

NOTICE AND CALL OF COUNCIL MEETING

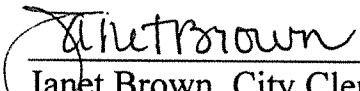
Governmental Body:	The City Council of City of Orange City, Iowa
Date of Meeting:	February 5, 2024
Time of Meeting:	4:30 o'clock P.M.
Place of Meeting:	Council Chambers, City Hall, 125 Central Ave SE Orange City, Iowa

PUBLIC NOTICE IS HEREBY GIVEN that the above mentioned governmental body will meet at the date, time and place above set out. The tentative agenda for said meeting is as follows:

1. Meeting called to order
2. Opening ceremonies
3. Approval of agenda
4. Citizen comments
5. Approval of minutes
6. Engagement Agreement with Ahlers & Cooney, P.C.
7. Procedure to initiate the 2024 City of Orange City Delaware Avenue and 2nd Street Reconstruction Project
 - Preliminary resolution for construction
 - Resolution fixing values of lots
 - Resolution adopting preliminary plat and schedule, estimate of cost and proposed plans and specifications
 - Resolution of necessity (Proposed)
8. Second reading of Ordinance No. 845, adding Chapter 125, Mobile Food and Beverage Vendors

9. Second reading of Ordinance No. 846, amending Chapter 124, Special Events
10. First reading of Ordinance No. 847, amending Chapter 136, Sidewalk Regulations
11. Alcohol license renewal applications
12. Administrative reports
13. Council comments
14. Adjournment

This notice is given at the direction of the Mayor pursuant to Chapter 28A, Iowa Code, as amended, and the local rules of said governmental body.



Janet Brown, City Clerk of the
City of Orange City, Iowa

COUNCIL MEETING
AGENDA NOTES
February 5, 2024

1. The meeting will be called to order by Mayor Deb De Haan at 4:30 o'clock P.M.
2. Opening ceremonies. Pledge of Allegiance to our flag and a moment of silent prayer.
3. The agenda was prepared, posted and distributed in accordance with requirements of the Iowa Open Meeting Act.
4. This time is provided for citizen comments. It is suggested that if someone wishes to speak, we also ask for their residence. This time is intended for residents in the City limits.
5. The minutes of the January 15, 2024 and January 29, 2024 council meetings are enclosed for your review. Exhibit 1
6. This Engagement Agreement with Ahlers & Cooney, P.C. is for their services for the 2024 Delaware Avenue and 2nd Street Reconstruction Project.
7. We will begin the process to receive bids for the Delaware Ave and 2nd Street Reconstruction Project around the old elementary school. A public hearing will be set for March 4 and bids will be received on March 28.
8. This will be the second reading of Ordinance No. 845, adding Chapter 125, Mobile Food and Beverage Vendors to the Code of Ordinances. Exhibit 2
9. This will be the second reading of Ordinance No. 846, amending Chapter 124, Special Events. Exhibit 3
10. This will be the first reading of proposed Ordinance No. 847, amending Chapter 136, Sidewalk Regulations. This ordinance will regulate the display of merchandise on sidewalks and service area extensions in the downtown commercial area that will require maintaining a minimum 5' clearance for pedestrian traffic on the sidewalk. This layout follows the ideal sidewalk dining lease area from the ADA. Exhibit 4 & 5
11. We have received renewal applications for Class B Retail Alcohol Licenses from Woudstra Meat Market and Dollar General, and for a Class E Retail Alcohol License from Brew Oil. Everything is in order.
12. Administrative reports:

Scheduled Meetings:

February 19	Council Meeting, 4:30 P.M.
March 4	Council Meeting, 4:30 P.M.
March 18	Council Meeting, 4:30 P.M.
April 1	Council Meeting, 4:30 P.M.
April 15	Council Meeting, 4:30 P.M.

Agenda Notes
February 5, 2024
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If you would like additional information about an agenda item or another issue, that would help you or the Council as a whole, please feel free to let me know so I can either get it to you by email or by report at the meeting.

