

CITY OF PORT HURON, MICHIGAN



**SIDEWALK CAFE' LICENSE
APPLICATION PACKET**

Attachments included in this packet:

1. Sections 4-1 through 4-2 of the City of Port Huron Code of Ordinances.
2. Site Plan Sample.
3. Sidewalk Café License Application.

RETURN THE FOLLOWING ITEMS:

- _____ Completed application (*Pages 1, 6-7*)
- _____ Site plan (*Page 8*) indicating location of café and description of barrier materials to be used.
- _____ *Written authorization of property owner* (if different than applicant)
- _____ Proof of liability insurance *in a minimum amount of \$1,000,000, including an endorsement stating: "The following shall be Additional Insureds: The City of Port Huron, all elected and appointed officials, all employees and volunteers, all boards, commissions, and/or authorities and board members, including employees and volunteers thereof."*

APPLICATIONS WILL NOT BE ACCEPTED WITHOUT THE ABOVE ITEMS

Please allow a minimum of 10 working days for processing

**EXCERPT - CHAPTER 4, ALCOHOLIC LIQUORS
CITY OF PORT HURON, MICHIGAN
CODE OF ORDINANCES**

Sec. 4-1. Definitions.

The meaning of the terms "alcoholic liquor," "license" and other terms as used in this chapter, shall be as defined in Public Act No. 58 of 1998 (MCL 436.1101 et seq.).

(Code 1975, § 3-1; Code 1992, § 3-1)

Cross reference - Definitions generally, § 1-2.

Sec. 4-2. Consumption in public and possession prohibited in certain places.

(a) No alcoholic liquor shall be consumed on the public streets or in any other public places, including any store or establishment doing business with the public and not licensed to sell alcoholic liquor for consumption on the premises; nor shall anyone who owns, operates or controls any such public establishment or store permit the consumption of alcoholic liquor in such establishment or store.

(b) No person shall possess or have under his control or custody in any public place any alcoholic liquor in a container of any kind which is open, uncapped or upon which the seal is broken, unless such possession, control or custody has been lawfully authorized by lawful authority or unless authorized elsewhere in this Code. The prohibitions of this subsection shall not prohibit the possession or consumption of beer or wine on the property owned by the city under the following conditions or circumstances:

- (1) A nonprofit corporation has obtained a permit for the use of the property from the special events committee by application therefor.
- (2) The property is fenced as designated or required in any permits issued to use the property through the special events committee.
- (3) The entity authorized to use the property by the special events committee permit is authorized by law to sell alcoholic liquor on the site.
- (4) The entity authorized by the special events committee permit to use the prop-

erty is in compliance with all conditions required by the special events committee permit.

- (5) The property designated in the permit is not located in a part or other city property within 200 feet of any children's play equipment, such as but not limited to swings, teeter-totters, slides, or basketball courts, or at any city beach or within 200 feet of any ball diamond or ball field.

(c) Establishments in the city licensed to sell alcoholic liquor for consumption on the premises (class C and taverns) may make application to the city and the state liquor control commission (MLCC) for a special outdoor consumption license to operate a sidewalk cafe on public property immediately contiguous to the licensed structure (premises). Establishments in the city that serve only food or nonalcoholic beverages may make application to the city for a special outdoor consumption license to operate a sidewalk cafe on public property immediately contiguous to the premises.

- (1) No outdoor service of food and/or beverage in the form of a sidewalk cafe shall be established on public property, except in conformity with an appropriate site plan and after obtaining a license therefor from the city.
- (2) An application shall be obtained from and submitted to the department of planning for site plan approval, along with a nonrefundable application fee as set by resolution of the city council from time to time. The application, in general, will require the following:
 - a. The name and address of the individual or business.
 - b. The name and address of the property owner if other than the applicant. Written authorization from the owner of the property to submit the application shall be required where the applicant is not the owner of the affected property.

