



Dear Business Owner:

Subject: Sidewalk Café Permit

Thank you for your interest in adding to our community by providing a positive contribution to our outside dining environment! Enclosed are Sidewalk Café Guidelines and a Permit Application to occupy a portion of adjacent City right-of-way to place tables and chairs in conjunction with selling and consuming food and/or alcohol. This permit is available April 1 until November 1 of each year with the possibility of a longer season, if approved. The period in which enclosures may be installed may be extended by the City Clerk.

Traverse City Code of Ordinances Chapter 1020 has been amended by the City Commission to reflect changes to requirements for operating a sidewalk café. These changes are as follows:

- All sidewalk café operators must have a City-approved, linear, hard-edge barrier surrounding their café. (Exception: for cafes located in a street closed to motorized traffic, the barriers do not have to be anchored.)
- Cafes located in a street closed to non-motorized traffic must provide ADA-accessibility to the café, including an entrance from the street with a minimum width of 36”.
- This hard-edge barrier should be placed in a manner that allows for a minimum five-foot unobstructed pedestrian passageway, excluding tree grates, trash cans, etc.
- When the hard-edge barrier is not abutting to the building, a minimum two-foot unobstructed right-of-way between the curb and the barrier shall be maintained.
- All hard-edge barriers, furniture and equipment associated with the café shall be removed each day at the close of business, with the exception of enclosures.
- All trash associated with the café shall be removed at the close of each business day and ensure that the waste is not placed in a public waste disposal system.
- Sidewalk café applicants shall submit an accurate site plan depicting all elements of their café; you will find a sample site plan on page 4 of the application packet.
- A representative from the City Clerk’s Office will be in contact with you to set up an on-site inspection of your Sidewalk Café, if needed.

We hope this information is helpful. The City of Traverse City looks forward to working with you to compliment the dining experience in Traverse City! Should you have any questions, please feel free to contact anyone in the City Clerk’s Office at (231) 922-4480 or tcclerk@traversecitymi.gov

Most sincerely,

A handwritten signature in blue ink, appearing to read "Benjamin Marentette".

Benjamin Marentette, MMC
City Clerk

These guidelines are not intended to substitute the ordinance, and may not contain all provisions as noted in the ordinance. All applicants should familiarize themselves and adhere to the Traverse City Code of Ordinances Chapter 1020 Sections 1020.07 and 1020.08 Sidewalk Café Permits which can be viewed in their entirety at:

https://library.municode.com/mi/traverse_city/codes/code_of_ordinances?nodeId=PTTENSTU_TPUSECO_TITWOSTSIAR_CH1020ST_1020.07SICAPE.

Definition

A *Sidewalk Café* is any group of tables, chairs or other seating fixtures, enclosures, and all associated items placed within City right-of-way and intended for the purpose of consumption of food or beverage by patrons, when such is located adjacent to a food or beverage service establishment having the same operator.

Purpose

Sidewalk Cafés contribute to a vibrant urban culture and make the streets of Traverse City more dynamic places to walk, socialize, and dine. Sidewalk Cafés are temporary dining areas that occupy part of the public right-of-way during dining establishment hours with the sidewalk café, closing by 11:00 p.m. each night. This document is a guide to creating temporary sidewalk cafés that are safe and attractive to the restaurant patrons and pedestrians.

The Sidewalk Café Guidelines provide acceptable dimensions to café access and for public right-of-ways, sidewalk café barriers, and the layout of outdoor service areas. The City of Traverse City encourages the use of durable and high-quality outdoor furnishings and materials to increase the safety and comfort of residents and visitors of sidewalk cafés. The diagrams in this document illustrate examples of sidewalk café designs, and photographs show acceptable sidewalk café furnishings.

Sidewalk Cafés enhance the public realm and motivate City and regional residents to patronize Traverse City's eating establishments.

