



## City of Hartsville

# Rules and Regulations for Sidewalk Dining

1. All sidewalk dining permits expire on Dec. 31 and must be renewed annually.
2. Sidewalk dining shall not be permitted earlier than 6 a.m. nor later than 12 a.m. (midnight). Adherence to hours of operation is mandatory.
3. Permit holders shall be required to maintain a current City of Hartsville business license.
4. All employees and patrons of sidewalk dining establishments shall be subject to and comply with all applicable requirements and standards for a retail food establishment. Patrons and staff must wear shoes and shirts at all times.
5. All sidewalk dining areas must have an opening for ingress and egress to the clear pedestrian path at all times.
6. All sidewalk dining areas must adhere to the size, design, and any other specifications approved by the City at all times. Adherence to required design standards as set forth herein is mandatory.
7. Where the City has installed a permanent structure such as a sign, planter, light pole or other device, the permit holder of the sidewalk dining area shall make accommodation for the required clearance for pedestrian passage. Permit holders of sidewalk dining areas shall be mindful of the rights of pedestrians traveling past their sidewalk dining areas at all times during the operation of the sidewalk dining area. Complaints regarding sidewalk dining will be investigated by the City and violations of the ordinance or the rules and regulations promulgated will result in citations being issued to the permit holder and/or revocation of permit holder's sidewalk dining permit. Strict adherence to the approved layout of all components of the sidewalk dining area and clear space for pedestrians is mandatory.
8. All areas within and surrounding the sidewalk dining area must be maintained in a clean, neat and sanitary condition and shall be policed routinely by permit holder to ensure removal of all wrappings, litter, debris and food there from. Daily sanitary cleaning of the sidewalk dining area is required. Sidewalks within and adjacent to the sidewalk dining area must be washed down and cleaned on a daily basis. The permit holder and/or staff of the permit holder shall not wash garbage cans or any other container, or other personal property of any nature on the sidewalks. All cleaning must be performed in accordance with applicable federal and state regulations.
8. Sidewalk dining establishments shall be prohibited from playing amplified music or sound, whether live or recorded that is audible outside the designated sidewalk dining area. This requirement may be waived by the City for downtown area special events.
9. All tables, chairs, plants, planters, and any other items of the sidewalk dining establishment, hereinafter defined as Sidewalk Dining Elements, shall be approved as part of the permit approval process as set forth in the Ordinance regulating sidewalk dining. Stacking or storing of chairs, tables, heaters or any other Sidewalk Dining Element in the public right-of-way at any time is prohibited.



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10. The City of Hartsville will inspect all sidewalk dining areas after permits have been issued and the sidewalk dining area is in use. Any violations of the provisions of these rules and regulations, or any deviation from approved plans or willful omissions of the application may result in citations being issued to the operator and/or revocation of operator's sidewalk dining permit.
11. Any permit holder or his or her employees, agents or contractors who violate or resist enforcement of any provision of the sidewalk dining ordinance and/or these rules and regulations may be subject to immediate permit revocation by the City. Permit holders may choose to appeal the revocation of a permit to the Hartsville City Manager. Decisions made by the City Manager on matters relating to Sidewalk Dining Permits are final.
12. Permit holders shall be required to abide by all federal, state and local laws, rules and regulations applicable to the operation of a restaurant with a sidewalk dining area in the City of Hartsville.
13. Permit holders will only be allowed to serve alcoholic beverages in service containers. Bottles and cans are prohibited from being served to sidewalk dining patrons.
14. At the request of the City of Hartsville, the permit holder will suspend serving alcohol in a permitted sidewalk dining area at certain times and during certain festivals and events.
15. Permit holders shall be required to furnish a certificate of insurance evidencing commercial general liability insurance with limits of not less than \$1,000,000 per occurrence, \$2,000,000 in the aggregate combined single limit, for bodily injury, personal injury and property damage liability, with the City named as additional insured, and the liquor liability coverage clearly defined. The insurance shall provide for 30 days prior written notice to be given to the City of Hartsville if coverage is substantially changed, canceled or non-renewed.

