

INSTRUCTIONS
SIDEWALK CAFÉ



1. Complete both the Agreement and the Permit Application documents

Please remember:

- a. Indicate your business' address
 - b. Indicate your business hours of the sidewalk café operation
 - c. A description of the location of the sidewalk café
 - d. Attach a drawing of the location to the Agreement
2. Signature and contact information is required including email and phone.
 3. Return Agreement, Permit Application and your payment to:

Board of Public Works
227 West Jefferson
1316 County-City Building
South Bend, Indiana 46601
Phone: (574) 235-9251
Fax: (574) 235-9171



**AGREEMENT FOR TEMPORARY USE OF
THE PUBLIC SIDEWALK FOR A SIDEWALK CAFÉ**

This Agreement is entered into this _____ day of _____, 20____, by and between the City of South Bend, Indiana, by and through its Board of Public Works (hereinafter, “City”) and _____ (hereinafter, “Permittee”).

WHEREAS, Permittee has made application to the City for a permit to use a portion of the public sidewalk for a sidewalk café in front of Permittee’s business at:

Business Name _____
Address _____
City, State, Zip _____
Email Address: _____
Contact Phone: _____

WHEREAS, the site for the proposed sidewalk café has been reviewed by the City’s Board of Public Works, and it has been determined that allowing Permittee to utilize a portion of the public sidewalk at that location will not interfere with pedestrian traffic along the sidewalk; and

WHEREAS, the City has reviewed the Petitioner’s application, along with the drawing, descriptions, and or information sufficient to enable the City to determine that the proposed sidewalk café will be in compliance with the guidelines for that area, and the City has approved the design of the proposed sidewalk café; and

WHEREAS, the City has determined that operation of a sidewalk café at the location proposed will not be detrimental to the health, safety, or general welfare of the public.

NOW, THEREFORE, consideration of the mutual covenants herein contained, it is agreed by the parties hereto as follows:

- 1) Pursuant to 18-15 of the South Bend Municipal Code the City hereby grants Permittee a permit to use a portion of the public sidewalk at the following location (attach a drawing):

Address: _____

- 2) The permit granted herein is for the sole purpose of permitting the temporary use of a portion of the public sidewalk for the operation of a sidewalk café in front of the above referred to address during the hours of:

Days/Hours of Sidewalk Café
Operation: _____

- 3) The term of the permit shall be for one year from the date of issuance, provided, however, that Permittee shall only operate the sidewalk café between April 1 and October 31st of any year.
- 4) Permittee shall pay Ten Dollars (\$10.00) to the City for the permit granted herein as required by 18-15 of the Municipal Code.
- 5) The permit granted herein shall be for the use of only the area described above, which area is located in front of Permittee's business establishment. Nothing contained herein shall permit Permittee to operate a sidewalk café in front of any other business other than Permittee's.
- 6) The placement of the sidewalk café shall allow four (4) feet of open sidewalk for ADA and pedestrian access.
- 7) Permittee shall limit the operation of the sidewalk café to the area described above, and shall place a portable chain, rope, lattice, or similar barrier along the perimeter of the described area in order to separate it from the remaining sidewalk area.
- 8) Permittee has received approval of the City for the furniture, the perimeter barrier, and other items to be used in the operation of the sidewalk café, including the design and placement of such items. Permittee shall not change or vary such items in their design or placement.
- 9) Permittee shall remove all furniture, the perimeter barrier and any other items used in the operation of the sidewalk café from the public sidewalk at the end of each business day.
- 10) Permittee agrees to maintain the area encompassed in this Agreement and adjoining public sidewalk area in a clean and sanitary condition, free from litter and debris generated by the use of the sidewalk for restaurant purposes.
- 11) If required by the City, Permittee shall provide and maintain a closed trash container as part of its sidewalk café operation. Such closed container shall be of a type and shall be placed as determined by the City.
- 12) Permittee shall not affix any items to the public sidewalk or use the area permitted herein in such a way that the public sidewalk is damaged.
- 13) Permittee shall indemnify, defend and save harmless the City from any and all damage, injuries, losses, claims, demands or costs of any kind resulting from or arising out of the use of public sidewalk by Permittee for a sidewalk café.
- 14) Permittee shall provide and maintain during the term of this permit policy of public liability insurance, with coverage not less than \$300,000 per person and \$1,000,000 per occurrence, naming the City as an additional insured as to the sidewalk café operations. Permittee shall provide a Certificate of Insurance to the City showing liability coverage

as required above and providing for not less than 30 days' notice to the City's Board of Public works prior to cancellation.

- 15) Should Permittee fail to comply with any of the terms or conditions of this Agreement, the City, by its Board of Public Works, may revoke the permit to utilize the public sidewalks as granted herein.
- 16) The rights granted herein may not be assigned by Permittee.
- 17) ***Notification of approval/denial of this request will be issued by return of this form, upon signed authorization by the Board of Public Works. Please provide a contact email.***

IN WITNESS WHEREOF, this Agreement was executed on the date first written above.

Date: _____
Permittee Signature: _____
Name: _____
Title: _____
Contact Email: _____

BOARD OF PUBLIC WORKS APPROVAL

_____ President	_____ Member	_____ Member
_____ Member	_____ Member	_____ Date



**APPLICATION FOR SIDEWALK CAFÉ PERMIT
CITY OF SOUTH BEND, INDIANA**

DATE _____

FEE PAID \$ _____

Applicant's Legal Name _____ Title _____

Business Name _____

Address _____

Telephone Number _____

Email Address _____

Proposed Location and Description of Sidewalk Café

Days of Sidewalk Café Operation	Sun	Mon	Tues	Wed	Thurs	Fri	Sat
Hours of Sidewalk Café Operation							

The following information is **REQUIRED** for completion of a Sidewalk Café Application:

1. Completed/signed application, including a \$10.00 fee
2. Drawing(s) and description of proposed sidewalk café showing placement/dimensions of proposed café
3. Completed/signed Agreement
4. Certificate of Insurance (\$1,000,000/occurrence and \$300,000/person, naming the City of South Bend as additional insured)

AFFIRMATION

I, the undersigned, agree that I will abide by all of the provisions of Section 18-15 of the South Bend Municipal Code and with all the provisions stated above as conditions of the issuance of this Permit. I further agree to indemnify, defend and hold harmless the City of South Bend from any liability, loss, cost, damage or expenses, including attorney fees, which the City may suffer or incur as the result of any use of the public sidewalks for a sidewalk café as permitted herein. I do hereby certify and affirm that all the information given in this application is true to the best of my knowledge.

Date

Signature of Applicant

Printed Name

Title

BOARD OF PUBLIC WORKS APPROVAL

President

Member

Member

Member

Member

Date

RETURN FORM TO:

Board of Public Works
1316 County-City Building
227 West Jefferson Boulevard
South Bend, IN 46601

Phone: (574) 235-9251 • Fax: (574) 235-9171