

## **Chapter 16.27 OUTDOOR ~~SIDEWALK~~ DINING**

### **16.27.010 Permit—Required.**

Any person desiring to erect, construct, place or maintain an encroachment upon any highway (public sidewalk, a public alley, or a public street) for (~~Permanant~~Permanent or Temporary) outdoor sidewalk dining facilities, must first obtain an annual outdoor sidewalk dining permit (~~From Public Works~~) pursuant to this chapter. Each applicant for an annual outdoor sidewalk dining permit shall comply with the requirements of this chapter and any other applicable laws.

(Ord. 96-0051 § 2 (part), 1996.)

#### 16.27.15 Definitions.

- A. Applicant. "Applicant" means a person or entity applying for a permit pursuant to this chapter for outdoor dining upon a highway.
- B. Outdoor Dining. "Outdoor dining" is defined as use of an outside area by a restaurant establishment for the same eating and drinking activities that occur within the establishment. The outdoor dining area may be located upon a highway - on a public sidewalk, in the on-street parking area, and/or in a public alley. ~~or a closed street pursuant to this chapter.~~
- C. Owner. "Owner" means the party responsible for the outdoor dining who is authorized to control and maintain the outdoor dining area.
- D. Permittee. "Permittee" means any person or entity granted a permit pursuant to this chapter.
- ~~A.E.~~ Restaurant. "Restaurant" means a food and alcohol establishment in unincorporated Los Angeles County maintaining all required permits and approvals including but not limited to a County business license, a valid Public Health ~~P~~ermit, and a conditional use permit if applicable.

### **16.27.020 Permit—Application.**

The ~~director of public works (the "director")~~ commissioner shall establish an application form for an annual outdoor sidewalk dining permit, including any application materials deemed necessary to enable complete review of the application.

- A. Application submittal. An applicant application for outdoor dining ~~on a upon a highway shall submit an application for a permit on forms provided by the Road Commissioner, containing shall contain~~ all information that is required by this chapter, including compliance with all applicable ~~the design standards and guidelines checklist, and providing~~ payment of all application fees required pursuant to this Division 1.
- B. Design Standards and Guidelines. The ~~Road C~~ommissioner may develop and issue design standards and guidelines and permit conditions for outdoor dining ~~on a upon highway implementing the provisions of this chapter. The permit application for outdoor dining shall demonstrate compliance with the design standards checklist and guidelines.~~

(Ord. 96-0051 § 2 (part), 1996.)

### **~~16.27.030 Report and recommendation of planning director.~~**

~~The director shall transmit a copy of each application for an annual outdoor sidewalk dining permit to the director of regional planning (the "planning director"). The planning director may require of the applicant such additional information pertinent to the outdoor sidewalk dining permit as the planning director deems necessary, and shall advise in writing the director of all material facts which the planning director considers necessary for determining whether an outdoor sidewalk dining permit should be approved, approved with conditions or denied.~~

(Ord. 96-0051 § 2 (part), 1996.)

### 16.27.35 Permit – Other required permits/approvals requirements

Other applicable approvals/permits. Prior to the issuance of an annual outdoor dining permit the applicant shall obtain all required county, state, federal, and public agency permits and approvals, as applicable.

- A. Public Works - Land Development Division. Outdoor dining upon a highway will require approval from Land Development Division.
- B. Department of Regional Planning. Outdoor dining upon a highway may require approvals from the Department of Regional Planning for alcohol sales.
- C. Public Health - Public Health approval may be required if there changes to restaurant operation
- D. Fire Department – Outdoor Dining upon a highway may require approval from the Fire Department.

