

Application for Seasonal Event Permit

Sidewalk Café Permit

(Applications may require one month or more for review)

Business Name _____

Business Address _____

Business Owner _____ Daytime Phone _____

LICENSE INFORMATION

Current Retail Food Permit No.: _____

Current Liquor Permit No.: _____

Have you ever had a license and/or permit revoked or suspended? NO _____ YES _____

IF YES ATTACH EXPLANATION.

OPERATIONS PLAN

1. Total square feet of public way to be used: _____

Exact length & width along street(s): _____

Street Name: _____ Length X Width: _____

Street Name: _____ Length X Width: _____

2. Proposed seating capacity: _____

3. Days and Hours of operation (be specific, include Saturday & Sunday)

Day: _____ Hours: _____

Day: _____ Hours: _____

Day: _____ Hours: _____

Day: _____ Hours: _____

INFORMATION REQUIRED WITH APPLICATION: (check information submitted)

- Proof of Insurance
- Measured drawing of sidewalk café and layout plan (see attached instructions)
- 2 photographs of sidewalk and photos or specs of all proposed sidewalk elements
- Signed, notarized Affidavit
- Check or cash for \$200 (initial application). Make checks payable to the City of Findlay
- Check or cash for \$50 (renewal application). Make checks payable to the City of Findlay

Business Owner Signature _____ Date _____

For office use only

Date application received _____ Time application received _____

Staffperson _____ Fee \$ _____ Receipt # _____

Service-Safety Director

AFFIDAVIT

I, _____, THE AUTHORIZED OWNER/AGENT OF
THE ESTABLISHMENT KNOWN AS _____
LOCATED AT _____ FINDLAY, OHIO DO
HEREBY ATTEST TO THE FOLLOWING:

- THAT I HAVE REVIEWED THIS APPLICATION AND ALL ENTRIES ARE CORRECT AND ACCURATE TO THE BEST OF MY KNOWLEDGE.
- THAT THERE ARE NO OMISSIONS OF FACT OR ITEMS LOCATED ON THE SIDEWALK, WHERE THE SIDEWALK CAFÉ IS PROPOSED, THAT WOULD PROHIBIT THE CITY OF FINDLAY FROM ISSUING A SIDEWALK CAFÉ PERMIT.
- THAT THERE ARE NO STATE OR LOCAL MUNICIPAL CODE VIOLATIONS THAT HAVE BEEN ADJUDICATED AGAINST MY RETAIL FOOD ESTABLISHMENT WITHIN THE LAST 12 MONTHS PRECEDING THE DATE OF THE APPLICATION, OR
- THAT THE FOLLOWING STATE OR LOCAL MUNICIPAL CODE VIOLATIONS HAVE BEEN ADJUDICATED AGAINST MY RETAIL FOOD ESTABLISHMENT WITHIN THE LAST 12 MONTHS PRECEDING THE DATE OF THE APPLICATION.

- THAT I HAVE READ AND UNDERSTAND THE RULES AND REGULATIONS REGARDING THE OPERATION OF A SIDEWALK CAFÉ WITHIN THE CITY OF FINDLAY AND WILL ABIDE BY SAID RULES AND REGULATIONS AT ALL TIMES DURING THE TERM OF THE SIDEWALK CAFÉ PERMIT. I FURTHER UNDERSTAND THAT MY FAILURE TO DO SO MAY RESULT IN THE REVOCATION OF SAID SIDEWALK CAFÉ PERMIT.

DATE: _____

SIGNATURE: _____

SIGNED AND SWORN BEFORE ME:

