

CHAPTER 41

MISCELLANEOUS STREET REGULATIONS

1. BARBED WIRE FENCE. No person, firm or corporation shall erect or maintain in, along or adjacent to any street, alley, sidewalk or public place at an elevation less than six feet above the grade thereof nearest such device or thing, any barbed wire fence or spiked railing or any guard or barricade to which there is attached any barbed wire or barbed or pointed instrument, device or thing of any kind or description, designed, intended or liable to injure any person coming on contact therewith.

2. FIRES ON PAVEMENTS. It shall be unlawful for any person to burn weeds, leaves or rubbish or material of any kind upon any pavement in the City. (Amended, Ordinance 2012-52, July 30, 2012) (Amended, Ordinance No. 2005-87, September 19, 2005)

3. ADVERTISING DISTRIBUTION DEVICE PERMIT REQUIRED. No person, firm or corporation shall place a device for the purpose of distributing advertising material upon any street, alley, sidewalk, parkway or other public place without an Advertising Distribution Device permit. The Public Works Director may issue a permit to place an advertising distribution device on public streets, alleys, sidewalks, parkways or other public places. Said permit shall designate where the device may be located. No more than one advertising distribution device may be located on a single block face and no device may be located closer than two hundred feet (200') from another advertising distribution device. The fee for such permit shall be \$50.00 per year, and may not be pro-rated. All Advertising Distribution Device Permits shall expire on the 31st day of December next following the effective date thereof. (Amended, Ordinance 2012-52, July 30, 2012)

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4. EXCAVATED MATERIAL. In all pavement construction under any ordinance hereinafter enacted all brick or other excavated material not used in the work shall remain the property of the City unless the plans indicate otherwise. The contractor shall convey such material to such point in the City as may be designated in the pavement construction plans. All surplus material not so claimed or directed to be conveyed by the City shall be the property of the contractor to be disposed of by him as he shall see fit. (Amended, Ordinance 2012-52, July 30, 2012) (Amended, Ordinance No. 2009-39, May 18, 2009) (Amended, Ordinance No. 2000-63, July 17, 2000)

5. BUILDINGS; SIGNS. No person shall make or cause to be made any enclosure, fence, sign, archway, building or structure of any kind upon, over, into or across any street, avenue, alley or sidewalk within the City, except (a) upon approval of the Building Inspections Manager, subject to all applicable provisions of the Building Ordinance and the Building Code; or (b) in accordance, with the provisions of City Code Chapter 41, Section 12. Any person or persons granted such approval for any such enclosure, fence, sign, archway, building or structure suspended over a street or extending into a street more than fifteen (15) inches beyond the building line other than those permits issued under Chapter 41, Section 12 shall file with the City a public liability insurance policy with the City as a named insured, indemnifying the City against loss or damage to person or property in the minimum amount of One Million Dollars (\$1,000,000) per occurrence, combined single limit, and Two Million Dollars (\$2,000,000) aggregate, with a provision that the same may not be canceled except after thirty (30) days prior notice to the City. Approval for such structures or signs granted as herein provided shall be considered a privilege only and shall not be deemed to create any vested right in the continuance of such structures or signs, and such approval may be revoked in the same manner and by the

same officer which granted the same. (AMENDED, Ordinance No. 2009-39, May 18, 2009) (AMENDED, Ordinance No. 96-48, July 15, 1996) (AMENDED, Ordinance No. 2018-62, November 5, 2018)

6. HANDBILLS. No person, firm or corporation shall, either directly or indirectly, place or cause to be placed, broadcast, scatter or throw any poster, handbill, circular, leaflet, pamphlet, newspaper or written or printed matter of any kind whatsoever in or upon any public street, alley or other public ground so as to litter the same, nor in and upon any part of any vehicle standing or parked in or upon or using any public street, alley or other public ground, except upon consent of the owner of such vehicle; nor in or upon any porch, steps or yard of any residence, private property or other premises unless the same be rolled or fastened or weighted down so it shall not be blown about or scattered by the wind.

7. LIABILITY FOR INJURY. Any person who shall place or leave or cause to be placed or left any encroachment, obstruction or encumbrance in or upon any street, alley, avenue or sidewalk, shall in all cases be liable to the City and to private persons for all injury or damage arising therefrom.

8. MERCHANDISE ON SIDEWALK. No person, firm or corporation while receiving or delivering goods, wares or merchandise, shall permit the same to remain on any sidewalk longer than thirty minutes and for this purpose shall occupy only so much of the outer edge of the sidewalk as will leave an unoccupied space of at least four feet in width of such sidewalk for the use of pedestrians. Sidewalk permittees are exempt. (Amended, Ordinance 2012-52, July 30, 2012)

9. PLACING MATERIALS ON PUBLIC STREETS. Except as may be permitted by City Code, Chapter 56, "Refuse and Recyclables Removal" and regulated by promulgated

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rules, no person, firm or corporation shall place, throw, leave or cause to be placed, thrown or left any materials, leaves, branches, landscape plant material debris, grass clippings, and any type obstruction or encumbrance in or upon any street, alley, sidewalk, parkway or other public place except materials for construction as herein permitted, and except sidewalk sales permittees.

