

ORDINANCE NO. 1, 2016 SERIES

**AN ORDINANCE AMENDING FRANKFORT CODE OF ORDINANCES
CHAPTER 119, SECTIONS 119.02 AND 119.04 CONCERNING OUTDOOR CAFÉS**

BE IT ORDAINED BY THE CITY OF FRANKFORT, KENTUCKY, that Frankfort Code of Ordinances, Chapter 119, Sections 119.02 and 119.04 are being amended to reduce the percentage of gross revenue that must be derived from the sale of food in order to obtain a permit to operate an outdoor café and to sell alcoholic beverages at the outdoor café, and to increase the period of time during each day that the outdoor café may sell alcoholic beverages, and to state that conduct in violation of KRS 244.120 may result in the revocation of the outdoor café permit. Sections 119.02 and 119.04 are hereby amended to state as follows:

§ 119.02 PERMIT REQUIRED.

- (A) It shall be unlawful for any person to create, establish, operate, maintain or otherwise be engaged in the business of operating an outdoor café unless he or she shall hold a permit issued under the terms of this chapter, except during %special community events+recognized by the city, a list of which shall be maintained in the Office of the Administrator.
- (B) Permits shall be issued only to businesses properly licensed by the city, which wish to provide service to its patrons or to locate tables and chairs or other objects directly related to their business of food and refreshment service on the public property immediately adjacent to their businesses. No outdoor café permit shall be issued to any business which sells alcoholic beverages unless that business establishes that at least 10 % of its gross revenue is derived from the sale of food and provided further that there shall be no service or consumption of alcoholic beverages within the permitted area prior to 11:00 a.m. and after 10:00 p.m. on Monday, Tuesday and Wednesday, prior to 11:00 a.m. and after 11:00 p.m. on Thursday, Friday and Saturday, and prior to 1:00 p.m. and after 10:00 p.m. on Sunday, local prevailing time, except during %community or special events+during which alcoholic beverages are being legally served on public property in the vicinity by other licensees prior to said time of day.

§ 119.04 PROHIBITED CONDUCT.

(A) No permittee shall:

- (1) Place any encroachment on any portion of the public property other than within the permitted area;
- (2) Block or restrict any public passageway to less than four feet of unrestricted width or block the ingress/egress to any building (On the St. Clair Street, the encroachment shall be limited to 20 feet from the front property line of the business). In areas of congested pedestrian activity, the Administrator is authorized to require a wider pedestrian path, as circumstances dictate. No items shall be placed so as to block any driveway, crosswalk or bus stop;
- (3) Sublicense the encroachment area;
- (4) Place anything around the perimeter of an area occupied by tables and chairs which would have the effect of forming a physical or visual barrier unless otherwise required by the State Department of Alcoholic Beverage Control;
- (5) Use tables, chairs, umbrellas or any other objects of a type, composition or size or in a placement not authorized by the Administrator or which are unsafe, in disrepair or unsightly;
- (6) Use umbrellas or other decorative material which is not fire retardant, pressure treated or manufactured of fire resistant material;
- (7) Fail to secure permission of the landlord where a building has multiple occupants;
- (8) Operate without the insurance coverage specified;
- (9) Sound or permit the sounding of any device on the public property or operate any loudspeaker, public address system, radio, sound amplifier or similar device which produces noise louder than that of ordinary conversation, except during special community events;
- (10) Fail to promptly pick up, remove and dispose of all trash or refuse within the permitted area of failure to take reasonable measures to prevent the deposit of any substance upon the surface of the permitted area which stains, discolors or alters the texture of the area surface;
- (11) Store, park or leave any items overnight on any street or sidewalk, except for authorized encroachments which may be kept in the permitted area only at the permittee's risk;
- (12) Store, park or leave any vehicle, truck or trailer within the permitted area; and/or;
- (13) Allow its patrons to engage in conduct in violation of KRS 244.120.

(B) The encroachment permit is a temporary license which may be denied, suspended or revoked for any conduct which is contrary to the provisions of this section or for use of the permitted area in a manner as to create a public nuisance, or constitute a danger to the public's health, safety or welfare.

2006

First Reading on the 21 day of December, 2015.

Final adoption on the 25 day of January, 2016.

S/William I. May, Jr.
T/Mayor

Attest:

S/Chermie Maxwell
T/City Clerk

SUMMARY:

The purpose of this ordinance is to amend Section 119.02 to reduce the percentage of gross revenue that must be derived from the sale of food in order to obtain a permit to operate an outdoor café and to sell alcoholic beverages at the outdoor café, and to increase the period of time during each day of the week that the outdoor café may serve alcoholic beverages. The ordinance further amends Section 119.04 to state that permittees may not allow their patrons to engage in conduct in violation of KRS 244.120.

S/Robert C. Moore
T/City Solicitor

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