STATE OF OHIO

COUNTY OF HANCOCK

_____ (SEAL)

ATTACHMENTS REQUIRED

- PLAN OF SIDEWALK CAFÉ AREA.
- DESIGN OF SIDEWALK CAFÉ PLAN ILLUSTRATED WITH ALL ELEMENTS INCLUDED AND EXACT MEASUREMENTS ON 8-1/2 X 11 INCH WHITE PAPER.
- AT LEAST TWO PHOTOS OF THE PROPOSED SITE WHERE SIDEWALK CAFÉ IS TO BE LOCATED.
- NON-REFUNDABLE APPLICATION FEE OF \$200.00 (\$50.00 FOR RENEWAL).
- SIGNED AFFIDAVIT.
- SPECIFICATIONS OF SIDEWALK CAFÉ FURNITURE AND ALL SIDEWALK CAFÉ ELEMENTS PROPOSED TO BE USED AT THE SIDEWALK CAFÉ.
- CERTIFICATE OF INSURANCE NAMING CITY AS ADDITIONAL INSURED WILL BE REQUIRED WITH APPLICATION.
- FINAL INSPECTION BY ZONING INSPECTOR AND FIRE DEPARTMENT WILL BE REQUIRED WITH ALL SIDEWALK CAFÉ ELEMENTS IN PLACE
- FINAL PHOTOGRAPH OF APPROVED SIDEWALK CAFÉ SITE WITH ALL SIDEWALK ELEMENTS IN PLACE. (TO BE SUPPLIED LATER)

INSTRUCTIONS

PLANS MUST BE SUBMITTED ON 8-1/2 x 11 INCH PAPER WITH A MEASURED DRAWING OF THE PROPOSED SIDEWALK CAFÉ AREA ATTACHED THERETO.

PLANS MUST SHOW EXACT LENGTH X WIDTH DIMENSIONS.

PLANS MUST DISPLAY LOCATION OF SIDEWALK CAFÉ AND SIDEWALK CAFÉ ELEMENTS.

PLAN MUST INDICATE A MINIMUM OF FOUR (4) FEET OF CLEAR SPACE FOR PEDESTRIAN PASSAGE AND STREET PARKING SETBACK, IF APPLICABLE. ADDITIONAL CLEAR SIDEWALK WIDTH MAY BE REQUIRED WHERE PEDESTRIAN TRAFFIC OR OTHER CIRCUMSTANCES WARRANT.

ALL ITEMS SUCH AS PARKING METERS, FIRE HYDRANTS, LIGHT POLES, SIGNS, BENCHES, TREES ETC. ("ENCROACHMENTS") MUST BE SHOWN ON THE SURVEY IN RELATION TO THE PROPOSED SIDEWALK CAFÉ, AND THE CLEAR SPACE WITH MEASUREMENS BETWEEN THE SIDEWALK CAFÉ AND THE ENCROACHMENTS CLEARLY IDENTIFIED.

ALL APPLICATIONS MUST INCLUDE AT LEAST TWO (2) PHOTOGRAPHS OF THE EXACT SITE WHERE THE SIDEWALK CAFÉ IS TO BE LOCATED. PHOTOGRAPHS MUST INCLUDE ALL ENCROACHMENTS.

ALL APPLICATIONS MUST INCLUDE A PHOTOGRAPH OR SPECIFICATIONS OF THE FURNITURE AND ALL SIDEWALK CAFÉ ELEMENTS PROPOSED TO BE USED AT THE SIDEWALK CAFÉ.

PLANS SUBMITTED THAT DO NOT MEET THE ABOVE REQUIREMENTS WILL BE RETURNED TO THE APPLICANT FOR REVISIONS.

Exhibit A

RULES AND REGULATIONS FOR SIDEWALK CAFÉ PROGRAM

THE ISSUANCE OF A SIDEWALK CAFÉ PERMIT IS A PRIVILEGE GRANTED BY THE CITY OF FINDLAY. THE CITY OF FINDLAY REQUIRES COMPLIANCE WITH ALL RULES AND REGULATIONS AS WELL AS TO HAVE RESPECT FOR THE COMMUNITY IN WHICH THE CAFÉ IS LOCATED. THE ZONING INSPECTOR WILL MONITOR THE OPERATION OF SIDEWALK CAFÉS AND IS EMPOWERED TO ENFORCE THE RULES AND REGULATIONS CONTAINED HEREIN.