(Amended, Ordinance 2012-52, July 30, 2012)

10. OFFENSIVE VEHICLES. No vehicle used for conveying animals, alive or dead, from which vehicle offensive odors emanate, caused from said conveying, or lately having conveyed such animals, shall be parked or stand in any public street or alley in the City except after a thorough cleansing.

11. PARADES; PROCESSIONS.

A. No person, firm or corporation shall hold or conduct any procession or parade through the streets of the City, other than a funeral procession, except upon issuance of a Major Parade permit or a Minor Parade permit by the Chief of Police. As determined by the Police Chief, a Major Parade permit may be issued to parades expected to draw 1,000 or more spectators. As determined by the Police Chief, a Minor Parade permit shall be issued to those parades drawing less than 1,000 spectators. (Amended, Ordinance 2012-52, July 30, 2012)

B. Parades issued a Major Parade permit may use either the major parade route or the minor parade route. Parades issued a Minor Parade Permit may use only the minor parade route. Parades are not required to travel the entire distance of their assigned route. Parade permit holders shall be required to notify the Police Chief and Public Works Director if the planned route of the parade does not travel the entire distance of their assigned route. (Amended, Ordinance 2012-52, July 30, 2012)

C. The Major Parade Route shall travel northbound on Franklin Street from Macon Street to North Street, westbound on North Street from Franklin Street to North Main Street, southbound on North Main Street from North Street to Macon Street, and east bound on Macon Street from South Main Street to the point of beginning. (Amended, Ordinance 2012-52, July 30, 2012)

D. The Minor Parade Route shall travel northbound on Water Street from Macon Street to Prairie Street, westbound on Prairie Street from Water Street to Merchant Street, southbound on Merchant Street from Prairie Street to East Main Street, eastbound on East Main Street to Water Street, and southbound on Water Street from East Main Street to the point of beginning. (Amended, Ordinance 2012-52, July 30, 2012)

E. Parade Permit Fees. The fee for a Major Parade using the major parade route shall be \$250.00. The fee for a Minor Parade using the minor parade route shall be \$100.00. (Amended, Ordinance 2012-52, July 30, 2012)

12. PERMITS FOR USE OF SIDEWALKS AND PUBLIC PLACES.

A. DEFINITIONS.

(1) APPLICANT shall mean the person or entity who has applied for but not yet been granted a permit allowing for the operation of an outdoor café or the placement of a sidewalk sign in the B-4 Central Business District. (Amended, Ordinance 2012-52, July 30, 2012) (Amended, Ordinance 2018-62, November 5, 2018)

(2) BUMP OUT shall mean the areas where the sidewalk is extended further into the public right of way to provide for more pedestrian space. Bump outs are typically found at the corners of each intersection or mid-block of a street. (Amended, Ordinance 2012-52, July 30, 2012) (Amended, Ordinance 2018-62, November 5, 2018)

(3) ELECTRIC CONNECTION FEE shall mean the fee associated with connecting to the electrical outlets located within the base of the City's light poles in the public right of way. (Amended, Ordinance 2012-52, July 30, 2012) (Amended, Ordinance 2018-62, November 5, 2018)

(4) FOOD SERVICE ESTABLISHMENTS are those establishments as defined and licensed by the Macon County Board of Health. (Amended, Ordinance 2018-62, November 5, 2018)

(5) LIQUOR ESTABLISHMENTS are those establishments holding a valid liquor license issued by the City of Decatur. (Amended, Ordinance 2018-62, November 5, 2018)

(6) OUTDOOR CAFÉ shall mean a use of public sidewalk by a food service establishment or liquor establishment occupying and using a building, for the immediate serving of food and beverages and adjacent to said building or on sidewalks contiguous to the sidewalk adjacent to the building occupied by the establishment. The use will be characterized by the outdoor use of tables, chairs, umbrellas, and other equipment. (Amended, Ordinance 2012-52, July 30, 2012) (Amended, Ordinance 2018-62, November 5, 2018)

(7) PERMIT AREA shall mean the sidewalk area designated on the permit specifying the area of operation of an outdoor café or placement of a sidewalk sign. (Amended, Ordinance 2012-52, July 30, 2012) (Amended, Ordinance 2018-62, November 5, 2018)

(8) PERMITTEE shall mean the person or entity owning or operating a food service or liquor establishment who has a valid permit allowing for the operation of an outdoor café or a person or entity owning property or having a leasehold interest in the B-4 Central Business District as set forth in the City of Decatur Zoning Ordinances, who has a valid permit

allowing for a Central Business District sidewalk sign. (Amended, Ordinance 2012-52, July 30, 2012) (Amended, Ordinance 2018-62, November 5, 2018)

