



CITY OF PLATTSBURGH Sidewalk Cafe Permit Application

Article VI of Chapter 233 of the City Code of the City of Plattsburgh provides the regulatory framework for the lawful operation of a sidewalk cafe on a public right-of-way in the City of Plattsburgh. The framework established in the Code is designed to promote the public interest by contributing to an active and attractive pedestrian environment. Reasonable regulation of sidewalk cafes is necessary to protect the public health, safety, and welfare, including the maintenance of pedestrian access while assisting the normal activities of a business.

It shall be unlawful to sell, or offer for sale, any food, beverage, merchandise, or service on any street, sidewalk, alley, City parking lot or other thoroughfare or public right-of-way without first obtaining the applicable sidewalk café permit. A “sidewalk café” means any portion of public sidewalks or streets in the City in which tables, chairs, and associated exterior property are placed for the sole purpose of patrons consuming food and/or beverages served by a food establishment adjacent to the public sidewalk property. A “sidewalk café permit” means a permit issued by the City Building Inspector for operation of a sidewalk cafe which meets all of the requirements of this section and all other applicable laws and ordinances of the city and all state and federal laws.

OVERVIEW OF SUBMITTAL REQUIREMENTS:

In relation to these goals, the Common Council requires the following as part of the Sidewalk Café Permit application package:

1. Sidewalk Café Plan set as described below.
2. Site Photographs.
3. Statement of Purpose/Liquor License.
4. Indemnification, Release and Hold Harmless Agreement. Form is attached.
5. Proof of Insurance evidencing coverage for the full term of the permit. Insurance requirements are attached.
6. Signed agreement to acknowledge and comply with the Sidewalk Café rules of operation. Agreement attached.
7. Payment of application fee, permit fee and user fee, where applicable.
8. Applicant Information Sheet.

1. Sidewalk Cafe Plan

Each applicant for a sidewalk cafe permit shall submit two copies of the plans for a sidewalk café to the City of Plattsburgh Building Inspector’s Office, 41 City Hall Place, Plattsburgh, NY 12901, together with a nonrefundable fee of \$15. Such plans shall show:

A legible site plan including the following information:

- North Arrow.
- Site plan with clearly identified and accurate measurements.
- Name of adjoining street(s).
- Width of adjacent sidewalk.
- Location of property lines and dimensions of sidewalk proposed for the sidewalk cafe area.
- Location of existing improvements (e.g. utility poles, fire hydrants, bike racks, traffic signs, sign posts, tree pits/grates, etc.) showing the distance of each to the sidewalk café area.
- Pedestrian Zone, Building Zone, Curb Zone Planter / Furniture Zone as defined in Article VI of Chapter 233 of the City Code of the City of Plattsburgh.
- Sidewalk width remaining for clear path of travel and (if applicable) the number of parking spaces requested for the sidewalk café.
- Location and dimensions of any proposed improvements associated with the sidewalk café such, but not necessarily limited to, tables, seating, fencing, barriers, signs, etc. If there are any sidewalk grates / vents within the proposed area of the Sidewalk Café, the grates / vents need to be identified on the plan and shown on the plan as part of the clearance.
- Location of building entrances and zoning classification for site.

Please note that a table of sidewalk dimensions is available for review at the City Building Inspector's Office.

A. Photographs

Each applicant for a sidewalk café permit shall submit two copies of photographs showing the front of the proposed building, street and sidewalk and the front of immediately adjacent properties.

B. Statement of Purpose/Liquor License

Each applicant for a sidewalk café permit shall submit a statement of purpose describing in detail how the use will be conducted, the type of items intended to be consumed on premises, and the hours of operation (particularly the hours that the area is to be occupied as a sidewalk café). If alcoholic beverages are intended to be served at the sidewalk café, the applicant must provide a valid liquor license from the State of New York. If the applicant is seeking to occupy parking spaces, the number and location of the proposed spaces shall be identified and the applicant shall also indicate whether it owns the concrete barriers.

For the time period in which the sidewalk café permit is valid, the City grants to the applicant a revocable, non-exclusive license to the public sidewalk located between the establishment and the sidewalk café area on the street/sidewalk. Note that the licensed portion of the public sidewalk must follow and comply with the standards and rules of operation set forth in Section E below.

