

(1)

Definition. As used in this subsection, the following terms shall have the meanings indicated:

SIDEWALK CAFÉ / SIDEWALK MERCHANT AREA

Those exterior facilities adjacent to and part of establishments selling merchandise, food and/or drink that require the use of some Village-owned property for operation, are temporary in nature and are open to the elements, except for original awnings. Sidewalk cafes/ merchant areas may be located in the Central Business District of the Village, which district consists of Main Street from the Canal Bridge south to Holley Street, Market and Merchant Streets between the dates of May 1st through October 31st

(2)

No permit is required but the following regulations apply:

(a)

Intentionally left blank.

(b)

The owner/operator shall provide proof of liability insurance in the sum of not less than \$500,000.00 per event, covering injury to property and persons and naming the Village of Brockport as an additional insured.

(c)

The proposed sidewalk café/ merchant area will not unreasonably interfere with pedestrian traffic or with persons exiting their vehicles and will occupy and use no more than 50% of the public sidewalk.

(d)

The owner/operator has met all other applicable building code, zoning ordinance and the Historic District's ordinance requirements.

(e)

Owner/operator shall be bound by all applicable rules, regulations, ordinances, local laws, and statutes, including, if applicable, a current Monroe County Health Department permit.

(f)

Owner/operator shall be responsible to repair, at their expense, any damage caused to the sidewalk in the operation of the café/merchant area and, upon the request of the Village of Brockport, tables and chairs are to be removed from the sidewalks at any time during the season for special events or emergencies.

(3)

Café/merchant area regulations. A café/merchant area authorized and operated pursuant to this article shall:

(a)

Not serve or allow to be consumed alcoholic beverages on or at any sidewalk cafe unless such permission has been granted by the NYS Liquor Authority. Owner/ Operator shall provide the Village of Brockport proof of permission and applicable restrictions.

(b)

Be used only by those patrons of the cafe who are consuming food or drink provided by the café.

(c)

Cease all service of any kind whatsoever no later than 11:00 p.m., and all furniture, utensils, containers, or any other materials used in the operation of the cafe shall be removed from the sidewalk cafe area no later than 11:00 p.m.

(4)

Maintenance of premises and furniture.

(a)

The property shall be cleaned and refuse-free, and the sidewalk shall be rinsed nightly. A covered trash receptacle, provided by the owner/operator with the approximate capacity of 30 gallons shall be available for the use of patrons and shall be removed from the sidewalk each night at closing. Village trash receptacles are not to be used for this purpose.

(b)

The furniture shall be clean and in good repair.

(c)

At the time that the business ceases to operate a sidewalk café/ merchant area, all Village-owned property shall be delivered to the Village in good condition, damage by elements excepted. Public property shall not be altered in any way.

(5)

Music, lighting and outdoor cooking.

(a)

Cafes/merchant areas located in the Business District shall comply with the Village of Brockport Noise Ordinance.

(b)

Lighting shall be minimal and shall not spill to adjacent properties.

(c)

For establishments whose business is to serve food/ drink, outdoor cooking is allowed between 11 am and 8 pm provided that the cooking equipment is sized similar to ordinary residential outdoor grills and that the operation take place entirely within the area allowed for sidewalk cafés.

(6)

Notice of violation, fines and revocation of permission to operate a sidewalk café.

(a)

When a violation of any provision(s) of these Sidewalk Café/ Merchant Area Regulations occurs, the appropriate Village representative, whether it be a police officer or the Building Inspector, shall give written notice to the applicant to correct said violation within 24 hours of receipt of said notice.

(b)

A fine of not more than \$250 shall be levied for each violation of this subsection.

(c)

Any person who violates or allows his patrons to violate these regulations or Chapter 55, Noise, two times in one year shall be prohibited from having a sidewalk café for the remainder of the calendar year.

(7)

Appeal of denial.

(a) All appeals of denial or revocation of permission to operate a sidewalk cafe shall go before the Village Board of Trustees.