- I. Sidewalk café permits shall be issued or renewed for each calendar year. All permits will expire December 31st each year.
2. Sidewalk café hours of operation shall be concurrent with the regularly scheduled hours of operation of the permit holder.
3. All sidewalk café operations shall be subject to and comply with all applicable requirements and standards for a retail food establishment.
 - A. Patrons must wear shoes and shirts at all times.
 - B. All sidewalk cafés must have an opening for ingress and egress at all times.
 - C. All sidewalk cafés must adhere to the size, design, and any other specifications approved by the City at all times. Strict adherence to required design standards as set forth herein is mandatory.
 - D. Strict adherence to hours of operation, approved layout of all components of the sidewalk café, clear space for pedestrians and required landscaping is mandatory.
 - E. All State Liquor Licensing laws must be complied with including any and all fencing and/or enclosure requirements.
4. Where the City has installed a permanent structure such as a fire hydrant, parking meter, planter, bench, light pole or other device, the Permittee of the sidewalk café shall make accommodation for the required clearance for pedestrian passage. Permittees of sidewalk cafés shall be mindful of the rights of pedestrians traveling past their sidewalk café at all times during the operation of the sidewalk café. Complaints regarding sidewalk cafés will be investigated by the City and violations of the rules and regulations promulgated may result in revocation of Permittee's sidewalk café permit.
5. All areas within and surrounding the sidewalk café must be maintained in a clean, neat and sanitary condition and shall be policed routinely by Permittee to ensure removal of all wrappings, litter, debris and food therefrom. Daily sanitary cleaning of the sidewalk café is required. Sidewalks within and adjacent to the sidewalk café must be washed down and cleaned on a daily basis. The Permittee shall not wash garbage cans or any other container, or other personal property of any nature on the sidewalks. All cleaning must be performed in accordance with applicable federal and state regulations.

6. Sidewalk cafés shall be prohibited from playing amplified music, whether live or recorded. No speakers, microphones, televisions or other audio or video devices shall be permitted at a sidewalk café.
7. All tables, chairs, plants, planters, and any other items of the sidewalk café, hereinafter defined as Sidewalk Café Elements, shall be approved as part of the permit approval process as set forth in the rules and regulations governing sidewalk cafés. If requested, sidewalk café elements shall be promptly stacked/set aside immediately after the sidewalk café discontinues its daily operation, and must be removed immediately after the Permittee discontinues its daily operations. Stacking or storing of chairs, tables, heaters or any other Sidewalk Café Element in the public right-of-way at any other time is prohibited.
8. The Zoning Inspector will inspect all sidewalk cafés after permits have been issued and the café is in operation. Any violations of the provisions of these rules and regulations, or any deviation from approved plans or willful omissions of the application may result in revocation of Permittee's sidewalk café permit.
9. Any Permittee or his or her employees, agents or contractors who violate or resist enforcement of any provision of the sidewalk café rules and regulations may be subject to immediate permit revocation.
10. Permittee shall be required to abide by all federal, state and local laws, as well as all rules and regulations applicable to the operation of a Sidewalk Café in the City of Findlay. Permittee shall comply with all rules and regulations, design standards, approved site plan and permit documents. Failure to abide by these rules, regulations and documents may result in the revocation of said sidewalk café permit.
11. If Alcohol service is to be provided, Permittee shall comply with any and all applicable state liquor laws.
12. No cooking or preparation of food shall be allowed outdoors.
13. Permittees are responsible for ensuring that the café and its employees and patrons adhere to City noise and public conduct ordinances.
14. The City will not be responsible for any damages to persons or property due to and as a result of the operation of any sidewalk café. The City will not be responsible for any damage, loss or theft of personal property used in the sidewalk café operation.
15. Permittee shall supervise and employ sufficient personnel for the proper supervision and conduct of said café.
16. If Permittee fails to keep the café site clean to the satisfaction of the City, in addition to possible permit revocation, the Permittee will be responsible for any and all cleanup expenses incurred by the City as determined by the Safety-Service Director.
17. Permittee shall reimburse the City for any and all damages or injury to public property that may arise directly or indirectly from the café and also save the City harmless and indemnify the City from any and all claims, actions, damages, or liability arising directly or indirectly from the café of every name and nature, which may arise or be incurred by the City as a consequence of the granting said sidewalk café permit.

18. Any permit granted under these rules and regulations may be revoked by the City if the operation of the business constitutes a threat to public health, safety and welfare or for any violation of these rules. In the event a permit is revoked, no refund of any portion of the permit fees shall be made.
19. A permit issued hereunder shall not be assignable.
20. A permit issued hereunder grants to the sidewalk café owner a proprietary right to use the sidewalk café and elements of the sidewalk café and to restrict its use to patrons of the business. Nothing contained herein shall be construed to limit the free movement of the public within the defined clear space.