The City of Hartsville, its appointed and elected officials, employees and volunteers shall be named as an additional insured on this general liability coverage on a primary, noncontributory basis for any liability arising directly or indirectly from the operations of a sidewalk dining area. The permit holder/owner shall indemnify, defend and hold the City of Hartsville harmless from and against all liability, loss, damages or injury, and all costs and expenses (including attorneys' fees and costs of any suit related thereto), suffered or incurred by the City that results directly or indirectly from the permit issuance or the operation of the sidewalk dining area.

In addition, if alcoholic beverages will be served at the sidewalk dining area, the permit holder shall provide proof of liquor liability insurance for the sidewalk dining area, with limits of not less than \$1,000,000 per occurrence in such type as shall be acceptable to the City.

Each permit holder shall maintain the insurance coverage required under this section during the permit period. The certificate(s) of insurance shall be presented to the City of Hartsville prior to the issuance of a permit under this section. Failure of the permit holder to maintain the insurance required by this section shall result in the revocation of the sidewalk dining permit.



# City of Hartsville

## Design Standards for Sidewalk Dining Areas

In order to remain consistent with the City of Hartsville's objective of developing attractive outdoor dining areas (including the furniture, objects and décor associated therewith) the following design standards shall apply to establishments seeking permission to provide sidewalk dining on public right-of-way throughout the downtown area of the City.

### 1. Space and Clearances

Sidewalk dining shall only be permitted on a sidewalk with a minimum width of nine (9) feet from the property line to the back of curb. The area designated for sidewalk dining shall be considered an extension of the establishment; therefore, the location of the sidewalk dining area must be adjacent to the primary facade of the establishment.

A sidewalk dining permit holder is required to maintain a clear pedestrian path adequate for two-way pedestrian traffic. The minimum required clear path shall be four feet (4') with passing areas or at least five feet square (5' x 5') every one hundred (100') feet. In areas of higher pedestrian traffic or activity or in conditions that suggest the need for additional clearance, a clear pedestrian path greater than four feet may be required. The clear area shall be free of any obstructions such as trees, landscaping, street furniture, signs and the like in order to allow adequate pedestrian movement.

Sidewalk dining areas shall not interfere with any utilities or other facilities such as light poles, fire hydrants, signs, landscaping, mailboxes, or benches located on the sidewalk or public right-of-way.

The sidewalk dining area may not impinge on any required clear distances for maneuvering around entrances or exits. The sidewalk dining area shall be accessible to disabled patrons and employees, and buildings adjacent to these areas shall maintain building egress as defined by the current building code.

When a sidewalk dining area is located at a street corner, vision clearance requirements shall be in accordance with the City of Hartsville Zoning Ordinance. When a sidewalk dining area is adjacent to a driveway or alley used for vehicular access these regulations may also be applied. These requirements may be modified to increase the required clearance in locations where unusual circumstances exist and where public safety could be jeopardized.

### 2. Furniture, Objects, Structures and Décor

Tables, chairs, umbrellas, awnings, barriers and any other object associated with a sidewalk dining area ("Sidewalk Dining Elements") shall be of quality design, materials and workmanship both to ensure the safety and convenience of users and to enhance the visual and aesthetic quality of the city environment. All Sidewalk Dining Elements shall be reviewed by the City of Hartsville Architecture Review Board as a part of the sidewalk dining permitting process. In reviewing Sidewalk Dining Elements, the City shall consider their character and appropriateness of design including but not limited to scale, texture, materials, color and the relation of the Sidewalk Dining Elements to the adjacent establishments, to features of structures in the immediate surroundings, as well as to the streetscape.



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Tables and chairs for sidewalk dining shall be placed in the area designated for sidewalk dining only. Appropriate density of tables and chairs is to be reviewed by the City. Permitted density may be affected by specific conditions of the location. Table sizes should be kept to a minimum so as not to cause crowding, a disturbance or a nuisance.

