

AN ORDINANCE EXTENDING THE SIDEWALK CAFÉ SEASON BY AMENDING AN ORDINANCE OF THE CITY OF WHITE PLAINS THAT TEMPORARILY AMENDED THE WHITE PLAINS MUNICIPAL CODE SECTIONS 7-9-3 AND 7-9-4, SIDEWALK CAFÉ LICENSE, SITE PLAN PROVISIONS AND STANDARDS.

WHEREAS, on June 1, 2020, the Common Council of the City of White Plains adopted an ordinance amending provisions relating to Sidewalk Cafés in an effort to lessen the financial burdens resulting from the Covid-19 pandemic and Governor's executive orders; and

WHEREAS, the ordinance was amended on October 5, 2020 to extend the expiration until December 15, 2020; and

WHEREAS, there is a continued desire to offer sidewalk dining during the winter; and

NOW, THEREFORE the Common Council of the City of White Plains hereby amends said Ordinance as follows:

Section 3. The Commissioner of Public Works shall have the authority to amend a sidewalk café license to include the use of heaters and tents, awnings, canopies and similar structures in the public right-of-way subject to the following:

a. Propane Heaters

- i. No propane heater of any type will be permitted on the sidewalk under any umbrella, cover, side barrier, tent, awning, canopy or similar structure.
- ii. No propane heater shall be placed within 10 feet of any building opening, including any door, window, intake or exhaust vent. In addition, no heater shall be within 10 feet of any manhole, catch basin, sidewalk vault access door, or electrical grate located in the sidewalk or street.
- iii. Propane containers must be disconnected from heaters at the close of business daily and must be stored off the sidewalk in a manner and location permitted by the New York State Fire Code and the White Plains Supplemental Codes.
- iv. All 20 pounds propane containers not installed in a heating device must be stored off the sidewalk in a manner and location permitted by the New York State Fire Code and the White Plains Supplemental Codes.

b. Electric Heaters

- i. No wires can cross the walking path of pedestrians on the sidewalk.
- ii. All heaters must be removed at night.
- iii. All heaters must be removed if it's raining even if they are under cover
- iv. Overhead wires will be permitted if properly supported to avoid impeding pedestrian traffic.

c. The use of all heaters must comply with the New York State Fire Code and the White Plains Supplemental Codes, and be approved by the Fire Chief of the City of White Plains.

d. Tents, awnings, canopies and similar structures must comply with the City of White Plains Extended Season Sidewalk Café Guidelines promulgated by the Commissioner of Public Works.

Section 4. Sidewalk Café operators shall comply with the directives and orders of the Commissioner of Public Works in the event of inclement weather.

Section 5. A violation of any requirement or condition of a sidewalk café license issued pursuant to this Ordinance shall result in a Stop Work Order and a fine of up to \$500.00.

Section 6. This Ordinance shall take effect immediately and shall expire on December 15, 2020 April 14, 2021.