- c. Dates of occupancy.
 - d. Hours of occupancy.
 - e. If liquor will be served at the outdoor cafe.
 - f. Capacity of the existing establishment.
 - g. Area of consideration.
- (3) The site plan submitted on an 8-1/2-inch by 11-inch sheet and the accompanying application shall show the following:
- a. The applicant's entire property and adjacent properties on a location map with streets for a distance of at least 25 feet, at a scale of one-inch equals ten feet or other scale showing adequate detail.
 - b. A detailed plan showing the design, relevant details and location of all temporary structures such as awnings, chairs, electrical outlet locations, landscaping, lighting, planters, railing, ropes, stanchions, tables, and other equipment.
 - c. All exterior lighting shall be shown on the site plan and shall be of such type and location and shall have such shading as will prevent the source of light from being seen from any adjacent residential property or roadway.
- (4) Outdoor consumption of alcoholic liquor in sidewalk cafes would be prohibited for all special events (administrative regulation 1-5) unless approved by the special events committee.
- a. There shall be a minimum of six feet (72 inches), exclusive of the area occupied by the sidewalk cafe, designated to allow adequate pedestrian movement. Cafes shall only be permitted where it is determined that the use will not create a hazard, will not create a site obstruction for motor vehicle operators or unduly impede pedestrian traffic.
 - b. Sidewalk cafes may only be located adjacent to the establishment with which they are associated. This requirement may, however, be waived to allow extension of the sidewalk cafe to adjacent establishment property if the extension is deemed appropriate. Sidewalk cafe areas must remain clear of litter, food scraps, and soiled dishes at all times.
 - c. Outdoor dining areas serving alcoholic liquor shall be continuously supervised by employees of the establishment. A one-foot-square sign reading "no food or beverages allowed beyond railing" shall be posted at a conspicuous location within the perimeter of outdoor cafes serving alcoholic liquor.
 - d. The perimeter of the sidewalk cafe shall be delineated by setting up a barrier such as planters, a railing, or such other barrier as approved in the license to physically separate patrons from pedestrian traffic. All barriers used for outdoor cafes serving liquor shall also conform to state liquor control commission regulations.
 - e. Furnishings of a sidewalk cafe shall consist solely of readily removal awnings, covers, railings, tables, chairs, planters containing plants and accessories. Furnishings may not be attached, even in a temporary manner, to the sidewalk or other public property, except that covers and railings may be secured by means of flush-mounted anchors in an approved manner. No objects which are part of a sidewalk cafe, except lighting fixtures, railing, awning or other nonpermanent covers, may be attached, even in a temporary manner, to any building or structure on which the sidewalk cafe abuts. When the associated establishment and the sidewalk cafe are not open for daily use, all furnishings and fixtures shall

be removed from public property or stored inside the establishment.

- f. No structure or enclosure to accommodate the storage of accumulated garbage may be erected or placed adjacent to or separate from the sidewalk cafe on public property.
- g. A sidewalk cafe shall not interfere with any public service facility, such as a telephone, mailbox or bench, located on a sidewalk.
- h. Operate of a sidewalk cafe shall not adversely impact adjacent or nearby commercial educational, religious or residential properties and shall be in accordance with all applicable codes and regulations.
- i. All electrical wiring and fixtures associated with or part of the sidewalk cafe shall be installed and shall remain in conformance with the appropriate codes of the city.
- j. Tables, chairs, umbrellas and any other objects provided with the sidewalk cafe shall be 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.
- k. The sidewalk cafe shall indemnify and hold harmless the city and its affiliated agencies and employees from any liability arising from the existence of the sidewalk cafe on the public right-of-way and will provide insurance protecting the city and the public from such claims as required by the license.
- l. The site plan must adhere to all applicable city codes and city ordinances including historic district overlays.

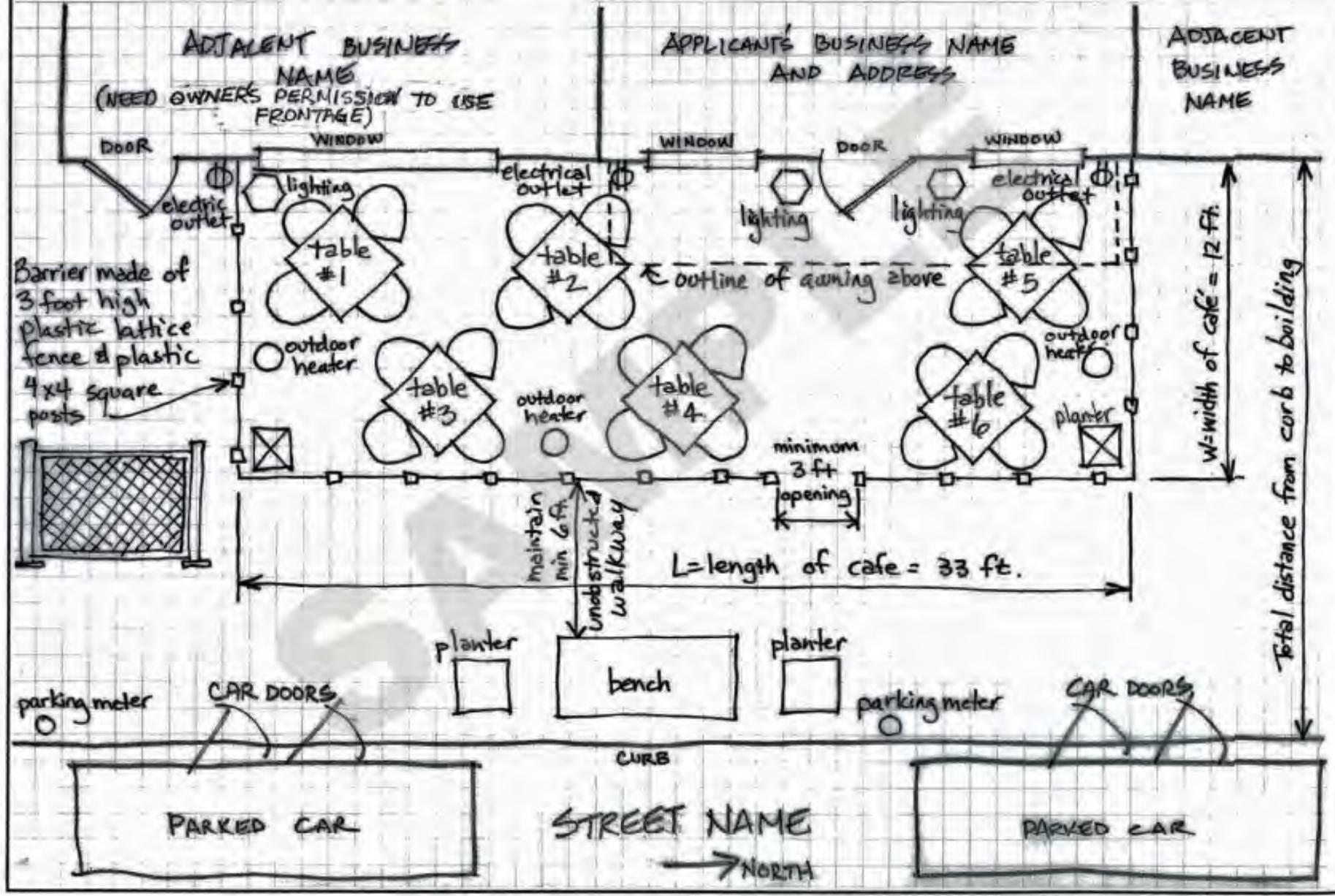
(Code 1975 § 3-2; Ord. No. 1199, 6-10-2002; Code 1992, Ord. no. 1202, § 3-2, 1-27-2003)

