

## CITY OF VALPARAISO

### DOWNTOWN TEMPORARY RESTAURANT VESTIBULE Standards

Board of Work and Safety Policy

January 26, 2018

#### **Section 1. Definitions**

*VESTIBULE* means any type of temporary building front or exit/entrance area that provides protection to the public for eating and drinking establishments.

*REAL PROPERTY, PROPERTY OR LAND* means a lot of record in the City of Valparaiso.

*PERMITEE* means a person over 18 years of age or an entity who is issued a permit authorizing placement of vestibules on real property.

#### **Section 2. Prohibitions**

- a) Vestibules shall not be erected for a period of time exceeding five months in any one year.
- b) Vestibules shall not be installed earlier than November 1<sup>st</sup> and must be removed by March 31<sup>st</sup> the following calendar year.
- c) Vestibules must be removed before outdoor dining furniture is installed.
- d) All vestibules are considered to be temporary structures.
- e) Vestibules shall not encroach more than three feet or more than  $\frac{1}{4}$  of the width of the sidewalk beyond the street lot line to maintain a four-foot pedestrian passageway unobstructed by trees, light poles, trash receptacles, parking meter posts, planters and similar structures.
- f) Temporary entrance awnings shall be erected with a minimum clearance of seven feet to the lowest portion of the hood or awning where supported on removable steel or other approved noncombustible support.
- g) Vestibules are only permitted to cover the public entrance doors for eating and drinking establishments.
- h) Applications are responsible to design doors and vestibules that comply with the American with Disabilities Act (ADA).
- i) No permit shall be issued unless the applicant has posted in advance a certificate of insurance listing the City as an additional insured.
- j) Board of Works approval required.

#### **Section 3. Vestibule Standards**

- a) Vestibules must be installed and uninstalled by a professional.
- b) Vestibule colors must blend appropriately with the surrounding environment. The colors selected must be neutral earth tones.
- c) Advertisements are prohibited on the exterior of the vestibule.
- d) Vestibules must be a durable vinyl and/or canvas material.
- e) Vestibule framing must be a durable metal.
- f) Vestibules must be properly anchored to the sidewalk and building front to ensure stability.

#### **Section 4. Application for a Permit**

Application for permits required by this ordinance shall be forms provided by the Building Department which shall be signed by an individual who is an officer, director, or member of the entity seeking a permit. An application shall contain the following:

- 1) The name, address, email address and phone number of the contact person accepting responsibility for all matters relating to vestibule located in the City.
- 2) The name, address, email address and phone number of the property owner accepting responsibility for all matters relating to vestibule located in the City.
- 3) The physical address of the real property where the vestibule is proposed to be located.
- 4) A site plan showing the proposed location of the proposed vestibule, dimensions of the proposed vestibule and all other requirements listed in Section 4 of this ordinance.
- 5) Elevations showing appearance, materials, and dimensions of the vestibule.
- 6) A copy of the certificate of insurance listing the City as an additional insured.
- 7) Whether or not the applicant has previously received a permit for a vestibule in the City.
- 8) A signed copy of a hold harmless agreement.

#### **Section 5. Requirements for Permit**

- A. **Maintenance Standards.** A Permittee shall operate and maintain, all vestibules located in the City, as follows:
  - a. Vestibules shall be appropriate material as approved by the Building Department, and shall further be maintained in good condition and appearance with no structural damage, holes or visible rust and shall be free of graffiti;
  - b. Vestibules shall be durable and of sufficiently sturdy construction;
  - c. The Permittee and property owner shall maintain the area surrounding the vestibule, free from any junk, debris, or other material.
  - d. Vestibules shall be removed or replaced if City Officials determine the vestibule to be of unsightly and/or poor condition.
  - e. The Permittee is responsible for any damage and/or patchwork required on the sidewalk
- B. **Annual Renewal.** The Permittee must reapply for the vestibule permit on an annual basis.

#### **Section 6. Term of Permit and Renewal of Permit**

- A. A vestibule permit shall be renewed annually.
- B. A vestibule permit shall be posted in the window of the Permittee business.
- C. A vestibule permit must be applied for two (2) weeks prior to the installment of the vestibule.
- D. If the permit expires and is not renewed, the vestibule must be removed from the real property within a maximum of ten (10) days after expiration of the permit.
- E. No permit issued under the provisions of this article shall be transferred, assigned, or conveyed to another person or legal entity.

#### **Section 7. Penalties and Enforcement**

Violations of the provisions of this ordinance or failure to obtain the appropriate permit can lead to citation or revocation of vestibule permit. The real property owner and Permittee shall be jointly and severally liable for each violation and for payment of any citation.

All vestibule existing within the City at the effective date of this ordinance shall apply for a permit as required herein within thirty (30) days of the effective date. Any vestibule not in compliance with this article after sixty (60) days of the effective date shall be subject to all remedies for violation as provided herein.