Unobstructed Pedestrian Passage Requirements/Clear Zone

All sidewalk cafés must allow for a minimum five-foot unobstructed pedestrian passage way on the sidewalk. No element of the sidewalk café, including umbrellas, planters, barriers, trash cans or signage, may obstruct the pedestrian way. Light poles, tree wells, fire hydrants, parking meters, and other items may not fall within the pedestrian path allowed between the curb and the leading edge of the sidewalk café. No part of the sidewalk café or its related barrier may be located within 24 inches from the inside edge of the adjacent curb or within 30 inches from the street-side edge of the adjacent sidewalk without a curb.

It is important that you work with the ADA Coordinator/Assistant City Manager Penny Hill to assure you are meeting the requirements for a minimum five-foot pedestrian passage way on the sidewalk.

Serving Alcohol

In every case where alcoholic beverages are being served and sold, a one square foot sign must be posted in a prominent location that indicates “No Beverages beyond the Barrier of this Sidewalk Café.” When serving alcohol in an enclosure, the signage should be provided in each unit. A copy of this sign shall be attached to the application. Sidewalk Cafes serving alcohol must also be designed and operated in accordance with Michigan Liquor Control Commission (MLCC) requirements. *Please determine the applicable requirements before preparing or submitting your Sidewalk Café Application Form by contacting the LCC office. They may be reached by telephone at: 1-866-813-0011. Additionally, the Liquor Control Commission requires that, in order to serve alcohol outside, that you obtain a Liquor License Registration (with a corresponding agreement), both issued by the City Clerk and then it will consider issuing you the required Outdoor Service Permit issued by the Liquor Control Commission. You can find the application for the Liquor License Registration at the following link:*

https://www.traversecitymi.gov/downloads/liquor_license_registration_application_2020.pdf

Fees Required

The new application fee for Sidewalk Cafés where no alcohol is to be served is \$350.

The new application fee for Sidewalk Cafés where alcohol is to be served is \$400. The renewal application fee for Sidewalk Cafés where no alcohol is to be served is \$200.

The renewal application fee for Sidewalk Cafés where alcohol is to be served is \$275.

Insurance Coverage

All Sidewalk Café applicants are required to provide a certificate of General Liability in the amount of \$1 Million per occurrence, naming the City of Traverse City as additional insured, as well as provide an **Endorsement** to the policy naming the City of Traverse City as additional insured.

For those Sidewalk Café applicants who are requesting permission to sell and serve alcohol, you are required to provide Liquor Liability Insurance on an occurrence basis with limits of liability not less than \$1,000,000 per occurrence. Such policy shall include an endorsement stating that it extends coverage to include service outside of the licensed premises to all areas where alcohol is to be served or consumed, and that the City of Traverse City is listed as additional insured.