Earl Woudstra
City Office **712-707-4885**
Cell phone **712-737-7115**
Email **earlw@orangecityiowa.com**

Council Meeting
January 15, 2024

The City Council met in semi-monthly session pursuant to adjournment at 4:30 o'clock P.M. on January 15, 2024. A quorum was declared by Mayor Deb De Haan. The meeting was held in the Council Chambers, City Hall, 125 Central Ave SE, Orange City, Iowa.

Members Present: Council members Daryl Beltman, Olivia Chapman, Rod De Boer, Daron De Jong, and Bret Walinga

Members Absent: None

Staff: Earl Woudstra, Janet Brown, Kurt Frederes, Kent Anderson, Jim Pottebaum, Matt Van Schouwen, and Ryan McEwen

Guests: Doug Calsbeek and Jennie Droog

Agenda: A motion was made by Council member Daryl Beltman and duly seconded by Council member Daron De Jong approving the tentative agenda as the official agenda. On call of the roll motion carried. The vote was as follows: AYES: Daryl Beltman, Daron De Jong, Olivia Chapman, Rod De Boer, Bret Walinga; NAYS: None.

Citizen Comments: This time was provided for citizen comments and none were heard.

Approval of Minutes: The minutes of the January 2, 2024 council meeting were presented. A motion was made by Council member Rod De Boer and duly seconded by Council member Olivia Chapman approving said minutes as published. On call of the roll motion carried. The vote was as follows: AYES: Rod De Boer, Olivia Chapman, Daryl Beltman, Daron De Jong, Bret Walinga; NAYS: None.

Financial Report: The monthly financial report for December 2023, representing cash balances for all funds was presented, whereupon it was therefore moved by Council member Rod De Boer and duly seconded by Council member Daron De Jong approving the monthly financial report as published. On call of the roll motion carried. The vote was as follows: AYES: Rod De Boer, Daron De Jong, Daryl Beltman, Olivia Chapman, Bret Walinga; NAYS: None.

Monthly Bills: A Summary of Warrants report listing bills from December 19, 2023 through January 15, 2024 was presented. A motion was made by Council member Daryl Beltman and duly seconded by Council member Olivia Chapman approving the monthly bills, subject to audit. On call of the roll motion carried. The vote was as follows: AYES: Daryl Beltman, Olivia Chapman, Rod De Boer, Daron De Jong, Bret Walinga; NAYS: None.

First Reading of Proposed Ordinance No. 845 Adding Chapter 125, Mobile Food and Beverage Vendors to Code of Ordinances: A motion was made by Council member Daryl Beltman and duly seconded by Council member Rod De Boer approving the first reading of proposed Ordinance No. 845, an ordinance adding Chapter 125, Mobile Food and Beverage Vendors to the Code of Ordinances. The ordinance regulates the areas of operation, hours of setup and operation, along with fees, and insurance requirements. On call of the roll motion carried. The vote was as follows: AYES: Daryl Beltman, Rod De Boer, Olivia Chapman, Daron De Jong, Bret Walinga; NAYS: None.

First Reading of Proposed Ordinance No. 846 Amending Code of Ordinances Chapter 124, Special Events: A motion was made by Council member Bret Walinga and duly seconded by Council member Daryl Beltman approving the first reading of proposed Ordinance No. 846, an ordinance amending Code of Ordinances Chapter 124, Special Events. This ordinance will require any event that desires the use of public streets or other public property as a staging area for promotion of an event to apply for a Special Event Permit. Exemptions to this permit would be Tulip Festival and when applicable RAGBRAI. On call of the roll motion carried. The vote was as follows: AYES: Bret Walinga, Daryl Beltman, Olivia Chapman, Rod De Boer, Daron De Jong; NAYS: None.

Special Event Retail Alcohol License or Service Area Extension onto City Property: Management discussed the implementation of a process for special events to apply for a retail alcohol license or service area extension for an event on City property, along with any request of an existing establishment's alcohol license service area extension onto City property. The proposed process would include an application and an adjacent property owner approval. The application will provide information needed for departments to review the request and provide that information to Council for their consideration of approval. A motion was made by Council

member Rod De Boer and duly seconded by Council member Bret Walinga approving the process to obtain a special event retail alcohol license or service area extension onto city property. On call of the roll motion carried. The vote was as follows: AYES: Rod De Boer, Bret Walinga, Daryl Beltman, Olivia Chapman, Daron De Jong; NAYS: None.