(9) PLAZA AREA shall mean those areas, public right of way, and sidewalks as determined by the Public Works Director. (Amended, Ordinance 2012-52, July 30, 2012) (Amended, Ordinance 2018-62, November 5, 2018)

(10) SIDEWALK SIGN shall mean a sign located in the B-4 Central Business District on a sidewalk or public property as allowed by a permit issued pursuant to this Section. (Amended, Ordinance 2018-62, November 5, 2018)

B. PERMITS REQUIRED.

(1) No person, firm or corporation shall use any street, alley, sidewalk, parkway or other public place for the placement of signs or for the storage, sale or display of any goods, wares or merchandise, except as expressly provided herein; provided that, the City Manager may authorize sidewalk sale permits to be issued for the display and sale of goods and merchandise on sidewalks in areas designated by such officer for periods of time not exceeding three (3) days. A sidewalk sale permit shall designate what portions of the sidewalk shall be used for such purpose. The fee for such permit shall be \$25.00, and may not be pro-rated. (Amended, Ordinance No. 2007-63, July 16, 2007) (Amended, Ordinance 2018-62, November 5, 2018)

(2) It shall be unlawful for any person to operate an outdoor café without an outdoor café permit.

(3) It shall be unlawful for any entity or person to place, cause to be placed, or allow the placement of a sign on any street, alley, sidewalk, parkway or other public place without a sidewalk sign permit. (Amended, Ordinance 2018-62, November 5, 2018)

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(4) The Public Works Director or designee may issue a permit for the use of public sidewalks for outdoor cafés or sidewalk signs, subject to the conditions set forth herein. The permits must be displayed in the window of the establishment or property at all times. (Amended, Ordinance 2012-52, July 30, 2012) (Amended, Ordinance 2018-62, November 5, 2018)

(5) Permits issued hereunder shall expire and terminate on the 31st day of December next following the effective date thereof.

(i) The minimum fee for outdoor café permits shall be \$150.00 with an additional charge of \$1.00 per square foot for every square foot over 100 square feet of outdoor café space at a maximum fee of \$1,000.00. (Amended, Ordinance 2012-53, July 30, 2012) (Amended, Ordinance 2018-62, November 5, 2018)

(ii) The fee for sidewalk sign permits shall be \$25.00. (Amended, Ordinance 2018-62, November 5, 2018)

(6) Outdoor café permittees only may connect electrical devices to an electric outlet located near the base of most street light poles. The electric connection fee shall be \$10.00 per month and electricity shall be extracted as approved by the Public Works Director. No person, firm or corporation shall connect electrical devices to the electric outlet located approximately 10 feet above the sidewalk on most street light poles, except during the months of November, December and January for the purpose of decorative holiday lighting. (Amended, Ordinance 2012-52, July 30, 2012) (Amended, Ordinance 2018-62, November 5, 2018)

(7) Permit areas shall be adjacent to said building, or on sidewalks contiguous to the sidewalk adjacent to the building and shall be within the frontage area of the business or property of permittee. If the proposed outdoor café area extends to areas abutting the property of

another, the consent of that property owner shall be obtained in written form prior to approval of permit and shall be part of the permit. (Amended, Ordinance 2012-52, July 30, 2012) (Amended, Ordinance 2018-62, November 5, 2018)

(8) Subject to the requirements of the Code, café permit holders shall, as part of the right granted pursuant to the permit, be entitled to remove or exclude persons from the permit area during hours of business operation. Such permittee is authorized to give notice to any such person to prevent such entry. Neither cover charge nor minimum purchase may be required for admittance to an outdoor cafe area in the public right-of-way. Permit holders shall comply with all laws, statutes, and ordinances in the use and service of said public rights of way. (Amended, Ordinance 2012-52, July 30, 2012) (Amended, Ordinance 2018-62, November 5, 2018)

C. APPLICATION. The application for permits shall be made on City of Decatur forms and submitted to the Public Works Director, together with the fee, and shall, at minimum include the following: (Amended, Ordinance 2012-52, July 30, 2012) (Amended, Ordinance 2018-62, November 5, 2018)

(1) The name, address, and telephone number of the owner of the property and the name, address, and telephone number of the applicant, if different. (Amended, Ordinance 2012-52, July 30, 2012) (Amended, Ordinance 2018-62, November 5, 2018)

(2) For outdoor café permits, a scaled drawing showing, at a 30 inch height above the permit area, the location of any tables, chairs or other furniture, or of any object or structure whatsoever to be used in conjunction with such sale and service of food and which will be placed in or around any of the permit areas, location of ingress and egress, the curb line and any existing public or utility-owned equipment facilities in or adjacent to the area proposed which are visible to the eye, including but not limited to trees, manhole covers and utility poles and openings.

