



SIDEWALK DISPLAY APPLICATION
 City Clerk, Suite 204 – City Hall
 301 Washington Avenue, Bay City, MI 48708
 (989)894-8168

Sidewalk displays are permitted under Chapter 30, Businesses, Article XVI, Sections 30-601 through 30-610. The sidewalk display regulations are designed to allow sidewalk displays on public property in locations where they are determined to be appropriate to promote and protect the public health, safety, general welfare and amenity. These regulations are designed to 1) provide a clean lane for pedestrians on the sidewalk adjacent to sidewalk displays and to insure access to adjacent commercial and retail uses; 2) promote area businesses; and 3) promote the most desirable use of land and buildings and thereby protect the city's tax revenues.

BUSINESS NAME & LOCATION

Business Name:

Business Address:

APPLICANT INFORMATION

Applicant's Name:

Applicant's Address:

City:

State:

Zip:

Applicant's Phone:

Applicant's Email:

BUILDING OWNER (required if applicant does not own the building/storefront in which the applicant's business is located)

Building Owner's Name:

Building Owner's Address:

City:

State:

Zip:

Phone:

Email:

SIDEWALK DISPLAY PLAN

This application must be submitted with a plan illustrating the layout of your sidewalk display in relationship to your building. Applications submitted without plans will be returned to applicants.

Sidewalk display plans must: 1) be prepared in black on plain white 8.5 inch by 11 inch paper; and 2) illustrate the following:

1. The building or storefront at which your sidewalk display will be located. Please indicate the width of the building or storefront in feet.
2. The width of the sidewalk between your building/storefront and street.
3. Show the dimensions (width and length) of the proposed display area and its location in relationship to the building.

SIDEWALK DISPLAY STANDARDS:

1. A minimum 60-inch clear pedestrian path between the outer edge of the display and the curb must be maintained at all times to allow adequate pedestrian movement. Where planters, landscaping, sidewalk grates, light poles or other fixtures are present a minimum 36-inch clear pedestrian path must be maintained. Notwithstanding the above, applicant must also comply with the minimum requirements of the Americans with Disabilities Act.

2. Sidewalk displays shall only be permitted where it is determined that the use will not create a hazard, a site distance obstruction for motor vehicles operators and provides a clear lane for pedestrian traffic
3. Sidewalk displays may only be located adjacent to the establishment with which they are associated.
4. When the associated establishment is not open all displays shall be removed from public property
5. A sidewalk display shall not interfere with any public service facility, such as a telephone, mailbox, bench or other convenience located on the sidewalk.
6. Any electrical wiring and fixtures associated with or part of a sidewalk display shall be installed and remain in conformance with the appropriate codes of the city.
7. All sidewalk display shall be removed by 9 p.m. each night or when the associated business closes, whichever is earlier.
8. Sidewalk displays and the public property on which they are located shall be kept neat and clean at all times and free from any substance that may cause damage to the sidewalk or cause pedestrian injury.

INSURANCE REQUIREMENTS

1. General Liability Major and minor sidewalk cafe licenses shall carry comprehensive general liability insurance, including premises and all operations, through companies licensed and admitted to do business in Michigan, which shall provide protection from all claims of damage or injury, including death, to persons and property which may arise out of, result from, or be caused by licensee's use or occupancy of the premises or its operations conducted thereon, with occurrence and aggregate limits of not less than \$500,000 of comprehensive general liability coverage. The certificates and policies of the required comprehensive general liability insurance shall provide and be endorsed as follows: "The City of Bay City, its officers and employees are additional insureds. This coverage is primary to the City and is not contributing or pro rata with any other insurance or similar protection (e.g., risk management association) which is or may be available to or carried by the City." THE CITY OF BAY CITY SHALL BE NAMED AND ENDORSED AS AN ADDITIONAL INSURED.

2. Proof of Insurance - Insurance certificate and additional insured endorsement shall be provided with application when submitted.

BUILDING OWNER & APPLICANT SIGNATURES

Applicant covenants and agrees to hold harmless from, indemnify, and defend the City, its agents, officers and employees against all suits, demands, claims, judgments, liens, cost of repair or replacements of any damaged public facilities, or costs, attorney fees and expenses which may arise out of, result from, or be caused by Applicant's sidewalk cafe. Applicant covenants and agrees to strictly comply with all terms and conditions of the Sidewalk Display Ordinance and further understands and agrees that the City Commission, in its sole and absolute discretion, may approve, deny, or set conditions or limitations on any sidewalk display which may be approved, or may at any time alter, amend, modify, rescind, or revoke any approval, all without recourse or remedy by the Applicant, or liability of the City. Applicant covenants and agrees, upon issuance of the Sidewalk Display License, to defend, indemnify, save and hold harmless the City, its officers, agents and employees, from any liability for damages resulting from any and all occupancy and operations under the License.

Dated this _____ day of _____, 20_____.

Applicant's Signature: _____ Printed _____

Building Owner's Signature: _____ Printed _____

CITY CLERK USE ONLY

License Fee: \$50 Date paid:_____ Insurance Rcv'd_____

License No. _____ Date Issued:_____ Expiration Date:_____

Definitions.

Sidewalk display means an outdoor display for the exhibition for sale of goods, services or produce on any portion of the sidewalk or other public property adjacent to any retail sales establishment.

Retail sales establishment means an establishment engaged in the selling or rental of goods or merchandise or in rendering services incidental to the sale of such good or merchandise.

Sidewalk displays that encroach upon adjacent parking areas.

In the event that a sidewalk display is located within designated street parking areas, the following shall apply:

- (1) Sidewalk displays within designated street parking areas shall meet all applicable regulations of this article including, but not limited to, insurance requirements.
- (2) Sidewalk displays within designated street parking areas must be adjacent to the sidewalk that is adjacent to the business that is to be served and may not extend in front of any other business.

Sidewalk displays within designated parking areas shall be protected from vehicular traffic. All barriers shall be approved by the city engineering department

Term of license and renewal procedures.

- (a) *Term.* A sidewalk display license shall be valid for two seasons.
- (b) *Renewal.* A renewal based upon the previous license may be approved without full staff review, if the applicant meets the following conditions:
 - (1) Ownership of the business has not changed.
 - (2) There has been no change to the location of the sidewalk display.
 - (3) There are no outstanding code violations.
 - (4) The application is reviewed by the code enforcement department to verify compliance.
 - (5) The licensee shall submit proof of current liability insurance.
 - (6) The renewal is subject to all conditions placed on the original license.
 - (7) Failure by the licensee to submit all required documentations as set forth in this section shall be the basis for denying a renewal license.

License assignment or transfer prohibited.

No licensee shall assign or transfer a sidewalk display license.

Violations.

Any person who establishes or permits an outdoor display without a license, who violates the terms of any license, or who shall violate any of the provisions of this article shall be guilty of a municipal civil infraction, punishable as a Class F fine