

BOROUGH OF BELLEVUE

ORDINANCE NO. 02-08

AN ORDINANCE OF THE BOROUGH OF BELLEVUE, A HOME RULE CHARTER MUNICIPALITY, PERMITTING CERTAIN PORTIONS OF THE SIDEWALKS TO BE USED FOR SALE OF FOOD AND RELATED ITEMS AT SPECIFIED TIMES AND EXPIRING DECEMBER 31, 2002.

THE TOWN COUNCIL OF THE BOROUGH OF BELLEVUE HEREBY ORDAINS:

SECTION 1: The use of sidewalks for food service is hereby permitted by any restaurant within the Borough of Bellevue approved and licensed by the Allegheny County Health Department.

SECTION 2: FOOD SERVICE, as used in this ordinance, means the serving of food, drinks and related items except the service of alcoholic beverages or permitting the customers or patrons of the restaurant to consume alcoholic beverages in these locations regardless who supplied the alcoholic beverages.

SECTION 3: Those restaurants that use sidewalks for food service shall occupy such space or area of the sidewalks as to allow four feet of unobstructed sidewalk available for pedestrian passage at all times. Unobstructed sidewalk area shall not include such areas occupied or used by for parking meters, traffic signs, utility poles, trash containers, mail boxes, new vending machines and similar uses.

SECTION 4: The area or space to be used for food service shall be occupied only by chairs and tables and those items generally placed on tables, and said chairs and tables may be used only by the customers of the restaurant electing to use the sidewalks for food service.

SECTION 5: No alcoholic beverages shall be served or used at any such outdoor sidewalk use even though the restaurant may permit the customers who make use of their indoor facilities to consume alcoholic beverages while inside the restaurant.

SECTION 6: The use of sidewalks as above referred shall be permitted only during the hours of 5:00 P.M. to 12:00 A.M., prevailing time on Monday through Saturday and during the hours of 7:00 A.M. through 12:00 A.M. on Sunday.

SECTION 7: Any restaurant electing to use sidewalks for food service as above described must first obtain a permit from the Borough of Bellevue. A fee of \$10.00 shall be charged for said permit and it shall expire on December 31.

SECTION 8: This ordinance shall be enforced by the Code Enforcement Officer of the Borough of Bellevue and any violations of the provisions of this ordinance shall result in the immediate prohibition of the use of the sidewalk for food service by any such restaurant. The continued violation of this ordinance after being notified by the Code Enforcement Officer of the existence of a violation shall be subject to a fine of not less than \$100.00 not more than \$500.00, and costs of prosecution, and in default of payment of such fine and costs to undergo imprisonment of not more than 30 days. Each day a violation continues shall constitute a separate offense.


SECTION 9: This ordinance shall expire and the authority granted herein shall terminate on December 31, 2002, unless Town Council legislates otherwise.

SECTION 10: The provisions of the ordinance are hereby declared to be severable and if any section, sentence, clause or phrase of this ordinance shall be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining section, sentences, clauses and phrases of this Ordinance but shall remain in effect, it being the intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 11: Any Ordinance, or part thereof, conflicting with the provisions of this ordinance is hereby repealed insofar as the same affects this ordinance.

ORDAINED AND ENACTED this 7th day of May, 2002.

ATTEST:



Director of Administrative Services
and Secretary



President of Council

EXAMINED AND APPROVED this 7th day of May, 2002.



Mayor

BOROUGH OF BELLEVUE

ORDINANCE NO. 02- 13

AN ORDINANCE OF THE BOROUGH OF BELLEVUE, A HOME RULE CHARTER MUNICIPALITY, AMENDING ORDINANCE NO. 02-08, ENACTED MAY 5, 2002.

THE TOWN COUNCIL OF THE BOROUGH OF BELLEVUE HEREBY ORDAINS:

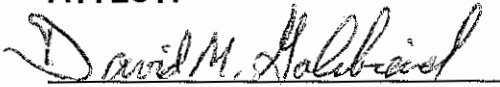
SECTION 1: Section 6 of Ordinance No. 02-08, enacted May 5, 2002, is hereby amended to read as follows:

The use of sidewalks for food service (as defined in Ordinance No. 02-08) shall be permitted only during the hours of 7:00 a.m. prevailing time to 12:00 p.m., prevailing time.

SECTION 2: Any Ordinance, or part thereof, conflicting with the provisions of this ordinance is hereby repealed insofar as the same affects this ordinance.

ORDAINED AND ENACTED this _____ day of _____, 2002.

ATTEST:


**Director of Administrative Services
and Secretary**

President of Council

EXAMINED AND APPROVED this _____ day of _____, 2002.

Mayor

Office of Code Enforcement

Borough of Bellevue

<p>POLICY AND PROCEDURES FOR THE ISSUANCE OF SIDEWALK, FOOD SERVICE PERMITS</p>
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1. The Code Enforcement Office personnel will, at the request of a business owner, issue a Sidewalk, Food Service Permit Application along with a copy of Ordinance No. 02-10 (Permitting Certain Portions of the Sidewalks to Be Use for Sale of Food and Related Items).
2. The applicant must return the completed and signed application form, together with a ten dollar (\$10.00) Permit Fee, to the Code Enforcement Office.
3. Upon receipt, the Code Office staff member will stamp the upper right corner of the permit with the received stamp showing the date received and initials of the recipient, review the application for completeness, assuring that the applicant represents a business approved and licensed as a restaurant by the Allegheny County Health Department. In addition, a receipt will be given the applicant for the permit fee.
4. Once approved or disapproved, the officer will appropriately check the application and affix his/her signature and date. A copy, whether approved or disapproved, shall be filed in the parcel file in the Code Enforcement Office. NOTE: An explanation should accompany a disapproved application.
5. A Permit, found at the bottom of the permit application form, will be completed and signed by the Code Enforcement Officer or Assistant Code Enforcement Officer. The permit number will be sequential, with the first being FSP-02-001 -- (FSP-Food Service Permit, 02-year 2002, and 001-first permit of the year 2002). The year, first digits, will be changed at the beginning of each calendar year and numbering will begin again with 001. A separate log-in sheet is located in the file cabinet under "Food Service Permit Log".
6. The permit must be checked to indicate the approved type of business. Where 'other' is checked, the type must be indicated. Permit must be signed by the officer.
7. Even though the Permit is plainly marked "MUST BE DISPLAYED IN WINDOW OF BUSINESS DURING SIDEWALK USE" the officer completing the permit should remind the applicant of the requirement to display said permit.