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(Amended, Ordinance 2012-52, July 30, 2012) (Amended, Ordinance 2018-62, November 5, 2018)

(3) For outdoor café permits, a copy of a valid permit to operate a food service establishment from the Macon County Health Department. (Amended, Ordinance 2012-52, July 30, 2012) (Amended, Ordinance 2018-62, November 5, 2018)

(4) For outdoor café permits, an operations plan specifying the proposed dates, days and hours of operation of the outdoor café area, the hours of operation of the adjacent restaurant, and maximum seating capacity for the outdoor café area. (Amended, Ordinance 2012-52, July 30, 2012) (Amended, Ordinance 2018-62, November 5, 2018)

(5) For outdoor café permits, photographs and catalog cuts of any proposed temporary fencing products shall be submitted with the application and are subject to approval by the Public Works Director. (Amended, Ordinance 2018-62, November 5, 2018)

(6) An executed Indemnity Agreement in a form approved by the City.
(Amended, Ordinance 2012-52, July 30, 2012)

(7) Certificates of insurance as per the requirements established herein.
(Amended, Ordinance 2012-52, July 30, 2012)

(8) Any other information related to the requirements of this chapter that the Public Works Director may require. (Amended, Ordinance 2012-52, July 30, 2012)

D. REVIEW OF APPLICATION.

(1) The Public Works Director or designee shall review the application for a permit and determine whether the permit shall be issued. The decision of the Public Works Director shall be a final administrative decision. (Amended, Ordinance 2012-52, July 30, 2012)
(Amended, Ordinance 2018-62, November 5, 2018)

(2) The applicant shall supply all of the information required on or by the application, and any additional information as reasonably requested by the Public Works Director as a condition precedent to the issuance of a permit. (Amended, Ordinance 2012-52, July 30, 2012)

E. RULES AND REGULATIONS.

(1) Tables chairs, umbrellas, sandwich boards, and other permissible equipment as approved by the permit, shall be located in the area so that the line of sight for traffic is not obstructed and so that there remains open, at all times, a longitudinal walking space, the location of which shall be determined by the Public Works Director or designee, of a minimum of four (4) feet in width, which distance may be increased if the Public Works Director deems it necessary for pedestrian safety, with a cross-slope not to exceed Americans with Disability Act (ADA) requirements. All tables, chairs, signs and other objects must be removed when snow is present on the sidewalk or as otherwise directed by the Public Works Director. (Amended, Ordinance 2012-52, July 30, 2012) (Amended, Ordinance 2018-62, November 5, 2018)

(2) The permit for the specified use shall be limited to no earlier than 7 a.m. and no later than 10 p.m. (Amended, Ordinance 2012-52, July 30, 2012) (Amended, Ordinance 2018-62, November 5, 2018)

(3) Permittees shall use permits issued in a reasonable manner with due regard for the health and safety of persons and property. No physical alterations to public property shall be made without the written permission of the Public Works Director. (Amended, Ordinance 2012-52, July 30 2012) (Amended, Ordinance 2018-62, November 5, 2018)

(4) No signs, banners, sandwich boards or other like advertising, except for one (1) sandwich board per property, no larger than six (6) square feet in area on any one of two

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sides, no greater than four (4) feet in height free of any illumination or electric capability shall be located in the permit area. Sign height will be calculated by measuring the vertical distance above grade to the highest point of the sign. (Amended, Ordinance 2012-52, July 30, 2012) (Amended, Ordinance 2018-62, November 5, 2018)

(5) The Public Works Director may promulgate administrative rules which relate to the requirements contained in this article. Upon reasonable notice of the same, the administrative rules shall be binding upon and followed by, the permittee. (Amended, Ordinance 2012-52, July 30, 2012)

(6) For outdoor cafés only (Amended, Ordinance 2018-62, November 5, 2018)

(i) Permittees shall keep the permit area free of litter, cans, bottles and spills at all times. The permittee shall promptly collect and dispose of all litter, trash and other waste materials associated with the outdoor café area, including material in the adjacent public right-of-way or property originating from the outdoor café area. The permittee shall dispose of any such waste in their own trash containers only. No litter is to be allowed to wash down the storm sewer system. The permittee shall sweep the sidewalk café area daily and shall wash the area using water at least weekly. (Amended, Ordinance 2012-52, July 30, 2012) (Amended, Ordinance 2018-62, November 5, 2018)

(ii) No permit will be allowed if seats or equipment in the outdoor café result in the need for additional restrooms and unless such additional restrooms are provided by the applicant as required per the State of Illinois Plumbing Code. (Amended, Ordinance 2012-52, July 30, 2012)

(iii) Food preparation is prohibited on the public sidewalk except as allowed by permit. (Amended, Ordinance 2012-52, July 30, 2012)

