

**City of Lawrence**  
Sidewalk Dining and Hospitality License  
Administrative Compliance Procedures

Subject Sidewalk Dining and Hospitality Administrative Procedures	Applies to: City Clerk Planning and Development Services/Codes Enforcement	
Effective Date August 26, 2008	Revised Date <a href="#">November ??, 2012</a>	Next Review Date
Approved By City Commission	Total Pages 3	Policy Number AP-105

1.0 **Purpose and Scope**

To establish administrative enforcement procedures regarding the sidewalk dining and hospitality license requirements found in Chapter 6, Article 12 of the Code of the City of Lawrence, Kansas, 2008 Edition and the Planning and Development Services Department's Guidelines for Sidewalk Dining Areas.

2.0 **Definitions**

- A. "Licensee" shall mean the owner of a food service establishment that obtains a license pursuant to Chapter 6, Article 12 of the Code of the City of Lawrence, Kansas.
- B. "Hospitality Establishment" shall mean a business that sells food, beverages, or both for on-premises consumption and whose owner(s) seeks to use a portion of the City owned sidewalk for the consumption of food or beverages by its patrons.
- C. "Sidewalk" shall mean the City owned right-of-way or easement that adjoins the property line of the food service establishment.
- D. All other words and phrases contained in this policy shall have the meanings as used in Chapter 6, Article 12 and the Guidelines for Sidewalk Dining Areas.

3.0 **Procedures**

- A. All Sidewalk Dining and Hospitality Licenses will expire on November 1. Upon receipt of a new or renewal Sidewalk Dining and Hospitality License application, the City Clerk's Office will verify the application is complete and confirm that all additional documentation has been provided. Specifically, the City Clerk's Office will:
  - a. Ensure the applicant has provided:
    - i. Written permission from the property owner and each adjoining property owner and adjoining tenant, [if applicable for new licenses](#);
    - ii. Payment of the appropriate fee based on \$3.50 per square foot (if the payment is for a renewal license the City Clerk's Office will also verify there is no balance due for past fees);
    - iii. A current State of Kansas Food Services Establishment License (if applicable (e.g., such a license may not be required for a drinking establishment that has legal nonconforming use status as to the 55% food sales requirement);
    - iv. A valid Certificate of Insurance meeting the insurance and indemnification requirements of Code section 6-1202.11;

- b. Contact the Historic Resources Administrator in the Planning and Development Services Department to confirm the related site plan has been approved and all site plan conditions have been met;
- c. Contact the ~~Director of Legal Services~~ City Attorney, or designated staff attorney, to confirm the related Use of Right of Way Agreement has been prepared and is ready for the applicant's signature and the City Manager's signature (the City Manager should sign the Agreement after the applicant and after the City Commission's approval of the sidewalk dining license);
- ~~d. If the applicant has requested permission to sell alcoholic beverages in the sidewalk dining and hospitality area, the City Clerk's Office will work with the Director of Legal Services, or designated staff attorney, to prepare the appropriate ordinance authorizing the sale, possession, and consumption of alcoholic beverages in the specific right of way requested for use in the licensed area.~~
- e. If the applicant intends to sell alcoholic beverages, the City Clerk's Office will verify the 55% food sales requirement applies, and if so, will verify alcohol sales as follows:
  - i. If the applicant has not had a Drinking Establishment License for the preceding 12 month period, the City Clerk's Office will verify the estimate of food sales contained on a Statement of Gross Receipts meets the 55% food sales minimum requirement;
  - ii. If the applicant has had a Drinking Establishment License for the 12 month period preceding the application date, the City Clerk's Office will require the applicant to provide monthly Liquor Drink Tax Returns for the 12 month period preceding the application date. These tax returns must indicate, over the entire 12 month period, that the applicant has met the 55% food sales requirement.

