

## CHAPTER 124

# OUTDOOR SERVICE - ENTERTAINMENT

124.01 Purpose

124.02 Definitions

124.03 Separate Permit Required for Each Area

124.04 Categories of Outdoor Service Areas

124.05 Other Conditions Governing Operation of  
Outdoor Service Areas

**124.01 PURPOSE.** The purpose of this chapter is to regulate the hours that entertainment is allowed at outdoor service areas within the City.

**124.02 DEFINITIONS.** The following words are defined for use in this chapter:

1. “Enclosed structure” means a building, as defined in the City’s Zoning Ordinance, which meets the following minimum structural guidelines to properly control the emission of sound and to allow for adequate interior atmospheric control:

A. Permanently attached to the ground;

B. Completely enclosed by permanently affixed walls, with a minimum thickness of four (4) inches and having insulation value of R13 in all cavities, as classified by Underwriters Laboratory, Inc., using A.S.T.M. standards (four-inch fiberglass insulation or equivalent);

C. Completely covered by a permanently affixed roof with a minimum thickness of six (6) inches and having at least the insulation value of R19 in all cavities, as classified by Underwriters Laboratory, Inc., using A.S.T.M. standards (six-inch fiberglass insulation or equivalent); and

D. Windows and doors permanently affixed in all exterior wall openings.

2. “Entertainment” means all bands and other forms of live performances or amplified sound.

3. “Indoor service areas” means any area used for the congregation of customers or patrons when said use is conducted within the confines of an enclosed structure.

4. “Outdoor service areas” means areas designed or used for the congregation of customers or patrons outside of an enclosed structure.

5. “Residence” includes visitor habitation establishments, as defined in the City’s Zoning Ordinance.

**124.03 SEPARATE PERMIT REQUIRED FOR EACH AREA.** A separate permit is required for all outdoor service areas (e.g., coffee shops and sidewalk cafés) which operate either with or without a liquor license. Applications for outdoor service permits will be made to the City Administrator and are subject to approval by the Council. Applications for a permit must be made on the application form approved by the Council and obtained from the City Administrator.

**124.04 CATEGORIES OF OUTDOOR SERVICE AREAS.** Outdoor service areas will be categorized by distance to the nearest residence.

1. Outdoor service areas immediately adjacent to a residence, with no buffer (e.g., fencing or buildings), will not be allowed to have entertainment.
2. Outdoor service areas within two hundred (200) feet of a residence will operate only with the following restrictions on noise:
  - A. No noise relaxation permits allowed by Section 44.06 of this Code of Ordinances will be issued without approval of the Council.
  - B. All outdoor entertainment (band, jukebox, amplifier, etc.) will be terminated at or before ten o’clock (10:00) p.m. on weekends (Fridays, Saturdays and Sundays prior to a Monday holiday) and by nine o’clock (9:00) p.m. on all other nights.
  - C. Noise complaints will be handled through the procedures set out in Chapter 44 of this Code of Ordinances, and any residence, regardless of zoning classification, will carry the “residential” characteristic outlined in that chapter.
3. Outdoor service areas in excess of two hundred (200) feet of a residence will operate only with the following restrictions on entertainment:
  - A. Applications for noise relaxation permits may be made to the City Administrator as provided by Section 44.06 of this Code of Ordinances.
  - B. The noise level, even with issuance of a permit, shall be held at or near the allowable level (without a permit) at the perimeter residences.

C. Hours of operation will be established at the discretion of the City Administrator, but in no case will be allowed to continue past twelve o'clock (12:00) midnight.

**124.05 OTHER CONDITIONS GOVERNING OPERATION OF OUTDOOR SERVICE AREAS.**

1. Nothing in this chapter precludes the Council from denying a liquor permit for an outdoor service area based on past operation of an establishment, sensitivity of a particular neighborhood or other factors considered relevant by the Council.
2. Nothing in this chapter precludes the Council from approving a special event that involves liquor sales, music or entertainment.
3. In addition to the penalty provided for a violation of this Code of Ordinances, the Council, following notice and hearing, may revoke or suspend the outdoor service permit for an outdoor service area of a permittee who violates any provisions of this chapter.

[The next page is 557]