(iv) Live entertainment shall be allowed within the outdoor café permit area; a “Downtown Entertainment Permit” is required per Section 18 of this Chapter. No fee is required for this permit. This provision shall also include piped-in sound, so long as such sounds otherwise do not create a nuisance. Any owner or operator licensed under the outdoor café permit provisions hereof may serve alcoholic liquor for consumption on said public sidewalks adjacent to the licensed restaurant, provided that (1) said restaurant is also properly licensed for the sale of alcoholic liquor for consumption on the premises, in which case the adjacent sidewalk or sidewalks shall be considered an extension of such licensed premises and shall be subject to all rules, regulations and restrictions applying to such premises; and (2) any alcohol served at an outdoor table must be served in a glass or plastic cup. Beer cans or bottles are prohibited and wine bottles must be presented in a sheath or ice bucket; and (3) the City is named as an additional insured on the owner's or operator's dram shop insurance policy, with a Certificate of Insurance furnished to the City showing such fact and providing 30 days notice to all insured prior to cancellation. (Amended, Ordinance 2012-52, July 30, 2012) (Amended, Ordinance 2018-62, November 5, 2018)

(v) All alcoholic liquor consumed in an outdoor café will have a last call at 11:30 p.m. with all alcoholic liquor removed from the outdoor café by 12:00 a.m. (Amended, Ordinance 2012-52, July 30, 2012) (Amended, Ordinance 2018-62, November 5, 2018)

(vi) The following types of furniture or other equipment may be utilized in an outdoor café that is not located in a plaza area:

(1) Tables and chairs

(2) Umbrellas

(3) Waste receptacles

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(4) Busing carts

(5) Planters

(6) One (1) sandwich board sign

Said furniture and other equipment shall be portable, shall not be chained, bolted or otherwise secured together as a unit, shall not be affixed to the surface of the permit area, and shall be removed on a nightly basis within thirty minutes after cessation of service in the outdoor café . (Amended, Ordinance 2012-52, July 30, 2012)

(vii) The following types of furniture or other equipment may be utilized in an outdoor café that is located in a plaza area:

(1) Tables and chairs

(2) Umbrellas

(3) Waste receptacles

(4) Busing carts

(5) Planters

(6) One (1) sandwich board sign

(7) Fencing or other physical barriers on the boundary of the permit area.

(8) Portable bars.

(9) Portable heaters (Must be UL rated, sized for intended electrical consumption, and inspected by City's electrical inspector).

Said furniture and other equipment may be chained, bolted or otherwise secured together as a unit, may be affixed or otherwise secured to the surface of the permit area to the extent that said action is specifically authorized in the outdoor café permit, and shall not be required to be removed on a nightly basis. At the discretion of the Public Works Director, the

furniture and/or equipment may be ordered removed to protect public health, safety and welfare.

(Amended, Ordinance 2012-52, July 30, 2012)

(viii) The maximum allowable dimension for tables shall be forty-eight (48) inches in diameter, forty-eight (48) inches in width or length, and thirty-eight (38) inches in height. (Amended, Ordinance 2012-52, July 30, 2012)

(ix) Tables shall be freestanding with detached chairs or seating, unless it is determined that another design meets the intent of these regulations and a specific exception is specifically granted in writing by the Public Works Director. (Amended, Ordinance 2012-52, July 30, 2012)

(x) Umbrellas shall have a maximum diameter of nine (9) feet, a weighted base and be fabric covered. When open, a seven (7) foot clearance from the lowest part of the canopy to ground level is required. Advertising of any kind is not allowed on said umbrella. (Amended, Ordinance 2012-52, July 30, 2012)

(xi) The placement of portable heaters must be reviewed and approved by the City's Fire Inspector. No electrical cords shall extend over the public ADA portion of the sidewalk. (Amended, Ordinance 2012-52, July 30, 2012)

(xii) Liquor establishments without kitchens may have no more seating in a sidewalk cafe area that equal to the number of seats inside their establishment, and they may extend no further than the establishment. (Amended, Ordinance 2012-52, July 30, 2012)

F. USE, SUSPENSION AND REVOCATION.

(1) The use of a public sidewalk pursuant to the issuance of a permit under the provisions of this Chapter and Section shall be subject to temporary suspension or termination at any time by the City Manager in the interest of the public health, safety and welfare. Except for

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instances of bona fide emergencies, to the extent that a permit area is needed by the City for the purposes for which it was dedicated, or any other public purpose, the Public Works Director, Police Chief or Fire Chief may upon written notice reasonably calculated to advise the permittee of such temporary suspension or termination and provide the permittee a reasonable amount of time under the circumstances, to remove its furniture, sign and other impediments from the right of way, and assume full possession and control of the permit area. The permittee shall remove all furniture, signs and impediments from the right-of-way within the time specified by the notice. If not removed by the permittee, the City shall be authorized to remove all furniture, signs and other objects of permittee from the permit area. (Amended, Ordinance 2012-52, July 30, 2012) (Amended, Ordinance 2018-62, November 5, 2018)

(2) If such is not reclaimed by the permittee within seven (7) days after removal by the City, the property shall be presumed abandoned and subject to disposal. (Amended, Ordinance 2012-52, July 30, 2012) (Amended, Ordinance 2018-62, November 5, 2018)