B. ~~On a quarterly basis~~ Two times each year, the City Clerk's Office will provide a list of current sidewalk dining licensees to the Planning and Development Services Department, Codes Enforcement Manager. The licensee list will include the following information:

- Name and address of the Licensee;
- Contact Name;
- Site Plan Number;
- Whether the licensee is subject to the applicable food sales percentage;
- Whether the sale, possession, and consumption of alcohol is allowed in the right of way and if so the ordinance number allowing such alcohol sales;
- Whether all licensee fees have been paid;
- Any special conditions as may be contained in the specific Use of Right of Agreement for the licensee.

C. ~~On a quarterly basis~~ Two times each year, the Codes Enforcement Division will visually inspect ~~the location of each licensed sidewalk dining licensee and inspect~~ the sidewalk dining area. The Codes Enforcement Division will verify the licensee is operating the sidewalk dining area consistent with the site plan and conditions; Use of Right of Way Agreement; all applicable City Code provisions; and Guidelines For Sidewalk Dining Areas. Specifically, the Codes Enforcement Division will verify:

- ~~a. a.~~ The sidewalk dining area is not being used when the restaurant or food service establishment is closed;
- ~~b. b.~~ Advertising signage is not present in the sidewalk dining area except for the name of the establishment on chairs or tables as approved by the City, or as otherwise permitted by City Code;
- ~~c. c.~~ All amenities including railings, barriers, chairs, and tables are maintained in good condition;
- ~~d. d.~~ Six (6) feet of unobstructed pedestrian clearance is maintained between the perimeter fence and curb, tree, or any other improvement in the right-of-way;

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e. Any and all umbrellas are maintained at a height no less than 80 inches from the sidewalk surface to the lowest part of the umbrella's opened canopy.

f. Any amplified music or sound is not audible a distance of 20 feet from the sidewalk dining area;

g. d. There is no blockage of building entrances or exits in the sidewalk dining area;

h. e. The sidewalk dining area; the area from the front building façade to the curb line; and five (5) feet along the adjacent sidewalk to both sides of the sidewalk dining area, contain no trash;

i. f. No trash or refuse storage containers are in the sidewalk dining area or on adjacent sidewalk areas;

j. g. Pursuant to Section 9-902 of the City Code, sidewalk dining areas must be managed to prevent stormwater pollution;

i. Food waste, trash, cigarettes and other solid wastes must be contained, collected, and disposed properly. Collection must be frequent enough to prevent wastes carried off by wind or stormwater runoff;

ii. Wastewater from the cleaning of pavement, buildings, furniture or other outdoor surfaces must be collected and discharged to the sanitary sewer system or other approved wastewater treatment process. Installation of a nearby sanitary sewer cleanout is recommended for this purpose;

iii. Pavement and furnishings must be cleaned frequently enough to prevent contamination of stormwater runoff;

k. h. Food preparation is not permitted within sidewalk dining areas;

l. i. If the establishment no longer has a current sidewalk dining license, the Codes Enforcement Division will contact the former licensee or owner of the premises to require removal of the railing or other amenities (chairs, tables, etc.) remaining in the right of way.

D. For sidewalk dining licensees with a valid drinking establishment license and City Commission approval to sell, and its patrons to possess and consume alcoholic beverages in the public right of way, the Codes Enforcement Division will inspect the sidewalk dining area to ensure compliance with the following:

i. Possession and consumption of alcohol in the sidewalk dining area is limited to patrons seated at tables;

ii. An employee of the licensee is working in the sidewalk dining area, or otherwise able to monitor the sidewalk dining area, to prevent alcoholic beverages from leaving the licensed premises and to ensure compliance with other alcohol related provisions;

iii. All alcoholic beverages consumed in the sidewalk dining area are in appropriate containers (no glasses, cans or bottles) unless the establishment demonstrates it meets the 55% food sales requirement;

iv. No taps, kegs, coolers, or other alcoholic beverage storage devices are used in the sidewalk dining area.

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