

(b) *Restrictions.* Restaurants, cafes, short-order establishments, ice cream and dairy stores, and establishments selling specialty food items exclusively at retail (but excluding drive-in type facilities) may use a portion of the public sidewalk as an "outdoor dining area," subject to the following restrictions:

- (1) The outdoor dining area shall not obstruct the free passage of pedestrians on the sidewalk.
- (2) Chairs, tables, and other objects maybe placed on the public sidewalk only at the start of business each day. All chairs, tables, and other objects shall be removed from the sidewalk at the close of business each day.
- (3) The outdoor dining area may extend up to 60 inches from the facade of the structure, so long as a minimum of 42 inches of unobstructed clear passage area is maintained at all times. There shall be a passing area not less than 60 inches by 60 inches for every 200 lineal feet of outdoor dining area.
- (4) Within the South Main Street public right-of-way, between Railroad Avenue and Sixth Avenue South, the "jut-out area" may also be used as outdoor dining areas by the owner or operator of the property abutting the adjacent sidewalk. For purposes of this section, the "jut-out area" shall mean those concrete nodes extending beyond the projected line of the parking area curb. No chair, table or other obstruction shall be placed within a four-foot landing area adjacent to an accessible ramp.
- (5) If the outdoor dining area is being operated by a person or entity licensed to sell alcohol, the following rules shall apply:
  - a. The business operating the outdoor dining area derives no more than 50 percent of its gross revenue from the sale of alcoholic beverages.
  - b. The outdoor dining area must be clearly demarcated by use of a stanchion and hanging rope or chain, or by nonopaque fence panels not more than 42 inches above grade.
  - c. Alcoholic beverages may only be consumed within the outside dining area. Any person possessing or consuming alcoholic beverages beyond the demarcated outside dining area shall be guilty of a class 2 misdemeanor. Any licensee who knowingly allows alcoholic beverages to be possessed outside the outdoor dining area shall be guilty of a class 2 misdemeanor and shall be prohibited from operating an outdoor dining area for a period of one year.
- (6) At any time the city or any other public entity shall require the use of the outdoor dining area for a public purpose, the establishment must immediately remove all tables, chairs, stanchions, patrons, and other objects.