Cross reference - Streets, sidewalks and other public places, ch. 42.

Site Plan for Sidewalk Cafe's

Applicant's Name OTTO LUNTS Property Address 5000 HURON AVE.
 Applicant's Phone 110-555-8888 Property Number 74-06-000-0000-000
 Maximum Outdoor Seating Capacity = L x W divided by 15 $33 \times 12 \div 15 = 26$

scale: 1"=5' squares are 1'x1'



CITY OF PORT HURON, MICHIGAN
Application for Sidewalk Café License

APPLICANT: Fill out front portion of application and return to Right-of-Way Permit Agent in the Inspection Division, 100 McMorran Boulevard, **including all required attachments** (see checklist).

NOTE: Additional approvals may be necessary from the St. Clair County Health Department, Michigan Department of Transportation, or other agencies. The applicant is responsible for obtain all required approvals.

PERMIT VALID FROM APRIL 1 TO OCTOBER 31 (annual renewal required at no charge)

Business Name: _____		Business Address: _____	
APPLICANT INFORMATION:			
		<input type="checkbox"/> Property Owner	<input type="checkbox"/> Tenant/Lessee
Name: _____		Contact Phone: (____) _____	
Address: _____		City, _____	State, Zip: _____
Alternate Phone: (____) _____		Fax #: (____) _____	
<i>I hereby attest that all information on this application is, to the best of my knowledge, true and accurate:</i>			
Signature of Applicant: _____		Date: _____	
Dates of Occupancy: _____		to _____	
Hours of Occupancy: _____			
Is proposed occupancy located on public property?		<input type="checkbox"/> YES	<input type="checkbox"/> NO
<i>If yes, attach copy of appropriate completed right-of-way permit application:</i>			
City of Port Huron Right-of-Way Permit		MDOT Right-of-Way Permit	
Date Submitted: _____	Date Approved: _____	Date Submitted: _____	Date Approved: _____
	Permit #: _____		Permit #: _____
Will liquor be served? <input type="checkbox"/> YES		<input type="checkbox"/> NO	
Does business maintain a current State of Michigan Liquor License? <input type="checkbox"/> YES		<input type="checkbox"/> NO	
Seating capacity of establishment: _____		Maximum capacity of outdoor area: _____	
Using attached site plan sheet, draw (including dimensions) location of sidewalk area to be considered for outdoor café (see example). NOTE: A contiguous 6' walkway is required at all times			
A permit issued based upon the information contained in this application may be voided at any time and without notice based upon a change in the particulars given.			

FOR CITY USE ONLY

- Check off items to be attached:**
- Site Plan
 - Copy of R-O-W Application
 - Insurance Certificate

Date Stamp Received:

RIGHT-OF-WAY AGENT			
Approved (Yes/No):		Date:	
Comments (<i>insert comments below</i>):			
Signed:		Title:	

SPECIAL EVENTS CHAIRPERSON			
Approved (Yes/No):		Date:	
Comments (<i>insert comments below</i>):			
Signed:		Title:	

BUILDING INSPECTION			
Approved (Yes/No):		Date:	
Comments (<i>insert comments below</i>):			
Signed:		Title:	

POLICE DEPARTMENT			
Approved (Yes/No):		Date:	
Comments (<i>insert comments below</i>):			
Signed:		Title:	

FIRE DEPARTMENT			
Approved (Yes/No):		Date:	
Comments (<i>insert comments below</i>):			
Signed:		Title:	

Site Plan for Sidewalk Cafe's

Applicant's Name _____ Property Address _____

Applicant's Phone _____ Property Number _____

scale: 1"=5' squares are 1'x1'

Maximum Outdoor Seating Capacity = L x W divided by 15 _____

