

CITY OF LAKE GENEVA SIDEWALK CAFÉ PERMIT APPLICATION



PLEASE FILL IN ALL BLANKS COMPLETELY, AS INCOMPLETE APPLICATIONS WILL BE REJECTED.

Please Check:

- | | |
|---|--|
| <input type="checkbox"/> Initial Sidewalk Café Permit with Alcohol | <input type="checkbox"/> Renewal of Sidewalk Café Permit with Alcohol |
| <input type="checkbox"/> Initial Sidewalk Café Permit without Alcohol | <input type="checkbox"/> Renewal of Sidewalk Café Permit without Alcohol |

Application Checklist:

- Certificate of Comprehensive General Liability Insurance** naming the City as a party insured against liability resulting from the uses permitted herein. The coverage shall be in an amount not less than \$1,000,000.00.
- Scaled diagram** which accurately depicts the dimensions of the existing sidewalk area and adjacent private property, the proposed location of the sidewalk café, size and number of tables, seats, bollards (and chains or ropes), planters, umbrellas, location of doorways, tree, signage, parking meters, obstructions (either existing or proposed, within the pedestrian way). *Site plan must depict five (5) feet of unobstructed sidewalk for public use.*
- Copy of valid restaurant license issued by the State of Wisconsin**
- Application Fee** of \$15.00 per seat: _____ seats x \$15.00 = \$ _____
(# OF SEATS) (TOTAL FEE)
- Written request for alcohol license amendment.** If the applicant wishes to serve alcohol in the sidewalk café area, the applicant must currently hold a valid license to serve alcohol, and must include a written request to amend the license. The written request shall describe how signage will be displayed to prohibit alcohol beverages from being carried outside of the enclosed seating area. The request must indicate the hours alcohol will be served and acknowledge that alcohol will not be served or consumed in the sidewalk café area beyond 9 p.m. All other alcohol related ordinances and state statutes apply.

APPLICANT INFORMATION

Applicant Name: _____

Establishment Name: _____

Address: _____

Phone: _____ E-mail: _____

Do food sales generate more than 50% of gross receipts? Yes No

Are you requesting to serve alcoholic beverages? Yes No

If so, please provide the following information:

Agent Name: _____

Agent Address: _____

Agent Phone: _____ Alt. # _____

Agent E-mail: _____

Signature of Agent: _____ Date: _____

INDEMNIFICATION STATEMENT

I, _____ representing _____ as its
(FULL NAME) (ESTABLISHMENT)

_____ agree to hold harmless and indemnify the City, its directors,
(TITLE)
officers, employees and agents, from and against any and all liabilities, losses, claims, demands, damages, fines, penalties, costs and expenses, including, but not limited to, reasonable attorney's fees and costs of litigation, and all causes of action of any kind or character resulting from my use of the public sidewalk as a café. I certify that I have read and understand the rules of Section 62-67 (6) Sidewalk Café permits.

SIGNATURE OF APPLICANT DATE

For Office Use Only

Date Filed with Clerk: _____

Total Amount: \$ _____ Receipt No.: _____

Date Forwarded to Police Chief: _____

Police Chief Signature: _____ Approved Denied

Date Forwarded to Director of Public Works: _____

Director of Public Works Signature: _____ Approved Denied

Date of FLR/Council Approval (for alcohol license amendment, if applicable): _____

Permit Issue Date: _____ Permit Number: _____

Copies Provided to: Police Chief Fire Chief
Street Superintendent Zoning Administrator

ORDINANCE 12-02

AN ORDINANCE AMENDING CHAPTER 62, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES OF THE LAKE GENEVA MUNICIPAL CODE

The Common Council of the City of Lake Geneva, Wisconsin, does hereby ordain as follows:

1. That Article III, Obstructions and Encroachments, Section 62-67, Exceptions, of Chapter 62, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, of the Lake Geneva Municipal Code is amended by adding the following:

Sec. 62-67. Exceptions.

(6) By Sidewalk Café permit issued by the City Clerk to restaurants for use of public sidewalks for restaurant tables subject to the following conditions:

- (a) Restaurant means an establishment defined in Sec. 254.61(5) Wis. Stats.
- (b) The use of sidewalks for restaurant tables shall only be permitted incidental to the operation of a restaurant which is contiguous to the sidewalk and within the side property lines of the contiguous restaurant under the following conditions:
 - (i) The restaurant tables and seats shall not be located closer than 2 feet from the curb of the street as measured by the closest edge of the table or seat with an occupant seated therein to the street.
 - (ii) Bollards shall be strategically located at either end, and along the street edge of the outdoor restaurant seating area. Said Bollards shall be temporary and not affixed to the sidewalks. Said Bollards, tables, and seats shall be removed each night when the restaurant closes.
 - (iii) The restaurant applicant is able to meet all other existing requirements for the issuance of a permit to place restaurant tables on the public sidewalk.
- (c) The application for the permit shall first be reviewed by the Director of Public Works and the Police Department and no permit shall be issued unless a report is made by the Director of Public Works and the Police Chief that the proposed use will not unreasonably interfere with pedestrian or vehicular traffic.
- (d) In no event shall the uses permitted by this exception reduce the open portion of any sidewalk to less than 5 feet.
- (e) Alcohol may be served at or consumed at restaurant tables located on the sidewalk under the following conditions:

- (i) Bollards shall be connected in such a manner that the area where the restaurant tables are located appears as an enclosed area.
 - (ii) The holder of sidewalk café permit has properly included the sidewalk area under a properly issued alcohol beverage license. Alcohol beverages shall not be served or consumed at the sidewalk tables beyond 9:00 P.M.
 - (iii) Signage shall be displayed indicating that alcohol beverages may not be carried outside of the enclosed seating area.
- (f) No permit shall be issued pursuant to this exception, unless the applicant furnishes to the City Clerk evidence of public liability insurance naming the City as a party insured insuring the City against liability resulting from the uses permitted herein. The coverage shall be in an amount not less than \$1,000,000.00.
- (g) Persons issued permits pursuant to this article shall maintain the sidewalk area in a clean, safe, and sanitary condition.
- (h) The annual permit fee for a sidewalk café permit shall be based upon the number of seats seated at a table. The number of seats at any table will be limited by the application and the permit fee paid. The fee shall be Fifteen Dollars (\$15.00) per seat.
- (i) The permit fee issued hereunder is a privilege and not a right. A restaurant shall not permit tables and chairs to be placed on the sidewalk without a permit. A permit is only valid between May 1 and October 31 of each year. The permit may be revoked at any time for any reason in the sole discretion of the City, and the City will refund prorata a portion of any fee based upon a license period from May 1 through October 31.

Adopted, passed, and approved by the Common Council of the City of Lake Geneva, Walworth County, Wisconsin, this 23rd day of January, 2012.



JAMES R. CONNORS, Mayor

Attest:



MICHAEL D. HAWES, City Clerk

First Reading: 01/09/2012
Second Reading: 01/23/2012
Adoption: 01/23/2012
Published: 02/02/2012