

Ordinance #:	24-3311
Introduction Date:	03/19/2024
Hearing Date:	04/02/2024
Passage Date:	04/02/2024
Effective Date:	04/11/2024

AN ORDINANCE AMENDING THE CODE, CHAPTER 4, GENERAL LICENSING, SECTION 4-1, ESTABLISH GENERAL REGULATIONS, SUBSECTION 4-20.3, REGULATING OF SIDEWALK CAFES, PERMIT REQUIRED, AND APPENDIX A, SCHEDULE OF FEES, CONTAINED IN THE REVISED GENERAL ORDINANCES OF THE CITY OF SUMMIT. (Amend Sidewalk Café Fees)

Ordinance Summary: The purpose of this ordinance is to amend Chapter 4, General Licensing, Section 4-1, Establish General Regulations, Subsection 4-20.3, Regulation of Sidewalk Cafes, Permit Required, and Appendix A, Schedule of Fees, to revise the fees for all sidewalk cafes in the City of Summit.

BE IT ORDAINED, BY THE COMMON COUNCIL OF THE CITY OF SUMMIT:

SECTION 1. That Chapter 4, General Licensing, Section 4-1 Establishing General Regulations, Subsection 4-20.3, Regulating of Sidewalk Cafes, Permit Required. be and is hereby amended and supplemented as follows:

No person, firm, or corporation shall pursue the business or occupation of selling food or drink in a retail food establishment, as defined in Subsection **4-20.2**, to be consumed at the sidewalk cafe in the City of Summit, until the owner, lessee, or proprietor shall have first obtained from the City Clerk a permit to carry on or conduct the same and paid to the City Clerk a fee to be determined in the following manner:

- a. Exterior sidewalk cafes:
 1. Sidewalk cafes shall have a minimum of two tables.
 2. Establishments without a liquor license shall be subject to the following fees:
 - (a) One to 10 seats: ~~\$116.~~ \$140.00
 - (b) Eleven to 25 seats: ~~\$289.~~ \$345.00
 - (c) Twenty-six to 50 seats: ~~\$404.~~ \$485.00
 - (d) Over 50 seats: ~~\$473.~~ \$565.00

3. Establishments with a liquor license shall be subject to the following fees:
 - (a) One to 10 seats: ~~\$232.~~ \$280.00
 - (b) Eleven to 25 seats: ~~\$578.~~ \$690.00
 - (c) Twenty-six to 50 seats: \$970.00
 - (d) Over 50 seats: ~~\$946.~~ \$2,100.00
4. Establishments with a liquor license must also enter into a lease agreement with the City in accordance with Chapter 3, Section 3-1, Subsection 3-1.3c2, of the City Code.
5. All fees are nonrefundable and will not be prorated.

SECTION 2. That Appendix A, Schedule of Fees, be and is hereby amended and supplemented as follows:

**City of Summit
Appendix A, Schedule of Fees
Schedule of Fees Contained In
The Revised General Ordinances Of The
City Of Summit**

SIDEWALK (exterior) Licenses

Appeals ~~\$105.00~~ \$130.00 (4-20.12)

Fees

Exterior Sidewalk Cafés:

One (1) to ten (10) seats	\$116.00 <u>\$140.00</u>
Eleven (11) to twenty five (25) seats	289.00 <u>\$345.00</u>
Twenty six (26) to fifty (50) seats.....	404.00 <u>\$485.00</u>
Over fifty (50) seats.....	473.00 <u>\$565.00</u>

(4-20.3)

SIDEWALK

Appeals- \$130.00 (4-20.12)

Fees

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- (c) Twenty-six to 50 seats: \$970.00
- (d) Over 50 seats: ~~\$946.~~ \$2,100.00

(4-20.3)

SECTION 3: All other provisions of Chapter 4, Section 4-20 of the Code of the City of Summit shall remain unchanged.

SECTION 4: Severability. The provisions of this Ordinance are declared to be severable and if any section, sub-section, sentence, clause, phrase, or any other part of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the validity of the remaining sections, subsections, sentences, clauses, and phrases of this Ordinance, but shall remain in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 5: Repeal of Inconsistent Provisions. All ordinances or parts thereof in conflict or inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency or conflict.

SECTION 6: Codification. This Ordinance shall be a part of the Code of the City of Summit as though codified and fully set forth therein. The City Clerk shall have this Ordinance codified and incorporated in the official copies of the Code. The City Clerk and the City Solicitor are authorized and directed to change any Chapter, Article and/or Section number of the Code of the City of Summit in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

SECTION 7. This Ordinance shall take effect upon final passage and publication as provided by law.

Dated: April 2, 2024

I, Nicole M. Kotiga, Deputy Clerk of the City of Summit, do hereby certify that the foregoing ordinance was duly passed by the Common Council of said City at regular meeting held on Tuesday evening, April 2, 2024.

Approved: April 2, 2024

Deputy Clerk

Dr. Elizabeth Fagan, Mayor