Permanent structures in sidewalk dining areas are not permitted. Furniture, umbrellas or other Sidewalk Dining Elements shall not be attached permanently to the sidewalk or public right-of-way. The permit holder shall be responsible for the restoration of the sidewalk or public right-of-way if any damage is caused as a result of the operation of the sidewalk dining area.

The use of paper products for the consumption of food or beverages at sidewalk dining areas is discouraged. If paper products are used the permit holder shall be responsible for policing the area to ensure removal of all wrappings, litter and debris.

### **3. Overhead Structures**

Umbrellas may be utilized if approved by the City as a part of the sidewalk dining permitting process. The use of removable umbrellas may be permitted provided that no portion of the umbrella infringes on the clear pedestrian path and the umbrellas do not interfere with street trees. Umbrellas shall have weighted bases and shall be weather resistant.

Awnings, either permanent or temporary, and any type of temporary overhead structure may be utilized if approved by the City provided permit holder obtains all necessary approvals and permits for such awning or overhead structure from the City of Hartsville, if applicable. Awnings shall have no support posts located within the public right-of-way, and no portion of an awning shall be less than eight feet (8') above the sidewalk.

### **4. Signage**

Signs advertising sale of goods or services at a sidewalk dining area, corporate logos and accessory signage on furniture or other Sidewalk Dining Elements must be approved as part of the permitting procedure. Menus shall be secured to tabletops or designed in order to prevent debris. A sign posted in a visible location is required at every sidewalk dining area, which states, "It is unlawful to consume alcoholic beverages not purchased at permit holder's establishment or its sidewalk dining area or to remove alcoholic beverages from the sidewalk dining area."

### **5. Lighting**

Lighting for sidewalk dining areas may be utilized if approved by the City as a part of the sidewalk dining permitting process. Any such lighting shall complement the existing building and sidewalk dining areas design and shall not cause a glare to passing pedestrians or vehicles. Electrical wires and cords shall not be permitted in the sidewalk dining area. Possible lighting sources include tabletop candles or low wattage battery operated fixtures. Additional lighting may be attached to the permit holder's adjacent establishment provided permit holder obtains all necessary approvals and permits for such lighting from the City of Hartsville, if applicable.



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#### 6. Outdoor Heaters

Outdoor heaters may be utilized upon the approval of the City provided the use of such heaters has been approved by the Building Official and the Hartsville Fire Department.

#### 7. Vending Machines, Carts Prohibited

No vending machines, carts, or objects for the sale of goods shall be permitted in a sidewalk dining area.

#### 8. Service and Use

All services provided to patrons of a sidewalk dining area and all patron activity (i.e., sitting, dining, waiting, etc.) shall occur within the designated sidewalk dining area, and shall not impinge on the required clear distance for pedestrian passage at any time. Services can only be provided to those patrons seated at tables provided within the designated sidewalk dining area.

No alcoholic beverages may be stored or mixed in the sidewalk dining area. Equipment necessary for the dispensing of any other items should be reported as part of the operation of the sidewalk dining area and is subject to review and approval.

The permit holder must provide supervision of the sidewalk dining area to ensure the conduct of patrons and operations of the area are in compliance with this ordinance at all times.

**In order to receive a permit for sidewalk dining on a public right-of-way, the applicant must demonstrate that the provisions of these guidelines will be met. Documentation demonstrating that the provisions of this guideline will be complied with must accompany the application in order to receive a permit. A sidewalk dining permit will not be issued to an applicant until after the City Manager, or their designee, the Building Official and the Fire Marshal have conducted a site inspection of the approved sidewalk dining area and all Sidewalk Dining Elements placed therein to ensure that the sidewalk dining area and all Sidewalk Dining Elements are in compliance with the approved permit and that the applicant is in compliance with all other requirements of the permit.**

For any questions on Rules and Regulations or Design Standards, please contact 843.383.3009 or [brenda.kelley@hartsvillesc.gov](mailto:brenda.kelley@hartsvillesc.gov).