's permit. The existing ordinance contains requirements for a sidewalk permit committee to adopt regulations such as requirements for drawings of the area requested, requirements for marking the area included in the permit, requirements for seating and arrangement of furniture, requirements for the type of food and drink containers which may be used, and requirements for the cleaning of the area. This ordinance will add authority for the sidewalk permit committee to adopt requirements for limiting access to the area so as to exclude persons under the age of twenty-one if the presence of such persons in the area is prohibited by law or ordinance (premises where the principal commodity is alcohol.)

Timetable

Introduction December 8, 2015

Final adoption December 22, 2015

Finances

Alternatives

1. Adopt the ordinance.
2. Amend the ordinance.
3. Reject the ordinance.

Conclusion Councilman Everson recommends adoption of the ordinance.

FACT SHEET PREPARED BY: Julie W. Glass
Deputy City Attorney

ORDINANCE NO. ____ OF 2015

AN ORDINANCE TO AMEND AND REENACT CERTAIN PROVISIONS OF CHAPTER 10 AND CHAPTER 78 OF THE CODE OF ORDINANCES RELATIVE TO CONSUMPTION OF ALCOHOLIC BEVERAGES ON SIDEWALKS ADJACENT TO CERTAIN PREMISES AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

By: Councilman Everson

BE IT ORDAINED by the City Council of the City of Shreveport, in due, legal and regular session convened that Sections 10-190(b) and 78-139(b), (e) and (f)(2) of the Code of Ordinances of the City of Shreveport are hereby amended and reenacted to read as follows:

Sec. 10-190. - Drinking in public generally; exceptions.

* * *

(b)(1) The provisions of this section shall not apply to persons consuming alcoholic beverages in designated plastic containers on any public street, sidewalk or other public area located within the area bounded by the south bank of Cross Bayou on the north, the north side of Lake Street on the south, the west bank of the Red River on the east, and the east right of way line of Spring Street, not to include any sidewalk or pedestrian thoroughfare parallel and adjacent to Spring Street, on the west; and further includes, Block 48 of the city, known as Festival Plaza, during any special event as permitted and licensed by the city police department pursuant to the provisions of section 10-54 of this Code.

(2) The provisions of this section shall not apply to persons consuming alcoholic beverages on the portion of the sidewalk adjacent to the premises of a property owner or tenant who has obtained a permit for such use under Section 78-139(b) of the Code of Ordinances.

* * *

Sec. 78-139. - Permit for buildings or improvements on sidewalks and public grounds.

* * *

(b) (1) A property owner or tenant selling food or beverages for consumption on the premises in the downtown development district, as defined in R.S. 33:2740.38, may occupy a portion of the sidewalk adjacent to the premises as further defined in subsection (f), when it has obtained a permit therefor pursuant to this section. Said permit shall be considered to be a temporary privilege and not a property right and shall be subject to revocation as provided herein.

(2) A property owner or tenant described in subsection (b)(1) who holds a retail dealer's permit to sell alcoholic beverages for consumption on the premises may

sell and serve alcoholic beverages on the sidewalk adjacent to the premises when it has obtained a permit therefor pursuant to this section. Such sales, serving and consumption shall be in compliance with all provisions of this section and all applicable provisions of Chapter 10 of the Code of Ordinances. Said permit shall be considered to be a temporary privilege and not a property right and shall be subject to revocation as provided herein.

* * *

(e) The sidewalk permit committee is hereby authorized to adopt rules and regulations for the granting of permits and the use of sidewalks hereunder, including but not limited to requirements for drawings of the area requested, requirements for marking the area included in the permit, requirements for limiting access to the area so as to exclude persons under the age of twenty-one if the presence of such persons in the area is prohibited by law or ordinance, requirements for seating and arrangement of furniture, requirements for the type of food and drink containers which may be used, and requirements for the cleaning of the area.

(f) The applicant shall meet the following requirements:

* * *

(2) The area occupied shall be limited to a depth which will allow space for tables, chairs, and for patrons and employees to walk, and shall leave at least six feet clear and unoccupied for pedestrian traffic on the sidewalk. However, in the 100 block of Texas, as long as said block is closed to vehicular traffic, the area occupied may include the full ten-foot width of the concrete sidewalk.

* * *

BE IT FURTHER ORDAINED that if any provision or item of this Ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this Ordinance which can be given affect without the invalid provisions, items or applications and to this end the provisions of this Ordinance are hereby declared severable.

BE IT FURTHER ORDAINED that all Ordinances or parts thereof in conflict herewith are hereby repealed.

APPROVED AS TO LEGAL FORM:

City Attorney's Office