### **16.27.040 Permit—~~Director's~~ commissioner's authority to issue and set conditions.**

The ~~director~~ commissioner, in acting upon any application for an annual outdoor ~~sidewalk~~ dining permit, shall either approve, approve with conditions, or deny the issuance of a permit based on the following principles and standards:

- A. That the proposed use of the public sidewalk, ~~on-street parking area, public street or public alley, or street~~ is in compliance with all applicable provisions of this chapter including any applicable design standards and/or guidelines. Permits processed and granted pursuant to this chapter are subject to all provisions of Title 16 – Highways, Division 1 – Highway Permits, including the requirements of this chapter and any permit conditions imposed by the ~~Road C~~ commissioner. The denial of a permit application shall be issued in writing and state the reasons for the denial.
- B. That the proposed use of the public sidewalk, alley, or street is so arranged as to ~~insure~~ ensure the protection of public health, safety and general welfare, and prevent interference with users of the highway ~~right of way~~ and with holders of other permits; and
- C. That the ~~proposed outdoor sidewalk dining and the~~ abutting restaurant ~~will~~ properly ~~complies~~ complies with the provisions and development standards prescribed in Title 22 of this code, or as prescribed by the planning hearing officer, planning commission or planning director.
- ~~C-D.~~ That the proposed use of the public sidewalk, alley, or street for outdoor dining complies with established applicable outdoor dining standards.

(Ord. 96-0051 § 2 (part), 1996.)

### **16.27.050 Permit—Fee.**

Each applicant for an annual outdoor sidewalk dining permit under this chapter shall pay a nonrefundable permit ~~application~~ fee in accordance with Chapter 16.10 of \$1,329.00 in addition to any fee imposed pursuant to Part 12 of Chapter 22.56 of the county code. Each holder of such a permit shall be required to submit a ~~renewal~~new application along with a nonrefundable fee ~~of \$418.00~~ each year to obtain a new annual permit. On July 1st of each year, each fee imposed by this section shall be reviewed by the commissioner and the amount of each fee shall be adjusted as follows: Calculate the percentage of movement between March of the previous year and March of the current year in the CPI for all urban consumers in the Los Angeles-Long Beach-Anaheim areas, as published by the United States Government Bureau of Labor Statistics, adjust each fee by said percentage amount, and round up to the nearest dollar. No adjustment shall increase any fee to an amount more than the amount necessary to recover the reasonable cost of providing the services for which the fee is imposed.

(Ord. 2011-0017 § 14, 2011; Ord. 96-0051 § 2 (part), 1996.)

~~\* Editor's note: Fee changes in this section were made by the director of public works due to increases in the Consumer Price Index and are effective July 1, 2021.~~

### **16.27.060 Minimum sidewalk clearance.**

~~A five-foot-wide~~ minimum clear pedestrian pathway shall be maintained as measured from the outdoor dining area to the curb or building and any sidewalk obstruction including ~~Sidewalk dining facilities shall not be permitted on sidewalks which are less than 10 feet wide. All outdoor sidewalk dining facilities shall be located at least five feet from the curb and any sidewalk obstruction which shall include,~~ but not be limited to, street light poles, trees, benches, sign posts, news racks, and utility poles.

(Ord. 96-0051 § 2 (part), 1996.)

### **16.27.070 Limited to restaurants that serve food.**

All permits issued pursuant to this chapter shall be limited to outdoor sidewalk dining facilities established in conjunction with and ~~abutting adjacent~~ to restaurants that serve food and currently maintain a valid County business license and Public Health Permit.

(Ord. 96-0051 § 2 (part), 1996.)

### **16.27.080 Location.**

Outdoor dining on a highway shall not interfere with the use of the highway, impede the flow of vehicular, bicycle, or pedestrian traffic; impair the primary use and purpose of traffic signals, utility poles and cabinets, streetlights or other infrastructure in the highway; interfere with the County's use of County infrastructure; or otherwise obstruct the accessibility of the highway. Outdoor dining and associated equipment in the highway must comply with Americans with Disabilities Act (ADA) requirements.

The outdoor dining area may be located on a public sidewalk, in the on-street parking area, and/or in a public alley.