Site Plan

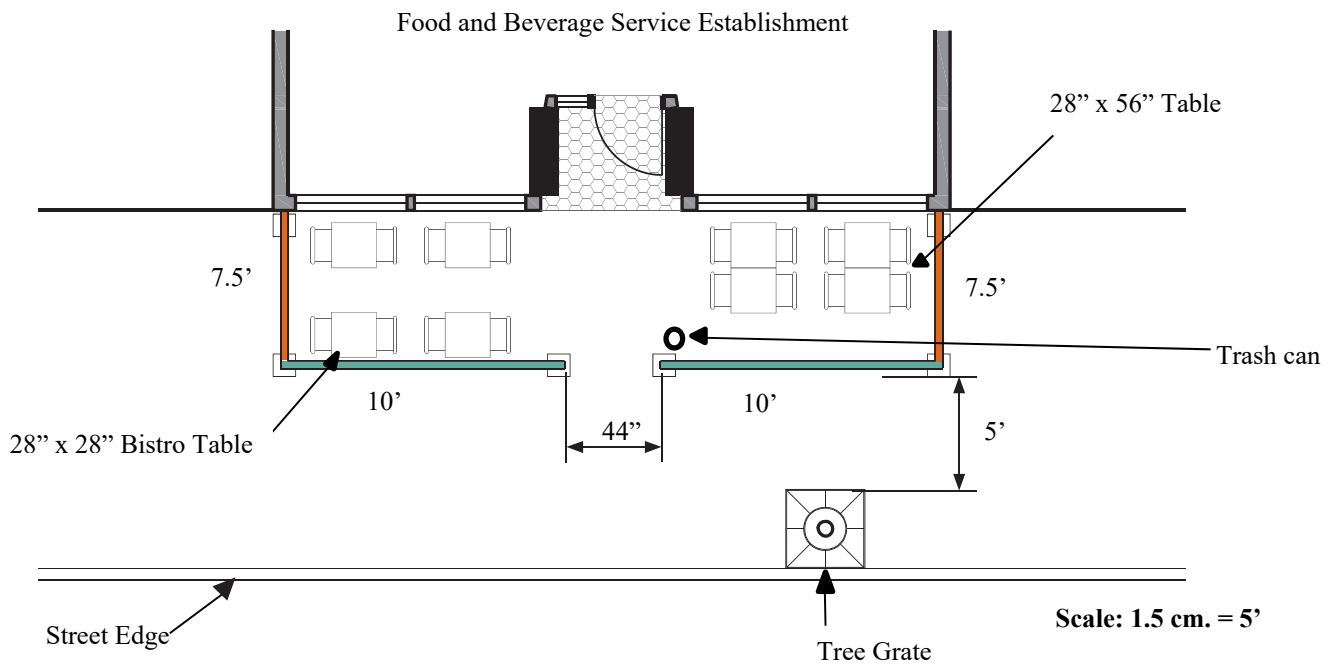
A site plan drawn to scale depicting the measurements and elements of your Sidewalk Café must accompany all Sidewalk Café applications. Multiple site plans based on seasonal weather may be provided. The site plan should be no larger than 11” x 17,” clearly drawn with an accurate scale. The site plan shall depict the dimensions and placement within the sidewalk café of the following:

- The placement of a hard edge barrier
- Tables and Chairs
- Planters

- Wait-staff booths
- Trash cans
- Any other items within the sidewalk café
- For cafes located in a street closed to motorized traffic, depict how patrons with disabilities may access the café from the street (showing entrance with a minimum width of 36")
- For cafes located in a street closed to motorized traffic, the café may be a maximum of two parking spaces which are in front of the restaurant, with a depth of no more than 11 feet. (Approximately 11' x 40' wide)
- For cafes including enclosures, the dimensions of the enclosure, including doorway dimensions, should be provided

If a site plan is deemed unacceptable by any approving department, the Sidewalk Café application will not be approved until required adjustments are made.

See Sample Site Plan Below



Required Right-of-Way Permit and Barriers

To ensure there is a five-foot unobstructed pedestrian passageway, the perimeter of all sidewalk cafés shall be enclosed by a hard edge barrier that may be anchored, durable, removable, and maintained in good condition. (Exception: for cafes located in a closed street, the barrier need not be anchored.) For barriers that have an outside access point, the dining establishment is responsible for maintaining such access point. The requirement for a hard edge barrier may be waived by the ADA Coordinator/Assistant City Manager Penny Hill if determined unnecessary to ensure the five-foot unobstructed pedestrian passageway is maintained. The barrier shall be placed such that it is sufficient to ensure compliance with the approved site plan. and maintains

an unobstructed five feet wide pedestrian walking path. **For those barriers near the curb, a minimum two feet wide right of way must be maintained between the barrier and the curb.**

If planning to anchor to the sidewalk, it is important that you work with City Engineering Department to start the process of obtaining a right-of-way permit. The linear barrier and its anchoring system shall be approved by the City Engineer in writing prior to installation. Anchoring systems secured to adjacent buildings and approved by the building owner, do not require approval by the City Engineer. This process will begin after your on-site inspection has taken place. *Without a right-of-way permit, an anchoring system cannot be installed into the sidewalk.*

Barriers surrounding alcohol service areas must be at least 36” in height and be approved by the City Planning Director. Access openings must be kept clear of all materials and should measure no less than 44 inches in width.

