

BOROUGH OF BELLEVUE

ORDINANCE NO. 12-07

**AN ORDINANCE OF THE BOROUGH OF BELLEVUE,
A HOME RULE CHARTER MUNICIPALITY,
PERMITTING CERTAIN PORTIONS OF THE
SIDEWALKS TO BE USED BY RESTAURANTS FOR
FOOD SERVICE AND RELATED ITEMS AT
SPECIFIED TIMES AND PROVIDING RULES AND
RESTRICTIONS RELATING TO SAME.**

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: 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 10: 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 22nd day of May, 2012.

ATTEST:


Director of Administrative Services
and Secretary


President of Council

EXAMINED AND APPROVED this 26 day of June, 2012.


Mayor