Exhibit B

Design Standards Sidewalk Cafés

In order to remain consistent with the City of Findlay's objective of developing attractive outdoor dining spaces, including the furniture, objects, structures and decor associated therewith, in as much that applicants desiring to use public space for semi-private use as outdoor cafés are enhancing the private interests of their enterprise as well as that of the City, the following design standards shall apply to establishments seeking permission to erect sidewalk cafés throughout the City of Findlay.

I. Space and clearances.

A sidewalk café shall only be permitted on a sidewalk with a minimum width of ten (10') feet as measured from the front of the Permittee's building to the backside of the curb. The area designated for the sidewalk café shall be considered an extension of the franchise; therefore, the location of the sidewalk café must be directly in front of the franchise unless approval of adjacent tenants is obtained as set forth below. In the interest of public safety, any location where there is a traffic lane adjacent to the sidewalk, the Permittee must provide a three feet (3) minimum setback measured from the backside of the curb. No elements of the café may be permitted in such setback and it shall at all times be free from any and all obstructions.

A sidewalk café is required to maintain a clear pedestrian path of four feet (4') minimum at all times. In areas of higher pedestrian traffic or activity, or in situations that suggest the need for additional clearance, the Safety-Service Director may require a clear pedestrian path greater than four feet. Pedestrian paths shall be free of any and all obstructions such as fire hydrants, benches, trees, parking meters, utility poles, trash receptacles and the like as well as café elements in order to allow adequate pedestrian movement.

Sidewalk cafés shall not interfere with any utilities or other facilities such as street lights, fire hydrants, signs, plantings, parking meters, trash receptacles or benches located on the sidewalk or public right-of-way.

The sidewalk café may not impinge on any required clear distances for maneuvering around entrances or exits. The outdoor dining area shall be accessible to disabled patrons and employees, and buildings adjacent to these areas shall maintain building ingress/egress as required by law.

When a sidewalk café is located at a street corner, or is adjacent to any alley or driveway, vision clearance requirements shall be considered prior to approval of any permit. The Safety-Service Director, in his sole discretion, may impose additional restrictions and/or deny the permit where public safety could be jeopardized.

II. Furniture, objects, structures and decor.

Tables, chairs, umbrellas, awnings, barriers and any other object associated with a sidewalk café ("Sidewalk Café Elements") shall be non-flammable and of quality design, materials and workmanship both to ensure the safety and

convenience of users and to enhance the visual and aesthetic quality of the urban environment. All Sidewalk Café Elements shall be reviewed as a part of the sidewalk café permitting process. In reviewing Sidewalk Café Elements, the character and appropriateness of design including but not limited to scale, texture, materials, color and the relation of the Sidewalk Café Elements to the adjacent establishments, to features of structures in the immediate surroundings, as well as to the streetscape and adjacent neighborhood(s), if applicable.

Tables and chairs for sidewalk dining shall be placed in the area designated for sidewalk dining only. Appropriate density of tables and chairs is to be reviewed during the permit process, and may be affected by specific conditions of the location. Table sizes should be kept to a minimum so as not to cause crowding, a disturbance or a nuisance.

Permanent structures in sidewalk cafés are not permitted. All furniture, umbrellas or other Sidewalk Café Elements shall not be attached permanently to the sidewalk or public right-of-way. The Permittee shall be responsible for the restoration of the sidewalk or public right-of-way if any damage is caused as a result of the issuance of the sidewalk café permit.

Paper products for the consumption of food or beverages, including napkins, are not permitted at sidewalk cafés. All service ware and café elements including but not limited to cups, glasses, plates, dishes, bowls and vases etc. shall be of an unbreakable material for safety purposes.

III. Overhead structures

Umbrellas and any type of temporary overhead structure may be utilized if identified and approved during the sidewalk café permitting process. All umbrellas shall be weather resistant non-flammable. The use of overhead structures over the outdoor dining areas and removable umbrellas may be permitted provided they do not interfere with trees and other City property along the City right-of-way. No portion of the umbrella shall be less than seven feet (7') above the sidewalk. Umbrellas and any type of overhead structure shall be designed to be secure during windy conditions and shall be weather resistant.

Awnings, either permanent or temporary, may be utilized if identified and approved during the sidewalk café permitting process. Awnings shall have no support posts located within the public right-of-way, and no portion of an awning shall be less than eight feet (8') above the sidewalk. A building permit must be obtained prior to the installation of an awning and is subject to all applicable code sections of the Code of Codified Ordinances of the City of Findlay.