- A. Outdoor dining on a public sidewalk shall be located within sidewalk area adjacent to a restaurant.
- B. Outdoor dining in on-street parking area shall be located adjacent to a restaurant within the curb lane on streets where on-street metered, or unmetered parking spaces exist adjacent to the front or side of the restaurant or along an adjacent neighboring on-street metered or unmetered parking spaces with the written permission from the adjacent property/business owner stating the permission is valid for the duration of the permit.
- C. Outdoor dining in a public alley shall only serve the restaurant participating and utilizing the public alley. If the public alley serves other businesses or residents/tenants, written permission must be obtained stating the permission is valid for the duration of the permit.

### **16.27.85 Operational Standards**

- A. The owner of the restaurant is responsible for proper operation and maintenance of the outdoor dining area. ~~The dining area shall not be used for storage of dining furnishings and equipment during non-operating hours.~~
- B. Restaurants are required to maintain all areas in and around the outdoor dining area in a manner which is clean and free of litter and debris.
- C. The outdoor dining hours of operation shall be limited to the hours of operation of the associated restaurant.
- A-D. The outdoor dining permit must be displayed prominently at the front of the restaurant.

**~~16.27.080 Limitations on outdoor dining facilities.~~**

All outdoor dining facilities shall be placed, installed, used or maintained as follows:

- A. ~~All outdoor dining furnishings and equipment such as chairs, tables, fences, planters and such related furnishings and equipment shall not exceed 48 inches in height;~~
- B. ~~Any umbrella used in conjunction with the aforementioned furnishings and equipment or any portable heater may exceed 48 inches in height if the umbrella or heater does not encroach upon the air space required in the five foot sidewalk clearance area referred to in Section 16.27.060;~~
- C. ~~No items of furnishings or equipment, including but not limited to umbrellas, chairs, tables, fences, planters and related furnishings and equipment shall be attached to the sidewalk, sidewalk surface, nor shall any of those items cause damage to the sidewalk in any manner;~~
- D. ~~Outdoor sidewalk dining shall only be allowed between the hours of 6:00 a.m. and 11:00 p.m., unless otherwise authorized by separate permit;~~

(Supp. No. 133, Update 3)

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E. ~~All sidewalk dining furnishings and equipment must be removed and the sidewalk kept clear of all obstructions between the hours of 11:00 p.m. and 6:00 a.m., unless otherwise authorized by separate permit; and~~

F. ~~The maximum total number of tables, chairs or other items of furnishings or equipment allowed under any permit shall be consistent with the provisions of this chapter and any other applicable laws. The decision of the director with regard to the total number of tables, chairs or other items of furnishings or equipment which may be permitted under the permit granted hereunder, shall be final.~~

(Ord. 96-0051 § 2 (part), 1996.)

### **16.27.090 Indemnification and insurance.**

As a condition of the issuance of an annual outdoor ~~sidewalk~~ dining permit, the permit holder shall defend, indemnify and hold harmless the county of Los Angeles and shall present, along with each application or renewal application for an annual permit, evidence of liability insurance in a form acceptable to the ~~director~~commissioner.

(Ord. 96-0051 § 2 (part), 1996.)

### **16.27.100 No live entertainment or amplified music.**

No live entertainment or amplified music shall be permitted in any outdoor ~~sidewalk~~ dining area established pursuant to this chapter.

(Ord. 96-0051 § 2 (part), 1996.)

### **16.27.110 Notice of violation and termination, Permit Expiration, and Renewal, Revocation, Violations, and impoundment**

A. ~~Permit Expiration and Renewal.~~ An annual outdoor dining permit shall expire one year from the date of permit issuance. A permit renewal application must be received by the ~~road~~-commissioner a minimum of thirty (30) days before the expiration of the permit, that ~~complies~~ with all the requirements of this chapter and is accompanied by a non-refundable permit renewal application fee. ~~A new application shall be submitted for a new annual permit accompanied by a non-refundable permit if the original annual outdoor dining permit expires.~~

