

May 18, 2016

Mr. Tim Scott
Council President, South Bend Common Council
4th Floor, County-City Building
South Bend, IN 46601

Re: Ordinance Amending the South Bend Municipal Code to ensure Sidewalk Cafes do not impede accessibility for Persons with Disabilities

Dear Council President Tim Scott,

Attached for filing with the South Bend Common Council is an Ordinance to amend the *South Bend Municipal Code* at Chapter 21, Article 6, Section 21-06.03(f)(12)(A). That subsection involves rules and regulations for sidewalk café permits. In particular, it defines the allowable sidewalk width to be six (6) feet.

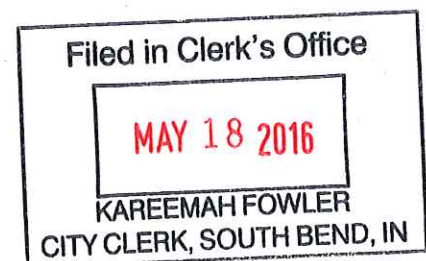
The purpose of this ordinance is to ensure that sidewalk cafes and any decorative materials or other barriers are placed so as to assure that sidewalk and pedestrian walkways meet current Americans With Disabilities (ADA) Guidelines. The United States Access Board is the federal agency that prescribes those Guidelines.

Either I, or Director of Public Works Eric Horvath, will present this Bill to the Common Council at its appropriate committee meeting and at the public hearing during the Common Council's regular meeting.

Thank you for your consideration of this matter.

Sincerely,

Patrick C. Kerr, PhD, PE
City Engineer



**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, AMENDING THE ZONING ORDINANCE, CHAPTER 21, ARTICLE 6,
SECTION 21-06.03(f)(12)(A) OF *THE SOUTH BEND MUNICIPAL CODE* TO ASSURE
SIDEWALK ACCESSIBILITY FOR PERSONS WITH DISABILITIES NEAR
SIDEWALK CAFÉS**

STATEMENT OF PURPOSE AND INTENT

Chapter 21, Article 6, Section 21-06.03 of the *South Bend Municipal Code* (the *Code*) is part of the City of South Bend's Zoning Ordinance constituting the Northeast Neighborhood Development Area Overlay Zoning District and it contains subsection (f)(12)(A) involving rules and regulations for sidewalk café permits. In particular, it defines the allowable width to be six (6) feet.

The purpose of this ordinance is to ensure that sidewalk cafes, decorative materials and barriers are located so as to assure that sidewalk and pedestrian walkways meet current ADA guidelines prescribed by the United States Access Board.

Now, Therefore, Be It Ordained by the Common Council of the City of South Bend, Indiana as follows:

Section I. Chapter 21, Article 6, Section 21-06.03(f)(12)(A) of the *South Bend Municipal Code* shall be amended to read in its entirety as follows:

- (a) Outdoor cafes and seating areas shall be so located as to maintain ~~a minimum~~ useable maximum sidewalk width and clearance for wheelchair accessibility which shall exclude that portion of a sidewalk reserved for cycle tracks of bicycles. Sidewalk clearance of not less than six feet (6')—at least five feet (60 inches) is required between outdoor café seating structures, landscaping or other barriers and the curb or cycle track. The Public Right Of Way Accessibility Guidelines (PROWAG) shall be followed if more restrictive.

Section II. This Ordinance shall be in full force and effect from and after its passage by the Common Council, approval by the Mayor, and any publication required by law.

Member of the Common Council

Attest:

Kareemah Fowler, City Clerk

Presented by me to Pete Buttigieg, the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2016, at _____ o'clock __.m.

Kareemah Fowler, City Clerk

Approved and signed by me on the _____ day of _____, 2016, at _____ o'clock __.m.

Pete Buttigieg
Mayor of the City of South Bend, Indiana