Administrative Reports:

Scheduled Meetings – Important Dates:

January 29	Council Meeting, BUDGET, 4:30 P.M.
February 5	Council Meeting, 4:30 P.M.
February 19	Council Meeting, 4:30 P.M.
March 4	Council Meeting, 4:30 P.M.
March 18	Council Meeting, 4:30 P.M.

Oral reports: Earl shared the report from the structural engineer on the pool shelter house identifies some areas of repair needed; looking for volunteers to keep the glass recycling going; Matt has been appointed to the MRES Board; discussed the dirt pile by the new elementary school.

Council Comments: The Mayor called for comments from members of the Council and none were heard.

Fiscal Year 2024-2025 Budget Discussions – General Funds: Management presented a draft copy of the general funds proposed budget for the 2024-2025 fiscal year. The proposal included a statement of changes in fund balances, sources and uses of working capital, statement of changes in retained earnings and line item detail of revenues and expenditures for the general funds. Also identified were tax levies for the proposed budget year and previous years. A lengthy discussion followed with no official action taken.

Adjournment: No further business appearing it was therefore moved by Council member Daryl Beltman and duly seconded by Council member Rod De Boer to adjourn. On call of the roll motion carried. The vote was as follows: AYES: Daryl Beltman, Rod De Boer, Olivia Chapman, Daron De Jong, Bret Walinga; NAYS: None. Adjournment time was 6:27 o'clock P.M.

Deb De De Haan, Mayor

ATTEST: _____
Janet Brown, City Clerk

Council Meeting
January 29, 2024

The City Council met in special session pursuant to adjournment at 4:30 o'clock P.M. on January 29, 2024. A quorum was declared by Mayor Deb De Haan. The meeting was held in the Council Chambers, City Hall, 125 Central Ave SE, Orange City, Iowa.

Members Present: Council members Daryl Beltman, Olivia Chapman, Rod De Boer, Daron De Jong, and Bret Walinga

Staff: Earl Woudstra, Kent Anderson, Matt Van Schouwen, and Ryan McEwen

Guest: Doug Calsbeek

Agenda: A motion was made by Council member Rod De Boer and duly seconded by Council member Daryl Beltman approving the tentative agenda as the official agenda. On call of the roll motion carried. The vote was as follows: AYES: Rod De Boer, Daryl Beltman, Olivia Chapman, Daron De Jong, Bret Walinga; NAYS: None

Fiscal Year 2024-2025 Budget Discussions: The Mayor and Council reviewed updated budget information from the general funds and reviewed the utility funds. No official action was taken.

Adjournment: No further business appearing it was therefore moved by Council member Daryl Beltman and seconded by Council member Daron De Jong to adjourn. On call of the roll motion carried. The vote was as follows: AYES: Daryl Beltman, Daron De Jong, Olivia Chapman, Rod De Boer, Bret Walinga; NAYS: None. Adjournment time was 7:24 o'clock P.M.

Deb De Haan, Mayor

ATTEST: _____
Janet Brown, City Clerk

ORDINANCE NO. 845**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF ORANGE CITY, IOWA, BY THE ADDITION OF CHAPTER 125, MOBILE FOOD AND BEVERAGE VENDORS**

WHEREAS, the City of Orange City has experienced an increase in the number of mobile food and beverage vendors engaged in business within its City limits; and

WHEREAS, the Orange City Council sees the need to license and regulate such enterprises for the protection of the City's residents, the preservation of the attractiveness of the City's public spaces, and the encouragement of fair and orderly growth of the mobile food and beverage segment of the local economy;

BE IT ENACTED by the City Council of the City of Orange City, Iowa, as follows:

SECTION 1. ADD CHAPTER 125, Mobile Food and Beverage Vendors. The Code of Ordinances of the City of Orange City, Iowa, is amended by the addition of Chapter 125, Mobile Food and Beverage Vendors, by adopting the following wording:

125.01 PURPOSE. The purpose of this chapter is to protect residents of the City against fraud, unfair competition, and unsafe food sources; preserve the attractiveness of the City's public spaces; and encourage the fair and orderly growth of the mobile food and beverage segment of the local economy by licensing and regulating mobile food and beverage vendors

125.02 DEFINITION. The following words, terms, and phrases when used in this Chapter shall have the following meaning:

1. Mobile Vendor means a person engaged in the business of selling food, beverages, or both, from a Mobile Vendor Vehicle.
2. Mobile Vendor Vehicle means a licensed motorized vehicle, a licensed trailer, or both, used for the sale of food, beverages, or both, for immediate consumption. The definition of Mobile Vendor Vehicle includes but is not limited to the common term "Food Truck."
3. Restaurant means a food service establishment which derives at least fifty percent (50%) of its gross receipts from the sale of food, beverages, or both, for immediate consumption on the premises.