All barriers and other elements utilized by the sidewalk café shall be removed each day when the business closes. If anchoring points have been placed in the sidewalk, they shall be capped immediately following the removal of barriers to prevent tripping hazards.

Acceptable Barriers



Renewal of Permit

Sidewalk Café Permits are valid from April 1 to November 1 of each year, and must be renewed annually. If you wish to renew your permit and had two or more violations in previous permit year, the City is unable to renew your permit.

On-Site Inspection

After your application has been submitted, the City Clerk's Office will work to set up an on-site inspection of your sidewalk café. Determination for placement of your barrier will be made at the on-site inspection

More Information

For more information, visit www.traversecitymi.gov. At this website, applicants can access the ordinance sections pertaining to Sidewalk Cafés, the application packet, and contact information for all City Departments involved in approving Sidewalk Café applications

**CITY OF TRAVERSE CITY
APPLICATION FOR SIDEWALK CAFÉ**



This application is for the placement of tables and chairs, planter and enclosures in the City's right-of-way for selling and consuming food, beverages and alcoholic beverages at a food service establishment (this permit is not for preparation of food and beverages, only for the sale and consumption).

Name of Food Establishment: _____

Address: _____

E-mail address: _____

Name of Owner: _____ Phone No: _____

Name of Manager: _____ Phone No: _____

Business hours: _____

Have you reviewed the guidelines for Sidewalk Cafés and the Sidewalk Café Ordinance?

Yes No

Will you be serving/selling alcoholic beverages?

Yes No

If you will be serving alcoholic beverages: as outlined in the sidewalk café guidelines, for liquor licensing purposes, you must also obtain/have a Liquor License Registration from the City Clerk (which includes an Outdoor Café License Agreement also issued by the City Clerk). The Liquor Control Commission will then issue you an Outdoor Service Permit. Do you acknowledge this?

Yes No N/A

Will you be locating your café in a street closed to non-motorized traffic?

Yes No

If you will be locating your café in a street closed to non-motorized traffic, and emergency personnel needs access to the street necessitating the removal or movement of portions or all of your sidewalk café, your personnel will be required to assist in that removal/movement. Do you acknowledge and agree to this?

Yes No N/A

Is a copy of your required one square foot sign stating "No Alcoholic Beverages beyond the Barrier of this Sidewalk Café" attached?

Yes No N/A

Has the appropriate fee been attached?

Yes No

Have you attached the required insurance coverage naming the City of Traverse City as additional insured, and the endorsement which also names the City of Traverse City as additional insured, as outlined in the guidelines?

Yes No

Is a site plan which is drawn to scale, showing dimensions, attached to the application showing all elements including:

1) tables,; 2)chairs; 3)planters; 4) wait-staff booths, etc.;5) the dimensions of the café; 6) enclosures; and 7)for cafes located in a street closed to motorized traffic, showing how patrons with disabilities may access the café from the street (showing entrance with a minimum width of 36") ?

Yes No

If renewing and using a barrier, are there any changes?

Yes No N/A

Are you requesting a barrier waiver?

Yes No

Are you requesting a barrier to be anchored?

Yes No

The undersigned declares and says he/she wishes to be permitted to perform the operation, service or act stated herein and that the statements made above are true and correct to the best of his/her knowledge and belief. The undersigned further says that he/she will comply with all provisions of the ordinances of the City of Traverse City relative to the operation, service, or act for which the permit is requested. The undersign further agrees to hold the City of Traverse City free and harmless from all liability which may be imposed upon it, to reimburse the City of Traverse City for all expenses of litigation in connection with the defense of claims as such liability and claims may arise because of negligence in the performance of the work or act for which the permit was issued.

The applicant acknowledges that the City may be required from time to time to release records in its possession. The applicant hereby gives permission to the City to release any records or materials received by the City from the applicant as it may be requested to do so as permitted by the Freedom of Information Act, MCL 15.231 et seq.

Date

Signature of Applicant