

EDGEWOOD BOROUGH - APPLICATION FOR SIDEWALK CAFÉ PERMIT

For Year: _____

Applicant Information – Name and Contact Information for Applicant

Applicant Name (person): _____

Phone: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Relationship of Applicant to Restaurant: _____

(Owner, Manager, etc.)

Name and Location of Business and Restaurant Using Permit

Business Name: _____

Business Phone: _____

Business Address: _____

City: _____ State: _____ Zip: _____

Restaurant Name: _____

Restaurant Phone: _____

Borough Street Address of Restaurant: _____

Certification, Hold Harmless Agreement, and Release

I certify the information contained in this application and other materials submitted in the course of my application for a Sid ewalk Café Permit to be true and correct to the best of my knowledge.

I acknowledge that I have read and consent to the terms and conditions of the Code of the Borough of Edgewood, Ordinance No. 1068. I understand that Edgewood Borough may suspend or revoke Sidewalk Café Permits and impose fines for violations of the terms of the Ordinance. I understand that Permits are not transferable and that changes in ownership, operation, or location require reapplication for a permit.

I agree to defend, indemnify, and hold harmless Edgewood Borough, its officers, employees, and agents from and against any and all loss resulting from injury to, or death to, persons or damage to property arising out of, resulting from, or in any manner caused by the presence, location, use, operation, installation, maintenance, replacement or removal of, such sidewalk café, or by the acts or omissions of the employees or agents of the Permit holder in connection with such café.

I agree to release Edgewood Borough from any and all claims relating to the sidewalk café, including, but not limited to, loss of business and/or value of the sidewalk café when it is ordered removed or when street, sidewalk, or utility construction occurs.

I agree to obtain and maintain an insurance policy naming the Borough of Edgewood as an additional insured as required by the Borough of Edgewood, Ordinance No. 1068.

Applicant Signature: _____ Date: _____

Application Checklist

The following materials must be submitted with this application:

- Check for \$100.00 Permit Application Fee, made out to the "Borough of Edgewood."
- A copy of the current business license.
- Site Plan (See § 167-4 of the Edgewood Borough Code)
- The seating capacity of the proposed sidewalk café.
- Three color photographs showing the complete area of the sidewalk and building façade, from three different angles.
- A copy of certificate of insurance naming the Borough of Edgewood as additional insured.
- Sidewalk Café Property Owner Consent (*Addendum 1*)
- Abutting Property Owner Consent (to operate Sidewalk Café on their property - *Addendum 2*)
- Abutting Business Owner Consent (to operate Sidewalk Café in front of their business – *Addendum 3*)

Submit complete application to: Rob Zahorchak, Borough of Edgewood; 2 Race Street, Edgewood, PA 15218

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The complete text of Ord. No. 1068 of the Code of the Borough of Edgewood is available upon request at the Borough Office. If you have any questions during the application process, please contact Rob Zahorchak at the Edgewood Borough Administration Building at 412-242-4824.

Certificate of Insurance

The applicant must obtain and maintain in full force and effect, at the permit holder's own expense, an insurance policy naming the Borough of Edgewood as an additional insured with coverage of not less than \$1,000,000.00. The policy shall afford comprehensive general liability insurance including contractual liability insurance covering the permit holder's defense, indemnification, and hold harmless obligations in Ord. No 1068 and shall provide that the Borough be notified upon the expiration of coverage in the event the policy is cancelled or the applicant fails to renew the insurance policy. Within ten (10) days of the approval of the Sidewalk Café Permit application, and each year thereafter, the permit holder shall submit a certificate of insurance in accordance with the agreement and maintain a copy on the premises for review.

Site Plan

The Site Plan must include dimensions and show:

- A) The entirety of the sidewalk abutting the property of the owner showing sidewalk widths;
- B) The frontage of the property proposed for the sidewalk café;
- C) All existing sidewalk features including, but not limited to, trees, utility poles, sign poles, fire hydrants, permanent litter receptacles, and mailboxes;
- D) The limits of the proposed sidewalk café site, the size and location of all proposed tables and chairs, all exterior lighting, and the proposed pedestrian walkway; and,
- E) The seating capacity of the sidewalk café.

