



Outdoor Dining Permit Application Form

1. Applicant Information:

Name: _____

Business Name: _____

Business Address: _____

Business Phone: _____

E-mail: _____

2. Property Owner Information

Name: _____

Address: _____

3. Application Checklist

- Applicant's Signature
- Property Owner's Signature (if different)
- Signed Waiver of Liability and Indemnification Agreement
- Sketch illustrating proposed outdoor use, including dimensions
- Product specification and/or description of proposed furnishings
- Certificate of Liability Insurance with City of Sullivan as additional insured (to be produced once application is approved)

4. Authorization to Apply

Applicant's Signature _____ Date _____

I hereby represent and affirm that I am authorized on behalf of the Applicant to execute and deliver this application form and that all information provided herein, and on all exhibits submitted in support of this application, are true and correct to the best of my knowledge.

Property Owner's Signature _____ Date _____

I consent to the business owner's request for an outdoor use as described in this application.

City of Sullivan Outdoor Dining Permit Application Package

Congratulations on your interest in conducting an outdoor use on the sidewalk in front of your business in downtown Sullivan. The City of Sullivan supports appropriate outdoor uses within the public sidewalk as a valuable contributing factor to achieving a lovely, vibrant streetscape environment. Carefully operated outdoor uses can provide a unique dining experience-which is a fantastic amenity to residents and visitors, is a benefit to shops and restaurants, and ultimately strengthens the economic stability of the downtown.

The City of Sullivan has adopted Design and Operational Guidelines for Outdoor Uses with the Public Right of Way to regulate proposed public outdoor uses. Parties wishing to obtain approval for an outdoor use within the public right-of-way (ROW) should review these Guidelines and submit a completed application package, which is enclosed. The application package includes the following:

- ❖ Application Form
- ❖ Signed Waiver of Liability and Indemnification Agreement
- ❖ Site plan sketch illustrating the proposed outdoor use
- ❖ Product specifications/information for proposed site furnishings
- ❖ A standard set of conditions as set by Ordinance

Once a fully completed application is received by the City, it will be reviewed by the City Clerk and/or the City Council. A determination will be made regarding approval of the request. The applicant will be notified of the City's approval or denial. The applicant or any interested party may file an appeal of the determination within fourteen (14) days of the decision. Appeals will be timely considered by the Mayor and City Council Members.

Once a permit is approved, the applicant must submit a certificate of insurance demonstrating compliance with the revocable permit insurance requirements. The applicant must also sign the permit indicating approval of the standard permit conditions and any specific conditions imposed for the subject application.

Once you have reviewed this information, you are encouraged to call City Clerk Monte Johnson at 217-728-4383 should you have any questions.

City of Sullivan
Outdoor Dining Permit

Indemnification Agreement

Please read the Waiver of Liability and Indemnification Agreement (“Agreement) carefully. By executing this Agreement you are recognizing and acknowledging any and all risks, and you are waiving your rights to any and all claims for injuries you may sustain arising from your participation in the outdoor use contemplated by the Permit; and you are agreeing to indemnify and hold harmless the City of Sullivan from any claims arising from or related to that outdoor use.

The undersigned hereby agrees as follows:

For and in sole consideration of being permitted, pursuant to the terms and conditions of the Permit, to use real property owned by the City, I hereby assume all risks attendant to and associated with the use of such City property, including but not limited to the risk of property damage and/or personal injury, death, damages or loss which I may sustain as a result of my participation in the outdoor use contemplated by the Permit. I also hereby agree to waive and relinquish any and all claims I may have arising out of, connected with, or in any way associated with my participation in such outdoor use; and also hereby fully release and discharge the City, it’s officer, trustees, agents, employees and representatives from any and all claims for property associated with or related to the Permit.

I, my heirs, representatives, attorneys and assigns hereby further agree to indemnify, defend and hold harmless the City, its officers, trustees, agents, employees and representatives, from any and all claims, losses, damages, causes of action, suits for injuries, and liability of any kind, including expenses of litigation, court costs and attorney’s fees, arising out of, connected with, or in any way associated with my use of City property associated with or related to the Permit.

I hereby declare that I exercised my own judgment in deciding whether to sign this Waiver of Liability and Indemnification Agreement and I further declare that my decision to sign this document was not based on or influenced by any declarations or representations of any officer, trustee, agent, employee or representative of the City. I read and fully understand and agree to the above stated conditions of my use of City property associated with or related to the Permit.

Signature: _____ Date: _____

Print name: _____

Address: _____

City of Sullivan Outdoor Dining Permit

Standard Conditions set by Ordinance

33-9-1 – PERMIT. An application generated by the City of Sullivan (hereinafter “City”) shall be provided to any owner of a licensed restaurant within the City who desires to implement outdoor dining and seeks to utilize public sidewalk right-of-way for restaurant sales. Outdoor dining on private property within these districts is also allowed subject to compliance with regulations except as noted herein.

33-9-2 – FEE. There shall be no annual permit fee.

33-9-3 – CRITERIA FOR GRANTING OF THE PERMIT. In reviewing the application the City Clerk or his designee must ascertain that the following criteria are satisfied prior to granting the permit.