B. ~~Revocation.~~ An annual outdoor dining permit may be revoked for failure to comply with the requirements of this chapter and/or Title 16- Highways, Division 1 – Highway Permits, applicable standards, or law. ~~The road-commissioner may revoke the annual outdoor dining permit before its expiration date, at any time, for any reason, including without limitation, noncompliance, or unsafe conditions. The permittee shall be notified of the permit revocation in writing. Upon notification of revocation, the permittee shall immediately cease the use of the highway for outdoor dining and remove all outdoor structures, furnishings, and equipment from the highway.~~

C. ~~Violations.~~ If the ~~director or his designate~~road commissioner believes that a permittee is in violation of this chapter, the ~~director or his designate~~road commissioner may issue a notice of violation to the permittee. The notice of violation shall be served on the permittee ~~in writing, either in person or by first class mail.~~ The notice shall indicate that the permit is subject to ~~termination, revocation~~ unless, within 30 days of service of the notice of violation, the violation is corrected, ~~or a hearing pursuant to this chapter is requested in writing.~~ If the ~~director or his designate~~road commissioner determines that a permittee will not be able to continue to meet the requirements of this chapter because of a proposed public highway ~~right of way~~ improvement, the ~~director or his designate~~road commissioner shall notify the permittee ~~in writing, either in person or by first class mail,~~ that the permit will be ~~terminated, revoked,~~ unless, within 30 days of service of the notice of termination, a hearing pursuant to this chapter is requested in writing. Notice shall be deemed served and effective upon receipt if notice is provided in person or two days after sending by first class mail.

D. ~~Impoundment.~~

a. ~~The road-commissioner may impound any outdoor dining structures, furnishings, and equipment believed to be in violation of this chapter if the structures, furnishings, and equipment are deemed a hazard to the health, safety, and welfare of the public. Before impounding any~~

structures, furnishings, and equipment, the ~~road~~-commissioner shall make reasonable efforts to contact the permittee and provide the permittee reasonable time to correct the violation. If, however, the violation constitutes an immediate threat to the health, safety, and welfare of the public, the ~~road~~-commissioner may impound structures, furnishings, and equipment without any advance notice to the permittee.

- b. ~~The road~~-commissioner may impound any outdoor dining structures, furnishings, and equipment if the permittee fails to cease the use of the highway for outdoor dining upon notification of revocation. The ~~road~~-commissioner is not responsible for damages to the structures, furnishings and equipment upon impoundment and may impose an impound fee to the permittee.
- c. ~~The commissioner~~ may impound any outdoor dining structures, furnishings, and equipment if the permittee fails to cease the use of the highway for outdoor dining upon notification of the temporary removal of dining furnishings due to county operational use or maintenance of the highway. This includes any utility work by utilities lawfully operating their facilities in the highway.
- d. Notice of all impoundments shall be served in writing to the permittee within two working days after the impoundment. The notice shall inform the permittee of the right to seek the return of the impounded structures, furnishings, and equipment.
- a-e. ~~The road~~-commissioner may sell or otherwise dispose of the structures, furnishings, and equipment any time after the owner's right to seek the return of the structures, furnishings, and equipment has expired, and deposit the proceeds, if any, in the road fund.

(Ord. 96-0051 § 2 (part), 1996.)

#### **~~16.27.120 Impoundment:~~**

~~A. The director or his designate may impound any furnishings and equipment believed to be in violation of this chapter if the furnishings and equipment are deemed a hazard to public health, safety or welfare. Before impounding any furnishings and equipment, the director or his designate should make reasonable efforts to contact the permittee and provide the permittee a reasonable time period to correct the violation. If, however, the violation constitutes an immediate threat to the public health, safety or welfare, the director or his designate may impound furnishings and equipment without any advance notice to the permittee.~~

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(Supp. No. 133, Update 3)