(3) If permittee does not agree with the Decision to suspend or terminate, it may appeal the Notice to the City Manager or designee in writing within 3 business days from the date Notice was sent setting forth all defenses to the suspension or revocation. A decision will be issued in writing by the City Manager or designee within 3 business days. (Amended, Ordinance 2018-62, November 5, 2018)

G. PUBLIC PROPERTY. The provisions of this section shall apply only to the locating of outdoor cafes and signs on public property or public right-of-way and shall not apply to any private property. (Amended, Ordinance 2012-52, July 30, 2012) (Amended, Ordinance 2018-62, November 5, 2018)

H. INDEMNIFICATION.

(1) As an express condition of the issuance of the permit, each applicant shall indemnify and hold harmless the City against all claims, injuries, demands, losses, liability, loss, injury, death or damage whatsoever, including reasonable attorney's fees and costs of suit, in connection with or arising out of the use of the permit by anyone, except where the claim is the result of the sole negligence of the City. (Amended, Ordinance 2012-52, July 30, 2012)
(Amended, Ordinance 2018-62, November 5, 2018)

(2) As an express condition of the issuance of the permit, the permittee shall, within seven (7) days after the billing date, pay to the City all costs associated with damage to the pavement or other City-owned facilities located in or adjacent to the permit area caused by operation of the permit, or the cleaning of or trash removal from the permit area or adjacent premises occasioned by the failure of the permittee to clean or remove such trash pursuant to an outdoor café permit. Failure to do so shall be a violation of this Chapter, and subject the permittee to a fine or fines, and/or revocation of the privileges granted herein. (Amended, Ordinance 2012-52, July 30, 2012) (Amended, Ordinance 2018-62, November 5, 2018)

I. INSURANCE. Every permittee shall obtain, and at all times thereafter during the license year keep in full force and effect, general liability and property damage insurance, with the City as an additional named insured and in amounts not less than \$1,000,000 per occurrence, \$2,000,000 combined, single limit; said applicant shall file with the City a Certificate of Insurance evidencing such fact, and said Certificate shall provide for not less than 30 days notice to all insured prior to cancellation. (Amended, Ordinance 2012-52, July 30, 2012) (Amended, Ordinance 2018-62, November 5, 2018)

J. ENFORCEMENT.

(1) The City may inspect the permit area at any time.

(2) Any violations of the provisions of this article shall be remedied within a reasonable time as stated in the notice or if not stated in the notice, within seven (7) calendar days from the date of delivery or post-mark on the notice.

(3) The permittee shall be subject to any and all penalty provisions and procedures set forth in the Code and Ordinances of the City of Decatur. (Amended, Ordinance 2012-52, July 30, 2012) (Amended, Ordinance No. 2009-39, May 18, 2009) (Amended, Ordinance No. 2007-63, July 16, 2007) (Amended, Ordinance No. 2006-83, September 5, 2006) (Amended, Ordinance No. 2000-63, July 17, 2000)

13. FOOD AND BEVERAGE CARTS.

A. No person, firm or corporation shall use the public sidewalk, public right-of-way or Central Park for the sale of food and/or beverage without the authorization of the City Manager. A food and beverage cart permit shall designate where the cart shall be located. A food and beverage cart vendor may submit up to two (2) locations for conducting business. No food and beverage cart vendor may sell their food or beverage at any other location than what is allowed by permit. Location(s) may be changed after 60 days with approval from the Public Works Director. The fee for such permit shall be \$150.00, and may not be pro-rated. A maximum of three (3) permits shall be granted.

B. The Public Works Director may issue a permit for the use of the public sidewalk, public right-of-way or Central Park for any food and beverage cart to the owner or operator of said food and beverage cart, provided the same is or will be within ten days of the issuance of a city permit, as defined and licensed by the Macon County Health Department, subject to the following conditions (Amended, Ordinance 2012-52, July 30, 2012):

(1) The food and beverage cart shall not be located in public parking spaces and shall only occupy and use approved public locations in the Central Business District. Permittee shall provide photographs of the location and condition of the sidewalk, pavement, lawn or other surface before a permit is issued.

(2) No permittee shall be located in a restaurant/store/office frontage right-of-way or inhibit customer traffic unless written approval has been received from said restaurant/store/office owner/operator. Written approval must be submitted with application.

(3) Photographs and dimensions of the food and beverage cart shall be submitted with the application and are subject to approval by the Public Works Director.

(4) No cart, table, chair or other object may be located within four (4) feet of any intersection, as defined in the Illinois Vehicle Code, and such carts, tables, chairs and other objects must be located so as to provide a minimum of four (4) feet of unobstructed passage. Dimensions of the unobstructed pathway width shall be submitted.