A. Arrangement. A drawing of the proposed sidewalk utilization identifying placement of all tables, chairs and any other item to be placed on the sidewalk must accompany the application if the permit application is to be reviewed for compliance. Said drawing shall be identified as the arrangement of tables and chairs (hereinafter “Arrangement”).

B. The City Clerk or his designee shall review the proposed Arrangement within the Area to determine whether the Arrangement allows for pedestrian, vendor and handicapped access consistent with the width of the sidewalk and the relationship of the sidewalk to streets, crosswalks, parking and access to adjacent businesses. However, at a minimum, the Arrangement shall demonstrate that at least five (5) feet of unobstructed space is set aside on the sidewalk between the Arrangement and the curb or nearest obstacle. Signs are not allowed in the outside table service area. Further, a divider shall be required which shall separate the sidewalk café from the remaining sidewalk area by a removable divider constructed of a sturdy material such as wrought iron, metal or wood posts and chains, or other such materials deemed safe to the appropriate location. The divider shall not be less than three (3) feet nor more than four (4) feet in height. The entirety of the Arrangement shall be enclosed within this divider. On private property these regulations shall be applicable as to the divider requirement only.

C. Applicant must acknowledge by signature his awareness that food may be sold outdoors only under the provisions of the permit granted under this ordinance, and only within the Arrangement as defined and under the following conditions:

1. Sales shall occur only within an area of the zoned premises approved by the City and that limits access to the outdoor dining area.
2. Alcoholic beverages cannot be sold within the outdoor dining area under any circumstances.

D. Area. The area in which sidewalk dining is authorized shall abut the outside front wall of the restaurant to which it is an extension and shall not extend parallel in either direction beyond the outside front wall of the restaurant. Not applicable as to private property.

33-9-4 – REGULATIONS. The use of the space by the permittee must conform to the Arrangement which was approved as part of the application process.

A. All tables and furniture shall be kept in a good state of repair and be maintained in a clean, safe, and sanitary condition and in accordance with Moultrie County Health Department Regulations.

B. A covered trash container of at least 32 gallon capacity, containing a disposable plastic liner or bag shall be provided within each sidewalk café area and shall be emptied and washed as often as necessary to prevent overflow or other unsanitary conditions. It shall be the responsibility of the permittee to maintain such area, including sidewalks, and all equipment and furnishings in such conditions so as to be clean, sanitary, and safe at all times.

C. All components of the Arrangement shall be placed indoors at the close of the business day or 10:00 p.m. whichever is earlier every day, i.e. leaving the outside space free of any furnishings whatsoever.

D. No music, recorded or live, or other amplified sound shall be allowed within the area of the Arrangement, and umbrellas, when used, shall have canopies which extend to at least the same diameter as the tables served by the umbrellas and shall be anchored with a weighted base. No text, graphics, or logos shall be allowed on the umbrellas or tables, and all umbrellas must be matching in color and size. The umbrella can be of any one of the following colors: black, white, dark green, dark blue, beige, dark red, or maroon and must be approved by the City Clerk or his designee. The umbrella panels may alternate colors so long as no more than two (2) colors are used alternating on the umbrella panels. However the umbrellas used throughout the Arrangement must be identical in size and colors chosen.

E. The City may suspend or modify the permits granted under this ordinance at any time, including but not limited to, the time in which the City may grant permits for special events. The City Clerk upon petition of the Commissioner of the Department of Public Works and Buildings shall have the authority to require any sidewalk café operating under a permit issued pursuant to this ordinance to suspend operation and clear such area, or to move or modify the location or operation of the sidewalk café, and to set a required time period for compliance with the order of the City Clerk.

33-9-5 – INDEMNIFICATION OF THE CITY.

A. As a condition of issuance, the approved applicant and any person acting under or pursuant to said approval, agrees to indemnify, hold harmless, release and defend (even if the allegations are false, fraudulent, or groundless) to the maximum extent allowed by law, the City Clerk, the City, its City Council, and each member thereof, and its officers, employees, advisory board members and representatives, from and against any and all liability, loss, suits claims, damages, costs, judgments, and expenses (including attorney's fees and costs of litigation) which in whole or in part result from, arise out of, or are claimed

to result from or to arise out of any acts, negligence, errors, or omissions of approved applicant, its employees, representatives, contractors, subcontractors, or agents by reason of or arising out of, or in any matter connected with, any and all acts, operations, privileges authorized, allowed or undertaken pursuant to the use approval under their ordinance including, without limitation, any condition or property used in operations.

B. This agreement of indemnity includes, but is not limited to, personal injury (including death at any time), and property or other damage sustained by any person or persons (including, but not limited to, companies, corporations, approved applicant and its employees or agents, and members of the general public).