C. Indemnification Agreement

WHEREAS, the undersigned desires to maintain a sidewalk cafe on a portion of the public sidewalk and/or street in the City of Plattsburgh; and

WHEREAS, the City of Plattsburgh may permit the undersigned to maintain such an area, provided that the City shall not thereby incur the risk of any liabilities to the undersigned, or to any third party or employee of the undersigned, by virtue of the presence or actions of the undersigned;

NOW, THEREFORE, the undersigned agrees to release, indemnify, defend and hold harmless the City of Plattsburgh, its officers, employees and agents against any and all loss, liability, damage, claims, costs, attorney's fees, and expenses which it may hereafter incur as a result of the undersigned's operation of the sidewalk cafe. The undersigned shall at his or her own expense, appear, defend, and pay all attorney's fees, and all costs and other expenses arising therefrom or incurred in connection with the undersigned's operation of the sidewalk cafe. If any judgments shall be rendered against the City in any such action, the undersigned shall satisfy and discharge the same excluding only such claims, demands or losses, which result from the sole negligence of the City of Plattsburgh or its officers, agents or employees.

I HAVE CAREFULLY READ THIS RELEASE AND FULLY UNDERSTAND ITS CONTENTS. I AM AWARE THAT THIS IS A RELEASE AND HOLD HARMLESS AGREEMENT, AND A CONTRACT BETWEEN THE CITY OF PLATTSBURGH AND ME, AND I SIGN IT OF MY FREE WILL.

Signed at _____ this _____ day of _____, 20____.
(city, state)

Signature

Name (Please Print)

Title

Address

City, State, Zip

Email addresses

Phone number

D. Proof of Insurance

Licensee shall obtain general liability insurance for the term of this license agreement in the amount of one million dollars (\$1,000,000) per occurrence with a two million dollar (\$2,000,000) general aggregate. The general liability insurance certificate shall name the City as an additional insured and provide for a thirty (30) day notice of cancellation to the City.

E. Agreement to Acknowledge and Comply with the Sidewalk Cafe Rules of Operation

Applicant acknowledges the following standards and rules of operation and agrees that any Sidewalk Café Permit shall be subject to the following requirements:

- (a) A minimum clear path of travel within the pedestrian zone is required on all public sidewalks. The clear path of travel shall fall entirely within the pedestrian zone as defined in Article VI of Chapter 233 of the City Code of the City of Plattsburgh and shall remain free from obstructions of any kind. The minimum clear path of travel shall be five (5) feet on the sidewalk within the pedestrian zone free and clear of any obstructions unless otherwise indicated herein, and be clear of any tables or other property, and applicant shall not use any of said sidewalk area in the exercise of privileges granted herein, except to pass to and from the sidewalk café; however, applicant use may at no time obstruct access to the clear path of travel. Cords, electric cords, strings and lights may not be strung over or be placed on the pedestrian zone. The permittee is responsible for ensuring that the sidewalk café activity does not encroach into the roadway or cause pedestrians to divert from the pedestrian zone.
- (b) At least one accessible route shall connect the outdoor café to the public sidewalk. It is at least 36 inches wide at all points (maximum of five (5) feet), except doorways (measured when patrons are seated).
- (c) The proposed sidewalk café shall be sited to provide an unobstructed corner-curb radius area.
- (d) A wider clear path of travel may be required by the City Building Inspector's Office to provide for pedestrian passage, traffic management, or for any other public-use purpose.
- (e) The permittee must make sure the sidewalk café is kept clean and clear of any trash or refuse, paper and other waste including during special events held by other organizations. All freestanding planters, fences, or railings must be self-supporting, no higher than 30 inches, and not be permanently attached to the public right-of-way.
- (f) The permittee shall not operate the sidewalk café in a way that restricts or interferes with access to the abutting property; or creates a nuisance or hazard to public health, safety, or welfare; or increases traffic congestion or delay; or constitutes an obstruction for fire, police, or sanitation vehicles.
- (g) No advertisements, signs, neon signs, decorations or displays shall be placed in, on, or about the sidewalk café premises without the prior written approval of the City Building Inspector's Office.

