



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 restaurant license issued by the Wisconsin Dept. of Health Services and/or Wisconsin Dept. of Agriculture, Trade and Consumer Protection per Wis. Stat. 254.64.**
- Application Fee** of \$15.00 per seat: _____ seats x \$15.00 = \$ _____
(# OF SEATS) (TOTAL FEE)
- Alcohol License Premises Extension Application (Initial Applications Only).** If the applicant wishes to serve alcohol in the sidewalk café area, the applicant must currently hold a valid license to serve alcohol and submit an application requesting the premises description of the license be amended to include the sidewalk café area. The Alcohol License Premises Extension Application does not need to be submitted if the alcohol license has already been extended to the sidewalk café area.

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:

Liquor License 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 Building Inspector: _____		
Director of Building Inspector 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 DPW Director	Fire Chief Zoning Administrator

Chapter 62. Streets, Sidewalks and Other Public Places

Article III. OBSTRUCTIONS AND ENCROACHMENTS

Sec. 62-67. Exceptions.

[Code 1992, § 8.03(2)]

The prohibitions of Section **62-66** shall not apply to the following:

- (6) Restaurants issued sidewalk cafe permits by the City Clerk for restaurant tables subject to the following conditions: **[Added 1-23-2012 by Ord. No. 12-02; 2-11-2013 by Ord. No. 13-04]**
 - a. "Restaurant" means an establishment defined in § 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:
 1. The restaurant tables and seats shall not be located closer than two 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.
 2. 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. From November 1 to April 30 said bollards, tables, and seats shall be removed each night when the restaurant closes.
 3. All permittees shall ensure that all tables, chairs and bollards are properly secured during closing hours. Permittees shall be responsible for damage caused by their unsecured tables, chairs and bollards, regardless of fault. Damage caused by improperly secured tables, chairs and bollards on more than one occasion may be grounds for revocation of the permit.
 4. 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.
 5. Signs or other equipment shall not be attached to public amenities such as light poles, trees, planters, benches, street signs, etc.
 6. All forms of heating devices are prohibited within the sidewalk cafe area.
 7. All furnishings such as, but not limited to, bollards, umbrellas, tables, and chairs shall not include signage, logos, or text.
 8. Primary (red, blue, and yellow) colors and fluorescent day glow and/or neon colors shall not be permitted. Where such colors constitute a component of a standardized corporate theme or identity, muted versions of such colors shall be used.
 9. A minimum of one table shall be handicap/wheelchair accessible.
 - 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.
 1. A detailed, scaled plan of the proposed sidewalk cafe is required with the application.

- d. In no event shall the uses permitted by this exception reduce the open portion of any sidewalk to less than five feet.
- e. Alcohol may be served at or consumed at restaurant tables located on the sidewalk under the following conditions:
 1. Bollards shall be connected in such a manner that the area where the restaurant tables are located appears as an enclosed area.
 2. The holder of sidewalk cafe permit has properly included the sidewalk area under a properly issued alcohol beverage license. Service of alcoholic beverages in sidewalk cafes shall stop no later than 11:00 p.m. with all alcohol removed or consumed by 11:30 p.m. and the sidewalk cafe closing no later than 12:00 midnight.
 3. Signage shall be displayed indicating that alcohol beverages may not be carried outside of the enclosed seating area.
 4. Food service shall be required to be available at all times the sidewalk cafe is serving alcohol.
- 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.
- 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 cafe 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 per seat shall be set by resolution.
- 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 valid from July 1 to June 30 of the following year. The permit may be revoked at any time for any reason in the sole discretion of the City, and the City is not obligated to return the permit fee will refund prorata a portion of any fee.
 1. The permittee must submit an amended application and scaled plan and receive approval from the Director of Public Works and the Police Department prior to changing the layout or adding seats to the sidewalk cafe area.
- (7) Penalties and enforcement. A person or business that violates the provisions of Section **62-67** shall be subject to a forfeiture as established by resolution of the City Council from time to time. Each day a violation continues shall constitute a separate offense. The Code Enforcement Officer or Building Inspector shall have authority to enforce the provisions of this section. The City may also seek equitable relief, including injunctions, to gain compliance. [**Added 6-27-2016 by Ord. No. 16-06**]