IV. Signage.

Signs advertising the sale of goods or services at a sidewalk café shall be permitted so long as they have been included in the sidewalk plan and have been approved. No such signs shall be located within or obstruct any clear space or setback required herein. Menus shall be designed in order to prevent debris from littering the right-of-way. A sign posted in a visible location is required at every sidewalk café, which states, "It is unlawful to consume alcoholic beverages not purchased at Permittee's establishment or its sidewalk café or to

remove alcoholic beverages from the sidewalk café."

V. Lighting.

Lighting for sidewalk cafés may be utilized if identified and approved during the sidewalk café permitting process. Any such lighting shall complement the existing building and sidewalk café design and shall not cause a glare to passing pedestrians or vehicles. Electrical wires shall not be permitted to access the sidewalk café area. Possible lighting sources include tabletop candles or low wattage battery operated fixtures. Additional lighting may be attached to the Permittee's adjacent establishment provided Permittee obtains all necessary approvals for such lighting from the City and complies with all applicable code sections of the Code of Codified Ordinances of the City of Findlay.

VI. Outdoor heaters.

Outdoor heaters may be utilized if identified and approved during the sidewalk café permitting process and so long as it complies with all applicable code sections of the Code of Codified Ordinances of the City of Findlay.

VII. Vending machines, carts prohibited.

No vending machines, carts, vehicles (beer wagons, concession stands, etc.) or objects for the sale of goods shall be permitted in a sidewalk café.

VIII. Service and use

All services provided to patrons of a sidewalk café and all patron activity (i.e., sitting, dining, waiting, etc.) shall occur within the designated sidewalk café area, and shall not impinge on the required clear distance for pedestrian passage at any time.

No alcoholic beverages may be stored or mixed in the sidewalk café area. Equipment necessary for the dispensing of any other items should be reported as part of the operation of the sidewalk café and is subject to review.

The franchise must provide supervision of the sidewalk café area to ensure the conduct of patrons and operations of the area are in compliance with this ordinance at all times.

Sidewalk Cafés, with the written consent of the owner of the adjacent property, may be extended onto the property immediately adjacent to the Permittee's property. However, the permission to do so and the plan to do so must be included with the application. In no event shall alcoholic beverages of any type be sold and/or consumed on any such adjacent property.

IX. Insurance required

Each Permittee of a sidewalk café permit shall furnish a certificate of insurance evidencing commercial general liability insurance with limits of not less than \$600,000 per occurrence, \$1,000,000 in the aggregate combined single limit, for bodily injury, personal injury and property damage liability. The insurance

shall provide for 30 days prior written notice to be given to the City of Findlay if coverage is substantially changed, canceled or non-renewed.

The City of Findlay shall be named as an additional insured on a primary noncontributory basis for any liability arising directly or indirectly from the operation of a sidewalk café; and the Permittee shall indemnify, defend and hold the City harmless from any loss that results directly or indirectly from the permit issuance or the operation of the sidewalk café.

In addition, if alcoholic beverages will be served at the sidewalk café, the Permittee shall provide proof of liquor liability insurance for the sidewalk café, with limits of not less than \$1,000,000 in such type as shall be acceptable to the City. City shall be named an additional insured and shall provide for 30 days prior written notice to be given to the City of Findlay if coverage is substantially changed, canceled or non-renewed.

Each Permittee shall maintain the insurance coverage required under this section during the permit period. The certificate(s) of insurance shall be presented to the City as part of the permitting process. Failure of the Permittee to maintain the insurance required by this section shall result in the revocation of the sidewalk café permit.

In order to receive a permit for a sidewalk café on a public right-of-way, the applicant must demonstrate that the provisions of these guidelines will be met. Documentation demonstrating that the provisions of this guideline will be complied with must accompany the application in order to receive a permit. A sidewalk café permit will not be issued to a Permittee until after the zoning inspector and the fire Inspector have conducted a site inspection of the approved sidewalk café and all Sidewalk Café Elements placed therein to ensure that the sidewalk café and all Sidewalk Café Elements are in compliance with the approved permit and that the Permittee is in compliance with all other requirements of the permit.