

Chapter 8 BUSINESSES

ARTICLE IV. RESTAURANTS AND TAKE-OUT STORES

DIVISION 1. GENERALLY

Sec. 8-181. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Restaurant means a place open to the public, the purpose of which is to cook, prepare, provide, or serve food, frozen desserts, or beverages for consumption by patrons on the premises. The term "cook" shall include any means whereby food or beverages are prepared or maintained for consumption by heating to above room temperature by any means.

Take-out store means a place open to the public, the purpose of which, among its other goods and services offered to the public, is to sell food, frozen desserts, or beverages which are cooked or prepared for immediate consumption by patrons off-premises.

(Code 1994, ch. 74, §§ 7.71(a), 7.71(b))

Cross references: Definitions generally, § 1-7.

Sec. 8-182. Conduct of licensee.

- (a) Each licensee shall, as a condition of obtaining and maintaining a license, agree to comply at all times with all applicable local and state building, zoning, fire, health, and sanitation statutes, ordinances, and regulations.
- (b) The premises shall be operated and maintained at all times consistent with responsible business practice and so that no excessive demands will be placed upon public health or safety services, nor any excessive risk of harm to the public health, safety, or sanitation, nor interference with vehicular or pedestrian traffic or parking, nor the continuance or maintenance of any unlawful conduct, public nuisance, or disorderly conduct either within the establishment or on or about the adjacent businesses and public streets, alleys, parks, parking facilities, and other areas open to the public. The establishment shall make reasonable effort to report to authorities any unlawful conduct that is observed from the premises. The requirements of this Section shall be a written condition of each license issued to a restaurant.
- (c) Each licensee shall submit to the city clerk with its initial license application and each annual renewal thereof a grease disposal plan identifying the average amount of grease disposed of on a weekly basis and the means the restaurant has of disposing of the grease. If the disposal plan requires a contractor to haul away the grease, the plan shall be accompanied by a valid contract from a licensed hauler setting forth the frequency of the disposals. If no plan is filed or if the filed plan does not conform with city ordinances or other state or federal laws

or regulations, the city clerk shall reject the licensee's application or renewal. Licensees that do not use grease as a means of cooking their food products may annually file an affidavit to that effect in lieu of a grease disposal plan.

(Ord. No. 1049, § 7.73, 9-2-2003)

Editor's note: Ord. No. 1049, § 7.73, adopted Sept. 2, 2003, repealed § 8-182, in its entirety and enacted new provisions to read as herein set out. Prior to amendment, § 8-182 pertained to conduct of business and derived from Code 1994, ch. 74, § 7.73.

Secs. 8-183--8-200. Reserved.

DIVISION 2. LICENSE

Sec. 8-201. Required; fee.

No person shall operate a restaurant or take-out store without first having obtained a license from the city clerk and paying the license fee as required by section 8-107 of this Code. No such license shall be granted, except upon certification by the chief of police, the fire chief, the building official, and the health officer. A ten percent credit of the restaurant license fees shall be available to those licensees who submit and maintain a security plan which is approved by the chief of police. The standards for such a security plan shall be promulgated by the chief of police and approved by the city council. If any establishment meets both the definition of a restaurant and a take-out store, then that establishment shall be treated as a restaurant, and shall be regulated as a restaurant and liable for the fees of a restaurant only.

(Code 1994, ch. 74, § 7.72)

Sec. 8-202. Suspension.

All restaurant licenses issued pursuant to this article may be suspended for cause in the form and manner as provided by section 8-67 and section 8-68 of this Code.

(Code 1994, ch. 74, § 7.74)

Secs. 8-203--8-230. Reserved.

Sec. 8-107. Licenses for Q--T.

TABLE INSET:

RESTAURANT		15.00
Annual fee – Zone 1: Central business district		
	Maximum Permitted Indoor Occupancy	Annual fee
	0 to 50	\$100.00
	51 to 75	200.00
	76 to 125	300.00
	126 TO 150	400.00

	Maximum Permitted Indoor Occupancy	Annual fee
	151 to 200	5.00 per licensed occupant
	201 to 300	6.50 per licensed occupant
	Over 300	8.00 per licensed occupant
Annual fee – Zone 2: All areas of the city not included in zone 1.		50% of annual fee for zone 1 establishments
<i>Restaurant license fees or a combination of restaurant and entertainment license fees in excess of \$2,000.00 per year may be paid in semiannual installments without interest or administrative fee.</i>		
<i>Entertainment license fees or a combination of restaurant and entertainment license fees less than \$2,000.00/year may be paid in semiannual installments with a \$35.00 administrative fee per payment.</i>		
<i>New establishments, except those that have or obtain a liquor license, shall be exempt from payment of license fees during the first two years of operation.</i>		
<i>Hotel and motel guestrooms shall not be considered in determining the maximum permitted indoor occupancy of a restaurant.</i>		
TAKE-OUT STORES		
<i>Annual fee:</i>		
	<i>Zone1: Central business district</i>	400.00
	<i>Zone2: All areas of the city not included in zone 1</i>	200.00

(Code 1994, ch. 72, § 7.37; Ord. No. 1067, 4-7-2004)