(5) No permittee shall engage in the business of food and beverage cart vending between the hours of 9:00 P.M. to 9:00 A. M. Permitted season of operation is from March 15 to November 30. (Amended, Ordinance No. 2008-75, September 15, 2008)

(6) No permittee shall leave any food and beverage cart unattended. Permittees shall remove the food and beverage cart from streets, sidewalks, or other public places when not in operation. No permittee shall store any food and beverage cart on the public sidewalk, public right-of-way or in Central Park at any time. (Amended, Ordinance 2012-52, July 30, 2012)

(7) No permittee shall park any motor vehicle other than in a lawful parking place in conformance with city and state parking regulations.

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(8) All permittees shall have available their own 20 gallon trash receptacle to be available for their patron's use.

(9) No permittee shall leave their location without first picking up, removing and dispensing of all trash or refuse from the sales made by them. No permittee shall dispose of trash or refuse in the public trash receptacles.

(10) No permittee shall solicit or conduct business with persons in motor vehicles.

(11) No permittee shall sell anything other than food and beverage.

(12) Only the warming or cooling of food and beverage shall be permitted. Cooking food shall not be permitted. (Amended, Ordinance 2012-52, July 30, 2012)

(13) Generators shall be prohibited. The use of public electrical outlets shall be prohibited without obtaining a permit from the Public Works Director as described elsewhere in this chapter. (Amended, Ordinance 2012-52, July 30, 2012)

(14) Carts shall be in good repair with no signs of visible damage/wear and tear. They shall not detract from the visual aesthetics of downtown.

(15) Carts shall only have one (1) sign and be affixed to the cart.

(16) The sale/serving of items in glass containers is prohibited. Any item(s) originally packaged in a glass container shall be served in a plastic or paper container.

(17) Loud music and loud noises shall be prohibited.

(18) No permittee shall deface, mar, mark, damage or destroy public sidewalks, public right-of way or Central Park. All stains from wheels, spillage or other cause shall be removed within two (2) days. All carts shall be provided with a protective pad under their cart

and site to protect the public sidewalk, public right-of-way or Central Park property. Photographs of the existing public right-of-way shall be submitted.

(19) An applicant for a permit for the sale and service of food and beverage as herein provided shall obtain and at all times thereafter during a permit year keep in full force and effect, general liability and property damage insurance, with the City as an additional named insured and in amounts not less than \$1,000,000 per occurrence, \$2,000,000 aggregate; said applicant shall file with the City a Certificate of Insurance evidencing such fact, and said Certificate shall provide for not less than 30 days notice to all insured prior to cancellation.

C. As used in this section, the following phrases have the meaning herein ascribed to each:

(1) **Food and Beverage Cart** – Means any table, pushcart, wagon or other wheeled vehicle or devise which may be moved without the assistance of a motor and which is not required to be licensed and registered by the Secretary of the State.

(2) **Central Business District** – Defined in the City’s Zoning Ordinance as district B-4, and is generally bounded by Wood Street, Jackson Street, Cerro Gordo Street and Church Street. The exact boundaries of the Central Business District are shown on the Zoning District Map which is reviewed and approved annually by the City Council, and is kept on file with the City Clerk. (Amended, Ordinance 2012-52, July 30, 2012)

(3) **Central Park** – That area bounded on the north by the right-of-way line of North Park Street, on the west by the right-of-way line of North Water Street, on the south by the right-of-way line of South Park Street, and on the east by the right-of-way line of North Franklin Street.

D. The City Manager may, by regulation, exempt fairs, festivals and community and charitable events from the operation of this section, and may further, by regulation, prohibit operations by such permittees during said events. (Amended, Ordinance 2012-52, July 30, 2012)

14. POSTING OF POSTERS. That the posting, fastening or otherwise affixing posters, placards, notices or advertisements of any kind or character on any pole located on any

of the streets and alleys of the City of Decatur is hereby forbidden except such legal notices as are required by law to be posted.

15. TEMPORARY BANNERS. The City Manager is authorized to issue permits for temporary banner signs over the streets of the City or upon street light poles where banner mounting brackets have been provided upon the following conditions:

- A. The lowest part of said sign must be at least 25 feet above the street.
- B. Said permit shall be issued to local religious, charitable or other non-profit organizations only.
- C. The City must be protected from liability by adequate public liability insurance.
- D. Such permits shall be issued for limited periods only.

16. BICYCLES ON SIDEWALKS AND CENTRAL PARK. The operation and use of bicycles, roller skates, skateboards, scooters and all other similar devices propelled by human power, but excluding wheelchairs, strollers or baby carriages, and push carts, be, and the same is hereby prohibited, and no person shall use, operate or ride on such vehicles or devices, at any point in that area commonly known as Central Park or on any sidewalk in the Central Business District. (Amended, Ordinance 2012-52, July 30, 2012)

For purposes of this section, "sidewalk" shall have the meaning ascribed to it in Chapter 34 of the City Code.