125.03 MOBILE VENDOR LICENSE REQUIRED. Before offering for sale any food or beverage in the City, a Mobile Vendor shall obtain a license for their sale from the City Clerk as provided in this Chapter. A separate Mobile Vendor license shall be required for each Mobile Vending Vehicle.

1. Regulations relating to the allowed location or area of Mobile Vendors' operations may be modified by the City for the Tulip Festival or RAGBRAI as stated in Chapter 124, Special Events

125.04 APPLICATION FOR LICENSE. A Mobile Vendor shall apply online for a Mobile Vendor license at least three (3) business days prior to its use by providing the following information and providing the required documents specified below and paying the application fee for the period of the license duration in the amount set in Subsection 125.05.

1. The full name, permanent address, e-mail address, if any, and telephone number of the applicant.

2. The business name and address.

3. A description of the licensed motorized vehicle or licensed trailer from which the sale will be conducted, including the license plate number, and the length of the motorized vehicle or the trailer and tow vehicle.

4. A summary of the food and beverages to be sold.

5. The application must be accompanied by a copy of the Retail Sales Tax Permit issued to the applicant by the Iowa Department of Revenue. A copy of the Mobile Vendor Vehicle issued by the Iowa Department of Inspections and Appeals for the Mobile Vendor Vehicle.

6. Required site plan/map of where in the City the Mobile Vendor Vehicle will conduct sales.

125.05 LICENSE FEES. The following fees shall be paid to the City Clerk prior to the issuance of any license.

1. For one day.....	\$10.00
2. For one week.....	\$25.00
3. For one month.....	\$75.00
4. For one year.....	\$500.00

125.06 INSURANCE REQUIRED. Before a license under this chapter is issued to a Mobile Food and Beverage Vendor an applicant shall provide to the Clerk evidence that the applicant has established insurance as outlined in Subsection 124.09 of this Code of Ordinances.

125.07 POLICE DEPARTMENT REVIEW. Each application for a Mobile Vendor license may be provided to the Police Chief for review and comment and the applicant's submission of such an application authorizes the police to conduct a background check with respect to the applicant.

125.08 ACTION BY CITY CLERK. All references to the City Clerk in this chapter shall be deemed to include the City Clerk designee.

125.09 AREAS OF MOBILE VENDOR VEHICLE OPERATION.

1. Operation of Mobile Vendor Vehicles shall not be permitted on public road rights-of-way, including all streets and off-street parking in the downtown business district, with the following **exceptions**:

- a. The west side of Windmill Park on Arizona Ave. NW between 2nd Street NW and 3rd Street NW on the east side of street in the dedicated off-street parking area.
- b. The south side of Windmill Park on 2nd Street NW between Central Ave. NW and Arizona Ave. NW on the north side of the street in the dedicated off-street parking area.
- c. Tulip Festival, RAGBRAI, and special events with a permit.

2. Mobile Vendor Vehicles may be permitted in Orange City Parks upon approval of the City and limited to designated parking areas.

125.10 GENERAL REGULATIONS. The following rules govern operations of Mobile Food and Beverage Vendors:

1. They may operate seasonally or year round.
2. Hours of Operation. Mobile Food and Beverage Vendors may set up and/or operate between the hours of 7:00 A.M. and 10:00 P.M. local time.
3. No Mobile Vendor shall conduct any sale from a Mobile Vendor Vehicle located within one hundred (100) feet of any public entrance of any street level restaurant that's open for business, unless authorized by the restaurant or specifically approved for a special event by the City Council.
4. No Mobile Vendor Vehicle shall be operated within 10 feet of any building or other structure and shall not be operated within 50 feet of any other Mobile Vendor Vehicle, unless specifically approved for a special event by the City Council.
5. No Mobile Vendor shall conduct any sale in a residential neighborhood unless such sales are specifically authorized in the Mobile Vendors license and then shall only be in the specific areas stated in the license.
6. The Mobile Vendor Vehicle must be removed from the location of operation after the hours of operation.
7. Mobile Vendors must be totally self-contained when engaged in the preparation, serving and sale of food within City owned parks and right-of-ways. No outside sources of electrical power, public or private are permitted. No outside sources of water, public or private, are permitted.

