



**CITY OF MARQUETTE
SIDEWALK CAFÉ WITH ALCOHOL PERMIT APPLICATION**

City Code, Chapter 12, Article VI, Section 12-172

Fee: \$165/year

****ATTACH A COPY OF
YOUR DRIVER'S LICENSE
TO THE APPLICATION****

Name of food establishment: _____

Address: _____

Phone #: _____ Email address: _____

Owner name: _____

Manager name: _____

Business hours: _____

Zoning District: _____

Please check to indicate which of the following you wish to place in City right-of-way:

- Tables and Chairs Planters Windscreens (attach site plan/drawing of anchor system)

Please be sure to attach the following items when submitting this application:

Site plan drawn to scale depicting (1) the physical barrier – you may wish to meet with the City Planner (228-0425) prior to preparing this drawing – as well as dimensions of tables and the general layout of tables and chairs, (2) the layout of the sidewalk café, (3) the lateral and vertical clearances of the area sought for permit, (4) tree grates of sidewalk in area sought for permit, (5) the street amenities of the area sought for permit, (6) the curb ramps of the area sought for permit, (7) a minimum 60-inch pedestrian walkway, (8) miscellaneous features that could encumber the walkway and (9) a copy of the applicant/owner driver's license or photo ID.

A section drawing showing the height and width of the barrier along with descriptive notes which indicate the types of material and the color that will be used for the barrier.

A certificate of general liability and liquor liability insurance in the amount of \$1 million per occurrence naming the City of Marquette as additional insured, along with an endorsement to the policy, naming the City of Marquette as an additional insured.

A photo of the sign required by Marquette City Ordinance #613 – Section II(a)1(n), which requires a permit holder to display a sign that says alcohol cannot go "beyond this point".

Copy of the applicant's Michigan Liquor Control Commission Outdoor Service Permit (This can be provided to the Clerk's office within 45 days of the issuance of a sidewalk café permit).

The undersigned, declares and says he/she wishes to be permitted to perform the operation, service or act stated hereon and the statements made above are true and correct to the best of his/her knowledge and belief. The undersigned further says that he/she will comply with all provisions of the ordinances of the City of Marquette related to the operation, service or act for which the permit is

requested. The undersigned further agrees to hold the City of Marquette free and harmless from all liability which may be imposed upon it, to reimburse the City of Marquette for all expenses of litigation in connection with the defense of claims as such liability and claims may arise because of negligence in the performance of the work or act for which the permit was issued. The applicant acknowledges that the City of Marquette may be required from time to time to release records in its possession. The applicant hereby gives permission to the City to release any records or materials received by the City from the applicant as it may be requested to do so as permitted by the Freedom of Information Act, MCL 15.231 et seq.

OWNER SIGNATURE

DATE

This section for office use only

POLICE CHIEF

Approved
 Denied

DATE

CITY TREASURER

Approved
 Denied

DATE

CITY PLANNING/ZONING ADMINISTRATOR

Approved
 Denied

DATE

FIRE INSPECTOR

Approved
 Denied

DATE

Sec. 12-172. - Sidewalk cafe permit with alcohol.

(a) *Permit conditions.* The city clerk may issue to an adjacent food service establishment a revocable sidewalk cafe with alcohol permit to occupy a portion of adjacent city right-of-way to place tables and chairs, planters and windscreens adjacent to the tables and chairs in conjunction with selling and consuming food and alcoholic beverages, provided the following terms and regulations are met:

(1) *Regulations:*

- a. Sidewalk cafes shall not unreasonably interfere with the view, access to, or use of property adjacent to said street.
- b. Sidewalk cafes shall not be permitted in or directly adjacent to property zoned exclusively for residential purposes.
- c. Sidewalk cafes shall not unduly obstruct pedestrian movement nor diminish the safety of the general public.
- d. Sidewalk cafes shall not be attached to or cause damage to the street or sidewalk or to trees, benches, landscaping, or other objects lawfully located in the right-of-way.
- e. A clear path of not less than 60 inches shall be maintained along the full length of the sidewalk for general pedestrian use. The pedestrian travel area shall not include trees, bushes, walls, parking meters, fire hydrants, tree grates or any other fixtures permanently located in the right-of-way.
- f. All signs must conform to the City of Marquette Sign Ordinance.
- g. The immediate area of the cafe shall be maintained free of litter and debris.
- h. Tables, chairs, portable signs and other equipment used in the operation of the cafe shall be removed daily at the close of business.
- i. Hours of operation of the sidewalk cafe shall not be later than 11:00 p.m.
- j. Days of operation of the sidewalk cafe shall not occur before May 1 or after October 31.
- k. The sidewalk cafe permit issued in accordance with this article shall be prominently displayed.
- l. The operator of the sidewalk cafe shall take whatever steps are necessary to procure the appropriate license from the Michigan Liquor Control Commission if he or she intends to serve alcoholic beverages in the sidewalk cafe area and shall comply with all other laws and regulations concerning the serving of alcoholic beverages in the State of Michigan.
- m. The sidewalk cafe area shall be separated from pedestrian traffic by an approved barrier, which can consist of planters, railings and other similar materials. The barrier shall be removed daily at the close of business. All barriers used for sidewalk cafes serving alcoholic beverages shall also conform to Michigan Liquor Control Commission Regulations.
- n. A sign reading "No Food or Beverage Allowed Beyond Railing" shall be posted at a conspicuous location within the sidewalk cafe.
- o. All alcoholic beverages to be served at sidewalk cafes shall be prepared within the adjacent indoor establishment that serves food and/or alcoholic beverages, and alcoholic beverages shall only be served to patrons seated at tables. The drinking of alcoholic beverages by a

member of the public while a patron at a sidewalk cafe within the confines of the sidewalk cafe area shall not be construed as a violation of any ordinance controlling open containers in a public area.

- p. Sidewalk cafes serving alcohol shall be continuously supervised by employees of the establishment.
 - q. To be eligible to apply for a sidewalk cafe, the adjoining restaurant or food service business from which the sidewalk cafe extends must provide a full-service menu for the on-site consumption of food.
- (2) *[Notice.]* Notice to the adjacent property owners or occupants on both sides of the applicant's property shall be required before issuing a permit. Proof of this notice shall be provided to the city by the applicant prior to the issuance of a permit.
 - (3) *Fee.* Prior to the issuance of a permit, a fee in an amount established by resolution of the city commission shall be paid to the city clerk. This fee shall be tripled if any such occupancy occurred prior to the issuance of a permit.
 - (4) *Insurance.* The permittee shall show proof of and maintain comprehensive general liability insurance acceptable to the city, including naming the city as an additional named insured.
 - (5) *Food service establishment.* Food service establishment shall be defined in accordance with its meaning in the Food Law of 2000, as amended, MCL 289.1101.
 - (6) *Duration.* Permits shall be for the period of May 1 to October 31 for the year in which granted.
 - (7) *Display.* A permit shall only be valid if displayed in a manner visible to the public.
 - (8) *Permit revocation.* Any permit may be revoked by the city clerk upon a finding that the occupancy does not meet the standards of this Code, any other provisions of this Code, or other applicable law or regulation, or that the right-of-way is needed for other street or utility purposes. Upon such revocation, the fee paid for any period after termination of street occupancy fee shall be refunded.
 - (9) *Appeal.* Persons who are refused a permit or have had their permit revoked may request in writing a hearing on that determination before the city manager. The decision of the manager may be appealed to the city commission. Requests for a hearing or an appeal must be made within five days of the questioned decision.
 - (10) *Violations.* Any person who operates a sidewalk cafe without a permit or who shall violate any of the provisions of this section shall be guilty of a municipal civil infraction, punishable by a fine as set forth in the city's schedule of fines adopted by the city commission, as amended from time to time.

(Ord. No. 613, § II, 3-31-2014)