



SIDEWALK CAFÉ PERMIT INSTRUCTIONS

City of South Bend – Board of Public Works
227 W. Jefferson Boulevard, Ste. 1316
South Bend, IN 46601

Dear Business Owner:

Thank you for your interest in having a sidewalk café outside your business. Enclosed are the Sidewalk Café Application AND Agreement needed to secure your permit to occupy a portion of the City's public right-of-way.

PROCESS

Once your application is received, it will be reviewed by City personnel and presented at a City of South Bend Board of Public Works meeting for approval. Once approved, a signed copy of your permit and agreement will be emailed or mailed to you. Note: A permit for a sidewalk café is valid for two years from the date that it was approved. Sidewalk cafes can operate any time of the year.

APPLICATION CHECKLIST

Below is a checklist of items that need to be included with your submittal:

- Completed and signed Sidewalk Café Permit Application
- Completed and signed Agreement for Temporary Use of the Public Sidewalk.
- Site plan depicting the proposed sidewalk café showing placement and dimensions.
- Certificate of Insurance (\$1,000,000/occurrence and \$300,000/person naming the City of South Bend as additional insured)
- \$10 application fee. Make checks payable to City of South Bend. Cash and credit card payments can also be when dropping off the application.

Completed applications with payment should be mailed or dropped off to:
City of South Bend - Board of Public Works
227 W Jefferson Boulevard, Ste 1316
South Bend, IN 46601

QUESTIONS

The City of South Bend looks forward to working with you! If you have any questions, contact Theresa Heffner at theffner@southbendin.gov or 574.235.9251.



SIDEWALK CAFÉ APPLICATION

City of South Bend – Board of Public Works
227 W. Jefferson Boulevard, Ste. 1316
South Bend, IN 46601

RESTAURANT/BUSINESS INFORMATION:

Name of Restaurant/Business: _____

Address of Proposed Sidewalk Café: _____

Mailing Address: _____

APPLICANT INFORMATION:

Applicant Legal Name: _____ Phone: _____

Title: Owner Manager Other _____

Email Address: _____

INCLUDE THE FOLLOWING ITEMS WITH YOUR APPLICATION:

- Completed application including \$10 fee. Make checks payable to City of South Bend.
- Site plan depicting the proposed sidewalk café showing placement/dimensions.
- Completed Agreement
- 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.

Signature of Applicant: _____ Date: _____

OFFICE USE ONLY:

Date Received:

Fee Paid:

Approval Date:



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 exterior perimeter of the proposed sidewalk café will be in compliance with the guidelines for that area, and the City has approved the perimeter design of the proposed sidewalk café; and

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

NOW, THEREFORE, in 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 two years from the date of issuance.

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 five (5) feet of open sidewalk for ADA and pedestrian access, except in special circumstances as defined in Section 18-15 of the South Bend Municipal Code.

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 is responsible for compliance with all federal, state, and local laws and regulations affecting the operation of their sidewalk cafe. These include but are not limited to regulation of alcoholic beverages and the Americans with Disabilities Act (ADA), and specifically ADA requirements for accessibility and accommodation into and within the sidewalk cafe service area.

9) 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.

10) 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.

11) 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.

12) 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.

13) 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.

14) 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.

15) The rights granted herein may not be assigned by Permittee.

16) ***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.

Permittee Signature: _____

Name: _____

Title: _____ Date: _____

BOARD OF PUBLIC WORKS APPROVAL

President

Member

Member

Member

Member

Attest