8. Trash Receptacles. A Mobile Vendor shall provide one or more trash receptacles readily accessible to its customers either in or attached to the Mobile Vendor Vehicle. All accumulations of trash and litter shall be removed from the site by the Mobile Vendor before departing.

9. Mobile Vendors may not operate as a permanent or semi-permanent "restaurant".

10. No alcoholic beverages or tobacco products may be sold.

125.11 ENFORCEMENT AND PENALTIES. Any person who violates this ordinance shall be guilty of a municipal infraction and subject to penalties in accordance with the Code of Ordinances of Orange City and Iowa law.

SECTION 2. REPEALER. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be invalid or unconstitutional, such adjudication shall not affect the validity of this ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed and approved by the City Council of the City of Orange City, Iowa this ____ day of _____, 2024.

Deb De Haan, Mayor

ATTEST: _____
Janet Brown, City Clerk

1st reading- January 15, 2024

2nd reading- February 5, 2024

3rd reading-

I certify that the foregoing was published as Ordinance No. 845 on the ____ day of _____, 2024.

ORDINANCE NO. 846

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF ORANGE CITY, IOWA, BY AMENDING PROVISIONS PERTAINING TO SPECIAL EVENTS

Be It Enacted by the City Council of the City of Orange City, Iowa:

SECTION 1. SECTION MODIFIED. Section 124.03 of the Code of Ordinances of the City of Orange City, Iowa, is repealed and the following adopted in lieu thereof:

124.03 PERMIT REQUIRED; FOOD AND HEALTH REGULATIONS.

1. No individual, organization, club, group, partnership, or corporation shall act as a special event promoter within the City without first obtaining a permit therefor as provided in this chapter.

a. Exceptions. Tulip Festival and when applicable RAGBRAI shall be exempt from obtaining a permit for special events.

2. Special event promoters granted a permit hereunder and special event merchants selling pursuant to that permit shall comply with all applicable State food and health rules and regulations, and Chapter 125, Mobile Food and Beverage Vendors, regulations.

a. Exceptions. Tulip Festival and when applicable RAGBRAI vendors shall be exempt from obtaining a Mobile Food and Beverage License from the City under Chapter 125.

SECTION 2. SECTION MODIFIED. Section 124.16 of the Code of Ordinances of the City of Orange City, Iowa, is repealed and the following adopted in lieu thereof:

124.16 PEDDLER, SOLICITOR, AND TRANSIENT MERCHANT LICENSE.

A special event promoter may, in its application for a special event permit, request the City Council to temporarily limit the areas within the City for which a peddler, solicitor, or transient merchant license provided under Chapter 122 of this Code of Ordinances may be issued to an applicant thereunder during the time period for which a permit is issued under this chapter. In making its request, the special event promoter shall suggest particular areas within the City limits which the special event promoter believes would be appropriate for the issuance of peddler, solicitor, or transient merchant licenses during the time period in question. If the City Council agrees with the suggested limitation of areas for which a peddler, solicitor, or transient merchant license may be issued during the time period for which a permit is issued under this chapter, the City Council shall adopt a resolution providing for the modification of the issuance of peddler, solicitor, and transient merchant licenses as requested in the application hereunder. In adopting its resolution, the City Council shall be required to find that the permitted special event is of City-wide interest, promotes the well-being and reputation of the City, and that the issuance of a peddler, solicitor, or transient merchant license on a City-wide basis concurrent with the permitted special event

would detract from the benefits provided by the permitted special event. If the City Council adopts the resolution as previously required, the exclusion for yard sales contained in the second to the last sentence of the definition of “transient merchant” set forth in Subsection 122.02(3) of this Code of Ordinances shall not be available during the time period for which the issuance of a peddler, solicitor, or transient merchant license is so restricted.