17. CENTRAL PARK FOUNTAIN. It is hereby prohibited to enter into or on the fountain located in what is commonly known as Central Park with the exception of City personnel or those at the direction of the City in the performance of their duties. (Amended, Ordinance No. 2007-63, July 16, 2007)

18. DOWNTOWN ENTERTAINMENT PERMITS.

A. No person, firm or corporation shall allow outdoor entertainment in the Central Business District that is likely to produce audible sound or noise at a level to be heard by surrounding businesses or residents without first having obtained a permit therefor.

B. Applications. Before any permit as required by the preceding section shall be issued, the person, firm or corporation desiring such permit shall make application to the City Manager upon forms provided by the City. There is no permit fee.

C. Hours. Outdoor entertainment shall end with the last call or between the last call and 12:00 a.m. midnight. (Amended, Ordinance 2012-52, July 30, 2012)

D. Central Business District – Defined in the City’s Zoning Ordinance as district B-4, and is generally bounded by Wood Street, Jackson Street, Cerro Gordo Street and Church Street. The exact boundaries of the Central Business District are shown on the Zoning District Map which is reviewed and approved annually by the City Council, and is kept on file with the City Clerk. (Amended, Ordinance 2012-52, July 30, 2012)

E. Exemptions. The City Manager may, by regulation, exempt fairs, festivals and community and charitable events from the operation of this section. (Amended, Ordinance 2012-52, July 30, 2012) (Amended, Ordinance No. 2007-66, August 6, 2007)

19. HONORARY STREET SIGN PROGRAM. As a means to honor individuals, organizations, entities and events that have had a significant lineage to the City or a significant cultural, historical, or humanitarian impact on the community, the City of Decatur shall establish an Honorary Street Naming Sign program as described below. All honorary street name signs shall comply with the guidelines of this program and honorary street name signs shall not have the effect of changing platted street names or official addresses. (Amended, Ordinance 2015-06, March 2, 2015)

A. Application Process - Honorary street name designation shall be limited to individuals, organizations, entities and events that have had a significant lineage to or a cultural, historical or humanitarian impact on the City as determined by the Decatur City Council. An honoree must have a geographical relationship to the requested sign location, having either lived or worked or performed other actions or activities in the area deemed to have been important to the City of Decatur. Applicants shall be required to submit an application form to the City of Decatur's Economic and Community Development Department providing details as to the proposed honoree's lineage or cultural, historical or humanitarian impact on the city and an explanation of the honoree's relationship to the requested honorary street sign location as part of the application process. Applications shall be reviewed by a five (5) member panel consisting of one (1) member of the Decatur City Council, one (1) member from the Economic and Community Development Department, one (1) member from an authorized city neighborhood organization, one (1) member from the Decatur Police Department and one (1) member appointed from the community at large. Applications will be forwarded to the Mayor and Decatur City Council and scheduled for a vote only upon an affirmative panel recommendation or if a majority of the Decatur City Council calls for it. The request will be considered "denied" upon a negative panel recommendation or if a majority of the Decatur city Council does not call for an application to be brought forward within 30 days of said panel recommendation being issued. Current city employees are not eligible for an honorary street naming designation. (Amended, Ordinance No. 2017-07, February 6, 2017) (Amended, Ordinance 2015-06, March 2, 2015)

B. Number of Signs - The Decatur City Council will designate a maximum of five (5) honorary streets per year. If there is a street, or portion of a street (except intersecting

streets), that has been designated with an honorary street name, no other such name shall be given to the street or section of street. The city shall also have the ultimate authority to determine how many signs shall be placed in an area and how much of the street will be designated with an honorary name.

C. Cost - The person (s) or organization making the request shall be responsible for the cost of creating and installing the sign.

D. Duration - The city replaces street name signs on an approximate ten (10) year cycle. Honorary street name designations will be reviewed and considered by the City Council for continuation as new street name signs are being placed in the area.

E. Notification – The City shall cause letters to be sent to residents and/or businesses in the vicinity of the proposed honorary designation in advance notifying them that an honorary designation has been proposed for their area and that they should continue using the regular street name in all correspondence. The letters would also encourage said residents and/or business owners to contact the city with questions. (Amended, Ordinance No. 2009-60, August 17, 2009)

20. PENALTY. Any person, firm or corporation who shall violate any of the provisions of this Chapter shall, upon conviction, be fined not less than One Hundred Fifty Dollars (\$150) nor more than Five Hundred Dollars (\$500) for each offense, and each day on which a violation occurs or continues shall be considered as a separate offense, and any license or permit issued hereunder may be suspended or revoked following notice and opportunity to be heard, by the City Manager or designee. (Amended, Ordinance 2012-52, July 30, 2012)

21. NUISANCES. Any violation of either Sections 1, 5, 6, 8, 9, 12, 13, 17, or 18 is hereby declared to be a nuisance and may be abated as such in addition to any fine or penalty

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imposed. (Amended, Ordinance No. 2007-66, August 6, 2007) (Amended, Ordinance No. 2007-63, July 16, 2007)