

CITY OF BELLEVUE

ORDINANCE NO. 2019-02-02

AN ORDINANCE AMENDING ORDINANCE NO. 2012-05-02 AS CODIFIED IN SECTION 112.04 ELIMINATING SIDEWALK LICENSING FEES FOR THE PLACEMENT OF TABLES AND CHAIRS ON THE PUBLIC WAY.

WHEREAS, Section 122.04(A) of the Bellevue Code of Ordinances provides for fees related to the placement of tables and chairs, seating and items on the public right-of-way; and

WHEREAS, the Board of Council desires to remove impediments to conducting business in the City of Bellevue, and streamline governmental operations.

WHEREAS, the Board of Council desires to remove impediments to conducting business in the City of Bellevue, and streamline governmental operations.

NOW, THEREFORE, BE IT ORDAINED by the city council of the City of Bellevue:

Section 122.04 Cost, Duration, Effective Date and License Attributes is hereby amended as follows:

Section 122.04 COST, DURATION, EFFECTIVE DATE, AND LICENSE ATTRIBUTES.

(A) For the consideration of the City allowing place seatings on any public sidewalk or in the public right of way, the person or business entity shall obtain a Sidewalk Dining License from the City. Fee. ~~The cost of the license shall be twenty dollars (\$20.00) per two top table and forty dollars (\$40.00) per four (4) top table annually for seatings placed in the sidewalk dining area. Payment shall be made at the office of the Administrative Officer or his or her designee. The fee shall not be prorated.~~

(B) Duration. The license shall not be issued for more than a single calendar year.

(C) Effective date. Upon issuance of a sidewalk dining license by the city and payment of the annual license fee by the licensee, the licensee is permitted to place seatings on the public sidewalks in the designated sidewalk dining area on a continuous basis from March 1 until November 31.

(D) Fixed seatings. The sidewalk dining license shall state the maximum number of permissible seatings and define sidewalk dining area where they are permitted to be set up.

(E) No assignment. Any license issued by the city to allow for a sidewalk dining area on the public sidewalks shall not be assigned or transferred to third party without the prior written consent of the Administrative Officer.

(F) Revocable license.

(1) A license may be revoked by the city upon seven (7) days' written notice upon a finding by the Administrator Officer that the licensee has violated any terms of this subchapter, has failed to abide by the terms or conditions set forth in the license, or upon a finding by the Administrative Officer that the licensee has violated other city ordinances or state or federal law. A sidewalk dining license may also be revoked by the Administrator Officer if the licensed

establishment has two or more convictions for violating the city's noise control ordinance or Criminal Nuisance Ordinance within a twelve (12) month period, or the licensee or an employee of the establishment has been convicted of serving alcohol to a minor.

(2) If a sidewalk dining license is revoked, the licensee shall be eligible to reapply for a license after a one (1) year has passed from the date of the license revocation.

(3) If an emergency exists, as determined by the Administrative Officer or any public safety officer, and it is found to be necessary to preserve public safety or preserve public travel on the adjoining roadway or public sidewalk, the Administrative Officer may summarily suspend the sidewalk dining license and require that the sidewalk dining area be cleared for seventy-two (72) hours duration before having to issue any subsequent written notice or findings otherwise required by this section.

(4) The licensee may appeal any revocation or suspension to City Council of Bellevue within seven days of the notice of revocation. Licensee shall not be entitled to any compensation, damages or rebate for revoked or suspended licenses even if the license is subsequently reinstated by the City Council of Bellevue after appeal. If a former licensee fails to appeal a license revocation within the time frame set forth herein, such decision shall not be subject to further review

This ordinance shall be effective when read, passed and advertised according to law.

Charlie Cleves, Mayor

ATTEST:

Mary H. Scott, City Clerk

1st reading: 2/20/2019

2nd reading: 3/13/2019

Publication: 3/21/2019