Design Standards

- A. A sidewalk café shall leave a paved pedestrian walkway with a clear unobstructed width of sixty (60) inches between the sidewalk café and any obstacle (tree, pole, post, sign, planting area, etc.). No portion of a sidewalk café shall be permitted in the pedestrian walkway. The pedestrian walkway shall be provided with an unobstructed height of seven (7) feet between the ground plane and an overhead obstacle (tree branch, overhead sign, awning, etc.)
- B. All parts of a sidewalk café shall be easily removable. Furnishings of a sidewalk café shall consist solely of tables, chairs, and, if needed, waste receptacles. Furnishings may not be attached, even in a temporary manner, to the sidewalk or other public property or to any building or structure.
- C. A sidewalk café shall contain no food serving or food service equipment to hold, store, heat, warm, cool, chill or otherwise keep food to be served outside of the sponsoring restaurant for use in or by a sidewalk café.
- D. No sidewalk café shall be situated:
 - 1) In a manner which interferes with any pedestrian crossing.
 - 2) In a manner which restricts access to fire hydrants.
 - 3) In a manner which interferes with any driveway.
 - 4) In a manner which restricts sight easements of vehicular traffic.
 - 5) In a manner which obstructs traffic control devices or traffic signs.
 - 6) In a manner which interferes with parking or exiting of vehicles.
- E. All sidewalk cafés shall be open to the air.
- F. Sidewalk cafés shall in no way obstruct the ingress to or the egress from any building or business.
- G. Sidewalk cafés shall not obstruct access to any public service facility on the sidewalk area or street.
- H. No signs shall be hung or attached to any portion of the sidewalk café.

Regulations.

- A. No sidewalk café may be operated except:
 - 1) As an accessory to a restaurant lawfully operating on the first floor of the premises in the C-1 district.
 - 2) On the sidewalk in front of the principal place of business of such entity, and on the sidewalk of an abutting business with property and business owner's written permission (see Addendum 2); and
 - 3) By the entity which operates the restaurant.
- B. A sidewalk café may operate only during the same hours that the restaurant is open for service. All patrons must be vacated from the sidewalk café and all tables, chairs, and any other materials used in the operation of the sidewalk café or within the area used by the sidewalk café shall be removed from the sidewalk café area each day within one-half (1/2) hour after the restaurant closes.
- C. All food must be prepared within the existing restaurant upon which the café permit has been granted.
- D. No food or beverages may be served to a patron at a sidewalk café unless that patron is seated at a table.
- E. Alcoholic beverages may be served or allowed to be consumed within the delineated area of the sidewalk café.
- F. No music may be played from whatever source (acoustical, electric, or other) on the sidewalk café.
- G. The applicant shall be responsible for obtaining, maintaining in full force and effect, and complying with the terms and conditions of any state or county health permit which may be required under any other law or regulation for the serving of food or beverages at a sidewalk café.
- H. The applicant shall maintain a sufficient number of receptacles for the disposal of waste. Such receptacles, if any, shall be emptied as often as is necessary.
- I. Sidewalk cafés, the public property on which they are located and the surrounding area shall at all times be kept free and clear of litter, debris, and any substance that may damage the sidewalk or cause pedestrian injury. As an express condition of the acceptance of a permit hereunder, the recipient agrees to police for trash and debris an area extending at least 15 feet in each direction from the outermost portion or boundary of the sidewalk café.
- J. The holder of a Sidewalk Café Permit is responsible for keeping all visitors, patrons, employees, and café fixtures, including tables and chairs, from occupying or encroaching into the required pedestrian pathway of the sidewalk.
- K. All sidewalk cafés and attendant facilities may be inspected at any time by the Borough Manager, Code Enforcement Officer, or the Police Department.
- L. Acceptance of a Sidewalk Café Permit is an express acknowledgment and consent to the terms and regulations set by this Ordinance. The grant and usage of such permit is a privilege, not a right, subject to reasonable regulations as set out herein or as may be promulgated by the Borough.