SECTION 3. REPEALER. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 5. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed and approved by the Council on the ____ day of _____, 2024.

Mayor

ATTEST:

City Clerk

First Reading:

Second Reading:

Third Reading:

I certify that the foregoing was published as Ordinance No. 846 on the ____ day of _____, 2024.

City Clerk

ORDINANCE NO. 847

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF ORANGE CITY, IOWA, BY AMENDING CHAPTER 136, SIDEWALK REGULATIONS.

BE IT ENACTED by the City Council of the City of Orange City, Iowa:

SECTION 1. The Code of Ordinances of the City of Orange City, Iowa, Chapter 136, Sidewalk Regulations, is amended by the additions to Sub-Section 136.01(9,10,11,and 12,), deleting Sub-Section 136.17, changing Sub-Section 136.18 to 136.17, and by adding Sub-Sections 136.18, 136.19, 136.20, 136.21, 136.22, and 136.23 is amended by adding the following wording:

136.01 DEFINITIONS.

9. "Pedestrian" means any person traveling on foot or by wheelchair.

10. "Restaurant" means a business whose primary function is the service of food to customers, and which meets the following criteria:

A. Prepares meals on the premises and provides meal service to each floor of the premises which is open to the public while the kitchen is open; and has a food service menu from which customers may order;

B. Has one staff person whose primary duty is the preparation of food and another staff person whose primary duty is to serve food to customers;

C. Has a kitchen separate from the bar equipped with any of the following: a stove, a griddle, a grill or broiler, and a food refrigeration unit;

D. Operates the restaurant service during at least sixty percent (60%) of the hours that the business is open to the public; and

E. Holds itself out to be a restaurant and advertises itself as a restaurant if it advertises. In addition, the term, "restaurant" includes a café, cafeteria, coffee shop, delicatessen, ice cream shop, lunchroom or tearoom whether or not any such business satisfies the criteria set out above for a restaurant.

11. "Retail Sales" means the sale by a merchant of goods and merchandise permitted to be sold in the General Commercial District, in the area of the sidewalk directly adjacent to a building in which the same merchant operates a business where the same or similar goods and merchandise are sold.

12. "Sidewalk café" means an outdoor area located temporarily on a public sidewalk contiguous with any side of a building wherein a restaurant is located in the General Commercial District and where food, beverages, or both from such restaurant are taken for consumption by persons sitting or standing at tables in that area.

136.18 RESTRICTIONS ON SMOKING AND ALCOHOLIC BEVERAGES.

1. Smoking tobacco or using an electronic smoking device is prohibited.
2. Alcoholic beverages may be served with a valid alcoholic beverage control license, approved City Service Area Extension license, and in accordance with state and local alcoholic beverage control laws, provided the following additional requirements are met:
 - A. Patron entrance to and egress from the service area extension shall be controlled by staff of the establishment, who shall continuously monitor the dining area during times alcoholic beverages are being sold or consumed, and
 - B. No alcoholic beverages may be sold or served to patrons later than 11:00 p.m., and
 - C. Patrons shall not be permitted to consume any beverages that were not purchased on the premises.

136.19 USABLE SIDEWALK AREA.

1. Retail Sales and Sidewalk cafés shall be positioned on the sidewalk no greater than 8'(feet) from the adjacent business/building in a manner that allows a minimum five (5) foot-wide clearance for pedestrian traffic on the sidewalk.
2. No tables, chairs or benches shall be placed in street corner areas defined by building lines extended to the street, or closer than ten (10) feet from an alley.
3. A sidewalk café may not utilize or include any public amenities such as benches, seats, tables or trash receptacles.

136.20 DAYS AND HOURS OF OPERATION.

1. All Retail Sales and Sidewalk cafés areas may be operated and used from April 1 through October 31 of each year, subject to snowfall, and during special events when such use is specifically approved in advance by the Orange City Council.

Exception: All Retail Sales, Sidewalk cafés, and Service Area Extension areas shall be removed from the sidewalk the 3rd week of May due to Tulip Festival.

2. All Retail Sales and Sidewalk cafés areas be operated each day only between the hours of 7:00 a.m. and 11:00 p.m., and at such times during special events as are approved by the Orange City Council.