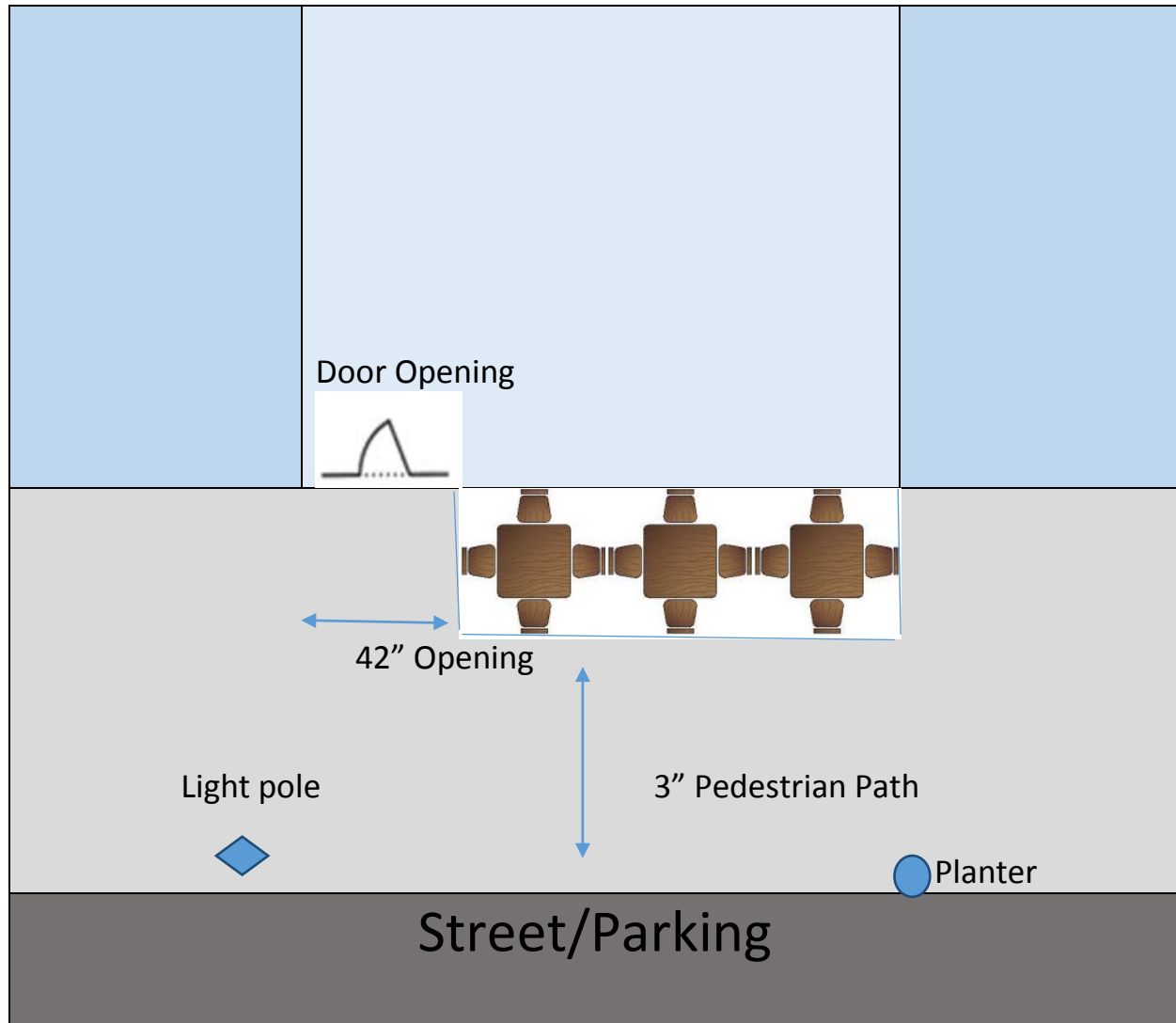
C. As a further condition of issuance of the approval, the approved applicant covenants not to sue the City Clerk, or designee, City, its City Council and each member thereof, and its employees, agents and representatives and shall cause its insurers to waive subrogation against the same with respect to any action, claim or demand in any way resulting from or connected with any or all undertakings and operations conducted pursuant to the use approval.

33-9-6 – LIABILITY INSURANCE. The approved applicant shall be required to have general liability insurance providing for the following limits naming the City as an additional insured in the following minimum amounts: \$1,000,000 per person, \$1,000,000 per occurrence, and \$1,000,000 umbrella coverage. Not applicable as to private property.

33-9-7 – PENALTIES FOR VIOLATION. Any violation of this Ordinance shall be punished by a fine up to One Hundred Dollars (\$100.00) for each offense via citation. Each day in which a violation continues shall constitute a separate offense.

City of Sullivan
Outdoor Dining Permit

Site Plan Example



Instructions/Notes:

1. The sketch need not be scale but must include accurate dimensions
2. Clearly identify and label all sidewalk obstructions, including street lights, signs posts, planters, etc.
3. Label all doorways to the interior of the building.
4. Provide accurate dimensions of the length and width of the dining area
5. Show location of pedestrian barrier, if proposed (required to enclose outdoor alcohol service)

City of Sullivan
Outdoor Dining Permit

Product Specifications (example)

Outdoor table:



Source:

www.decormore.net

Outdoor Chair:



Source:

www.overstock.com