

Checklist for Sidewalk Cafe

Investigator: _____

D/B/A Name and Address: _____

Date Application Assigned: _____ Date Case Completed: _____

New or **Existing** Type of Establishment: _____

The following requirements will be completed by the Investigator working on your case:

___ **Investigators Requirement** – Verification that the business does have a current liquor license (**if applicable**).

___ **Investigators Requirement** – *Church / School location checklist* completed listing all churches & schools within three hundred (300) feet of the proposed premise (liquor licensed establishments only). See **section 10-212** for all exceptions to this ordinance (**if applicable**).

___ **Investigators Requirement** – A measurement to include the total number of feet, in width, from the face of the building to the abutting street: _____ft. As stated in the ordinance, tables & chairs for customers can not be placed on the sidewalk closer than Five (5) feet from the edge of the surface of the abutting street, however, as long as there is a width of a Five (5) foot continuous path through the sidewalk, this will be allowable.

___ **Investigators Requirement** – Is the sidewalk on a parkway or boulevard? ___ Check the Parks & Recreation web site (on home page, last drop down box is “Publications”; click on Reference Book; look up list of “Boulevards”) to determine if the sidewalk is on a parkway or boulevard. If yes, the applicant must obtain approval (a signed letter) from the Board of Parks and Recreation Commissioners under the jurisdiction of that Board. – Parks & Rec, 4600 E 63rd St, (816) 513-7500.

___ **Investigators Requirement** – Verification that the sidewalk cafe permit **will only** be issued for a business that has a non alcohol city business license for the sale and consumption of food and beverages on the premises **or** a business licensed as a restaurant-bar under chapter 10 of the Code, provided that the permit may be issued only if such business is located immediately in front of the sidewalk and the permit shall not be issued for another business located in the same building. **A tavern may not have a sidewalk café license.**

*In order to begin processing a liquor application, an **applicant** must submit the following:*

___ Liquor License Application **or** Sidewalk Café Application for Non Liquor Businesses (**must be signed & notarized**).

All of the following information listed below must be submitted by the applicant:

Have **Need**

___ ___ A picture of the premises that will show where the sidewalk café will be located.

___ ___ Property owners consent - must bring in a **notarized letter** from the owner and a **certified copy** of the deed {warranty deed, quit claim deed...} proving ownership of property.

___ ___ A copy of the certificate of insurance showing the applicant has Liability insurance with either a combined single-limit policy of not less than \$2,000,000.00, or a split-limit policy of \$300,000.00/\$300,000.00 bodily injury and \$100,000.00 property damage. The city shall be added as an additional insured to such policy.

___ ___ Other items which may be requested by the investigator.

A liquor application can be processed without the **Contingency Items** that are listed below; however, all **Contingency Items** must be submitted before a license will be issued:

Have **Need**

___ ___ A copy of the Health Permit (must be from the DBA making application) - Health Department: 2400 Troost, 513-6247 – **Contingency Item**

Sec. 64-164. Encroachment permit for temporary placement of tables and chairs for customers on public sidewalk.