- (h) No loud or unnecessary noises are permitted from the café. Music, from whatever source (acoustical, electric or other), is not allowed to be played on the premises outdoors between the hours of 12:00 midnight and 8:00 a.m.
- (i) Sidewalk cafés whether in the public sidewalk or street must be accessible to persons with physical disabilities and in full compliance with the Americans with Disabilities Act. At least one door into the café or restaurant must be a minimum of three (3) feet wide. In addition, an ADA accessible non-skid ramp may be required if there is a change in grade such as in the case of in street café areas. At least 5% but not less than one of the tables in the sidewalk café seating area must be accessible to people with disabilities. Accessible tables must be dispersed throughout the café seating area.
- (j) Sidewalk café boundaries must be constructed to provide cane detection for pedestrians who are blind or have visual impairments. A continuous uninterrupted fence or barricade meets this requirement if it has a continuous, firm barrier located 27 inches above ground or lower. If the fence or barricade is not continuous or if the barricade consists of posts or other objects connected by hanging ropes, chains or nylon strips, a detectable barrier must run continuously along the pedestrian side of the barricade or fence at a height of 27 inches or less.
- (k) Sidewalk café boundaries must be constructed so that they are free of objects that protrude more than 4 inches from the outer edge of the fence or barricade between 27 and 80 inches above the ground unless a corresponding barrier is positioned under the protruding object 27 inches above the ground or lower to provide for detection by canes used by people who are blind or have visual impairments. Examples of potential non-compliant protruding objects are hanging lanterns, large planters or flower boxes, signs or other objects mounted on or alongside the café fences or barricades.
- (l) The chairs, tables, services stations, and other items actually utilized by the permittee for the operation of the sidewalk café must reasonably coincide with the sidewalk café plan. Applicants may however operate with fewer tables and chairs than the number approved. Businesses may not operate with more tables and chairs than their license states. Every free-standing table used by the café counts as one, even when connected or combined with another table.
- (m) With the exception of canopies approved by the Building Inspector's Office, no items can extend over the edges of the café. Restrictions include, but are not limited to, umbrellas and valances. No advertising is permitted on the sidewalk café other than the name of the establishment on the valance of an awning.
- (n) Portable gas heaters are permitted in sidewalk cafés, subject to review and approval by the Building Inspector's Office and the Fire Department.
- (o) The permittee must ensure that by no later than 12:30 a.m. all patrons must be vacated from the sidewalk cafe and by no later than the closing of the establishment all furniture, utensils, containers or any other materials used in the operation of the sidewalk cafe or within the area used by the sidewalk cafe shall be removed from the sidewalk cafe area, provided that any railing, flooring or other support or enclosure used in the assembly, operation or enclosure of the sidewalk cafe may be allowed to remain on the sidewalk area if specifically permitted in the Building Inspector's approval of the sidewalk cafe plans.

- (p) The permittee must not serve no alcoholic beverages on or at any sidewalk cafe after 12:00 a.m. or before 8:00 a.m. All service of any kind whatsoever shall cease at 12:00 a.m. and not begin until 8:00 a.m.
- (q) The permittee must remove all sidewalk cafe structures by October 31 and not install prior to April 1 in any year for which a permit is granted.
- (r) At the termination of the permit, return the sidewalk café area to the City in as good condition as at the commencement of the term hereof, usual wear and tear, acts of God, or unavoidable accidents excepted.
- (s) All applicants must prominently display their Sidewalk Café Permit and the approval plan in the window or doors that look onto the street during all hours of operation, so that inspectors, the public, and the local community will all be aware of the correct operating conditions.
- (t) Comply with all other provisions of the Code of the City of Plattsburgh, state and federal regulations, including the Americans with Disabilities Act.

I acknowledge that I have read the relevant sections of Article VI of Chapter 233 of the City Code of the City of Plattsburgh regarding the regulation of sidewalk cafes and agree to abide by all requirements set forth above, and within the Code.

Applicant	Signature	Date

A. Applicable Fees:

Sidewalk Café Permit Application Fee (submit with Application):	\$ 15.00
Table(s) fee:	\$ 20.00/table
Parking Space Use Fee:	\$ 300/space

Attachments: Table of Sidewalk Dimensions
Definitions