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Addendum 1: BOROUGH OF EDGEWOOD SIDEWALK CAFÉ PROPERTY OWNER CONSENT

I, _____ Name of Property Owner

authorize _____ Sidewalk Café Permit Applicant (person)

to operate a Sidewalk Café for _____ Name of Business or Restaurant

at my property located at _____ Edgewood Borough Property Address and Street

This consent shall run concurrent with the Sidewalk Café Permit. If at any time the permit expires or is revoked, this consent shall be void.

The operator of the Sidewalk Café is required to comply with all applicable sections of Borough, County, and State Law. Failure to do so may cause the permit for said location to be revoked.

I understand that my consent may be revoked in writing with the revocation to become effective on December 31st of the same calendar year. Written revocation must be submitted to:

Borough of Edgewood
2 Race Street
Edgewood, PA 15218

The Applicant/Sidewalk Café Permit Holder agrees to indemnify, hold harmless and defend the property owner from any claims for damages to persons or property including legal fees, which may result from the granting of this permit.

The property owner is ultimately liable for any damage resulting from the condition of the sidewalk or any obstruction placed thereon, and is responsible for reconstructing, maintaining, and repairing the sidewalks, curbs, and driveways abutting or immediately adjacent to his or her property (Borough of Edgewood Code Chapter 177).

Property Owner Signature: _____ Date: _____

Property Owner Name (Printed): _____

Phone: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Applicant Signature: _____ Date: _____

**Addendum 2: BOROUGH OF EDGEWOOD
SIDEWALK CAFÉ ABUTTING PROPERTY OWNER
CONSENT TO OPERATE SIDEWALK CAFÉ IN FRONT OF ABUTTING PROPERTY**

I, _____
Name of Property Owner

authorize _____
Sidewalk Café Permit Applicant (person)

to operate a Sidewalk Café for _____
Name of Business or Restaurant

on my property located at the address _____
Edgewood Borough Property Address and Street

This consent shall run concurrent with the Sidewalk Café Permit. If at any time the permit expires or is revoked, this consent shall be void.

The operator of the Sidewalk Café is required to comply with all applicable sections of Borough, County, and State Law. Failure to do so may cause the permit for said location to be revoked.

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Property Owner Signature: _____ Date: _____

Property Owner Name (Printed): _____

Phone: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Applicant Signature: _____ Date: _____

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Addendum 3: BOROUGH OF EDGEWOOD
SIDEWALK CAFÉ ABUTTING BUSINESS OWNER
CONSENT TO OPERATE SIDEWALK CAFÉ IN FRONT OF ABUTTING PROPERTY

I, _____
Name of Business Owner

authorize _____
Sidewalk Café Permit Applicant (person)

to operate a Sidewalk Café for _____
Name of Business or Restaurant

In front of my business located at _____
Address and Street

This consent shall run concurrent with the Sidewalk Café Permit. If at any time the permit expires or is revoked, this consent shall be void.

The operator of the Sidewalk Café is required to comply with all applicable sections of Borough, County, and State Law. Failure to do so may cause the permit for said location to be revoked.

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2 Race Street
Edgewood, PA 15218

The Applicant/Sidewalk Café Permit Holder agrees to indemnify, hold harmless and defend the business owner from any claims for damages to persons or property including legal fees, which may result from the granting of this permit.

Business Owner Signature: _____ Date: _____

Business Owner Name (Printed): _____

Phone: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Applicant Signature: _____ Date: _____

Borough of Edgewood

SIDEWALK CAFÉ PERMIT

Issued to: _____

Valid for year: _____

Seating capacity: _____

Tables: _____

Chairs: _____

Hours of Operation: _____

Seating in front of abutting business?: Y / N :: # of Tables _____, # of Chairs _____

Business name/owner: _____

For Edgewood Borough-

Issued by: _____ Date: _____