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B. ~~Notice of all impoundments shall be served by first class mail to the permittee of record within two working days after the impoundment. The notice shall inform the permittee of the right to seek the return of the impounded furnishings and equipment and the right to request a hearing concerning the impoundment fee. Notice shall be deemed served and effective two days after sending by first class mail.~~

C. ~~Consistent with provisions of this chapter, the director or his designate may sell or otherwise dispose of the furnishings and equipment anytime after the owner's right to seek the return of the furnishings and equipment has expired, and deposit the proceeds, if any, from any such sale or other disposition in the road fund.~~

~~(Ord. 96-0051 § 2 (part), 1996.)~~

### **16.27.130 Return of impounded furnishings and equipment.**

A. The permittee, or if there is no permittee, a claimant who provides sufficient proof of ownership of impounded ~~structures, out~~furnishings and equipment may, at any time up to and including the thirtieth day after the impounding, ~~and if a hearing pursuant to this chapter is held concerning the furnishings and equipment, may at any time up to and including the thirtieth day after the decision at such hearing and any appeal therefrom becomes final,~~ obtain a return of the furnishings and equipment, upon paying an impound fee ~~of \$100.00~~ plus the reasonable additional cost, if any, of impounding the furnishings and equipment in excess of \$100.00.

B. The ~~road commissioner~~ director or his designate may, ~~after a hearing in accordance with this chapter,~~ order the furnishings and equipment returned without payment of any impound fee; or if an impound fee has previously been paid, may order return of any such impound fee.

~~(Ord. 96-0051 § 2 (part), 1996.)~~

### **~~16.27.140 Hearings on impoundment and termination.~~**

A. ~~Request for Hearing. A permittee may request in writing a hearing before the director or his designate at any time within 30 days of service of a notice of termination, notice of violation or notice of impoundment.~~

B. ~~Conduct of Hearing. The director or his designate shall hold a hearing, unless continued by agreement, within five working days of the request for a hearing. At the hearing, any person may present evidence and argument relating to the notice of termination, notice of violation or notice of impoundment.~~

C. ~~Decision. A written decision shall be served on the permittee within five working days after the close of the hearing.~~

~~(Ord. 96-0051 § 2 (part), 1996.)~~

### **~~16.27.150 Appeal after hearing.~~**

A. ~~Appeal. Any person who requested a hearing may, within five days after notice of the decision therein is given pursuant to this chapter, appeal such decision to the board of supervisors of the county of Los Angeles.~~

B. ~~Contents of Appeal. The appeal shall be in writing, shall state the legal and factual basis upon which the appeal is to be based, and shall be filed with the director or his designate, who shall forthwith forward the appeal, together with a copy of the decision, to the executive officer of the board of supervisors.~~

C. ~~Stay Pending Appeal. A timely appeal of the decision shall operate to stay any termination of a permit during the pendency of such appeal.~~

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~~D.— Action by Board. Upon receipt of the appeal, the board of supervisors may take any one of the following actions:~~

~~1.— Approve the decision;~~

~~2.— Refer the matter back to the director with or without instructions;~~

~~3.— Set the matter for public hearing. Such public hearing shall be held de novo as if no hearing previously had been held.~~

~~(Ord. 96-0051 § 2 (part), 1996.)~~

### **16.27.160 Violation—Penalty.**

Any person who violates Sections 16.27.010, 16.27.050, 16.27.060 or 16.27.070 of this chapter shall be guilty of a misdemeanor and may be punished by fine not exceeding \$500.00 per day.

(Ord. 96-0051 § 2 (part), 1996.)

### **16.27.170 Violation—Other remedies.**

The provisions of this chapter are cumulative to any other remedies authorized by law.

(Ord. 96-0051 § 2 (part), 1996.)

### **16.27.180 Severability.**

If any section, subsection, subpart or provision of this chapter, or the application thereof to any person or circumstances, is held invalid, the remainder of the provisions of this chapter and the application of such to other persons or circumstances shall not be affected thereby.

(Ord. 96-0051 § 2 (part), 1996.)