- (a) *Permit authorized.* Unless otherwise authorized under the Code of Ordinances, no person shall place tables or chairs or any other device for the sale or consumption of food or beverage upon any public sidewalk or footway without first obtaining an annual sidewalk cafe permit. The director of neighborhood and community services is authorized to issue annual sidewalk cafe permits for a permit year beginning on January 1 and ending on December 31 of the same year, for the limited purpose of temporarily placing tables and chairs for customers in connection with the sale and consumption of food and beverages in or upon any public sidewalk or footway only if all of the following conditions are met:
- (1) A sidewalk cafe permit can only be issued for areas in the city zoned for business and for sidewalks that will allow a clear obstructed passage not less than five feet in width.
 - (2) A sidewalk cafe permit may only be issued for a business that has a non alcohol city business license for the sale and consumption of food and beverages on the premises or a business licensed as a restaurant-bar under chapter 10 of the Code, provided that the permit may be issued only if such business is located immediately in front of the sidewalk and the permit shall not be issued for another business, if any, located in the same building.
 - (3) A sidewalk cafe permit issued under this article may not be assigned, and no permittee shall allow a sidewalk cafe permit to be used to obtain a permit for any other person or location.
 - (4) The sidewalk cafe permit shall specify the location of the permit area by address.
 - (5) The applicant for a sidewalk cafe permit obtains approval from the Board of Parks and Recreation Commissioners if the sidewalk is on a parkway or boulevard under the jurisdiction of that Board.
 - (6) The applicant for a sidewalk cafe meets all of the other permit requirements contained in the Code of Ordinances, including but not limited to the requirements of chapter 10 of the Code, if applicable.
- (b) *Status of permit.* A sidewalk cafe permit is a privilege and not a right, and the city shall at all times have the right to restrict the scope, time and manner of the placement of tables and chairs on the sidewalk at anytime and for any reason by ordinance or regulation of the director of neighborhood and community services.
- (c) *Application for sidewalk cafe permits.*
- (1) All applications for a sidewalk cafe permit shall be filed with the director of neighborhood and community services in a form approved by the director. Separate applications are required for each adjoining property unless the applicant is the owner or tenant of the adjoining property.
 - (2) The application for the sidewalk cafe permit shall be in the form provided by the director and shall contain not less than the following information:
 - a. Business name and address;
 - b. Names and addresses of all owners of the business;
 - c. Proposed hours of operation;
 - (3) A nonrefundable application fee in an amount of \$50.00 to defray the expenses of investigating the application and issuing the permit shall be charged for each permit.
 - (4) As a condition for the issuance of each sidewalk cafe permit, the applicant shall furnish to the director of neighborhood and community services an indemnity agreement in the form approved by the director binding the permittee to defend, indemnify, and hold harmless the city and any of its agencies, officials, officers, or employees from and against all claims, damages, liability, losses, costs, and expenses, including reasonable attorneys' fees, arising out of or resulting from any acts or omissions in connection with the operations of the permit holder caused in whole or in part by the permittee, its employees, agents, or subcontractors, customers or caused by others for whom the permittee is liable, regardless of whether caused in part by any act or omission of city, its agencies, officials, officers, or employees.
 - (5) As a condition for the issuance of each sidewalk cafe permit, the applicant shall furnish the city a certificate of insurance from a company approved by the director of finance evidencing that the applicant has a comprehensive general liability and property damage policy meeting the following conditions:
 - a. Liability insurance with either a combined single-limit policy of not less than \$2,000,000.00, or a split-limit policy of \$300,000.00/\$300,000.00 bodily injury and \$100,000.00 property damage.
 - b. The city shall be added as an additional insured to such policy by separate endorsement.
 - c. The policy shall contain a separate endorsement requiring the insurance company to notify the city in writing of any change in or cancellation of the policy at least ten days prior thereto.
 - (6) As a condition for the issuance of any sidewalk cafe permit, the applicant shall pay an inspection fee as follows:
 - a. \$250.00 per year for an annual sidewalk cafe permit.
- (d) *Conduct of sidewalk cafe permit holder.* A person holding a sidewalk cafe permit shall comply with all of the following conditions in connection with the placement of tables and chairs on a sidewalk.
- (1) Sidewalk cafe permits shall be conspicuously displayed at all times at the business for the permit area and shall be available for inspection by the director of neighborhood and community services, other city employees, and the public.
 - (2) No street or alley shall be blocked by tables and chairs placed pursuant to a sidewalk cafe permit issued under this article.
 - (3) The permit holder shall comply with all applicable laws including the Americans with Disability Act.
 - (4) Tables and chairs for customers shall be securely placed so that they will not endanger the public, or fall or protrude into any street or alley.
 - (5) Tables and chairs for customers shall not be placed in a manner that creates or causes a nuisance, a fire hazard, or interferes with ingress to or from any building.
 - (6) Tables and chairs for customers may only be placed within the permit area during normal business hours but in no event between the hours of 1:00 a.m. and 6:00 a.m.
 - (7) Tables and chairs for customers may only be placed in front of the business holding a sidewalk cafe display permit and shall not extend to sidewalks abutting and adjacent to other properties.
 - (8) The tables and chairs shall not be placed in the street.
 - (9) Tables and chairs for customers shall not be placed on the sidewalk closer than five (5) feet from the edge of the surface of the abutting street.