136.21 TABLES AND CHAIRS, LOCATION AND REQUIREMENTS OF FURNITURE.

1. All tables and chairs for the Sidewalk café area shall be only set within the designated area and it shall be the responsibility of the owner/representative of the application holder to ensure tables, chairs, and other dining furniture do not encroach upon any part of the sidewalk not designated on his or her application.

2. All outdoor dining furniture, including tables, chairs, umbrellas, barriers, propane heaters, and authorized accessory items, shall be readily movable. Readily movable shall mean that no object as stated above, which is part of the sidewalk café, shall be leaded, cemented, nailed, bolted, power riveted, screwed-in or affixed, even in a temporary manner, to either the public way on which the sidewalk café is placed, to the building, or to any other structure which the sidewalk café abuts. Umbrellas must be secured with a minimum base of not less than sixty (60) pounds.

3. Accessory devices for the comfort of patrons, such as fans and propane heaters, may be used at sidewalk cafés locations, provided, however, that any such devices, cables, or wiring are installed and operated in a safe and responsible manner in compliance with applicable codes.

136.22 DELINEATING SIDEWALK CAFÉS.

Sidewalk cafés shall be delineated by barriers at least thirty-two (32) inches in height separating patrons from the pedestrian traffic and barriers may consist of planters, fencing, or other sturdy material that physically separates the Sidewalk café from the adjoining right-of-way. Barriers shall comply with what is set forth in the current version of the Americans with Disabilities Accessibility Guidelines. Barriers shall be placed so as not to obstruct the required Clear Way.

136.23 INSURANCE.

Retail Stores and Sidewalk café owners must agree in writing to (a) indemnify and hold harmless the City, its officers, agents, and employees for, from, and against, any liability for damages arising out of the placement of tables, chairs, benches, or any of them, in the public right-of-way, and for all claims, losses, and damages, including payment of attorney fees, arising from the applicant's use of the public right-of-way pursuant to the public right-of-way use permit, or which are caused in whole or in part by any act or omission of the applicant, its agents, or employees and (b) have, maintain, and furnish proof to the City of a policy providing commercial general liability insurance coverage in the amount of \$1,000,000 per occurrence with the City endorsed on the policy as an additional insured.

SECTION 2. REPEALER. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of this ordinance as a whole or any section, provision or part thereof not adjudges invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed and approved this _____ day of _____, 2024.

Deb De Haan, Mayor

ATTEST:

Janet Brown, City Clerk

Eight Required ADA Features for Sidewalk Dining Lease Areas (SDLA)

- 1 SDLA must accommodate existing or future ADA curb-ramp designs and contain a minimum of a 5-foot level landing at the top of each ramp.
- 2 A 6-foot pedestrian walkway is ideal on sidewalks containing dining facilities. SDLA must allow a minimum 48-inch wide by 80-inch tall, clear and unobstructed walking space, known as a **Pedestrian Accessible Route (PAR)**, between the edge of the leased dining area and back of the curb; see 2 at right.
- 3 Objects which protrude on either side of the PAR shall not reduce the width required for the PAR. Examples of protruding objects include, but are not limited to, planters, flower boxes, trees, plants, foliage, signs, hydrants, parking meters, newspaper boxes, refuse containers, benches, bike racks, banners, flags, utility or light poles, etc. Outside the PAR, within the Pedestrian Walkway, objects may protrude a maximum of four inches horizontally when located above 27 inches from the sidewalk; see 3 at right.
- 4 An unobstructed space of at least 80 inches in height must be provided along the length of the SDLA; see 4 at right.
- 5 Any openings on tree grates, drain covers and underground vault accesses along the SDLA must be perpendicular to the dominant direction of pedestrian travel and no greater than one-half-inch wide; see 5 at right.
- 6 Fences, railings or other barriers along the SDLA must be detectable by people who use canes. Any vertical barrier taller than 27 inches must have an additional barrier below 27 inches (4 inches from the sidewalk is suggested), so that it may be detected by canes; see 6 at right.
- 7 A passing space 5-feet wide by 5-feet long must be provided every 200 feet.
- 8 Sidewalk surfaces must be stable, firm and slip-resistant.

