

SIDEWALK SIGN, DISPLAY AND CAFÉ INFORMATION SHEET

Sec. 30-112. Temporary use permit requirements.

- (a) To obtain and maintain any temporary use permit, the following requirements must be met:
- (1) The establishment for which the permit is issued must be sited adjacent to a public sidewalk or public plaza located within the C-3, Aggieville Business District, C-4, Central Business District, or within a Planned Unit Development (PUD) that allows or authorizes temporary uses on a city sidewalk or public plaza within or adjacent to the PUD.
 - (2) The temporary use shall be located only in front of the adjoining establishment holding the permit, and shall not extend into abutting or adjacent properties.
 - (3) The temporary use objects shall not be placed in, or protrude into, any street or alley, and the temporary use objects shall be designed, constructed and securely placed to prevent danger to the public and to prevent being blown over or knocked over.
 - (4) The temporary use shall not create a fire hazard or interfere with ingress or egress from any building.
 - (5) The temporary use shall not interfere with the area's compliance with the American with Disabilities Act, as amended. At a minimum, the temporary use must allow five (5) feet of clear and unobstructed passageway on the sidewalk or public plaza between the outermost edge of the permitted displays, café tables, chairs, sidewalk signs or other objects and the curb, street lamps, lamp posts, sign posts or other fixtures or obstructions. The director of public works may impose additional requirements to ensure compliance with the Americans with Disabilities Act or to protect traffic safety or pedestrian safety or passage.
 - (6) The temporary use shall be located a minimum of five (5) feet from driveways and alleys, and ten (10) feet from intersections of public streets, except the director of public works may modify these requirements where the only public entrance to the establishment is on the corner of the building adjoining such intersection and the modification(s) maintain traffic safety and pedestrian safety and passage. The director of public works may impose additional requirements to protect traffic safety or pedestrian safety or passage.
 - (7) The display or sidewalk café shall be limited to food, beverages, or merchandise that is sold, displayed, or provided inside the permit holder's adjoining establishment. The sidewalk sign shall be limited to referencing or advertising food, beverages, or merchandise that is sold, displayed, or provided inside the permit holder's adjoining establishment.
 - (8) The temporary use object may only be placed within the permit area during the normal business hours of the permit holder's establishment, but in no case shall such items be located in the permit area between 11 p.m. and 6:00 a.m.
 - (9) Use of the permitted area must conform with applicable laws, city ordinances, and zoning regulations.
 - (10) The city and the permit holder shall execute a temporary use of city property agreement for the use of the sidewalk or public plaza that shall include all conditions of this article and other conditions based upon the particular location and/or use. The agreement shall provide that the temporary use is subordinate to the city's use of the sidewalk or public plaza. The agreement shall provide that the permit holder agrees to at all times save and hold harmless the city from all liability, costs, damages, and expenses of any kind, for the payment of which the city may become liable to any person, firm or corporation by reason of any claim or damages arising from the failure of the permit holder, its employees, agents, servants, invitees, and patrons to exercise due care and diligence in the use of the sidewalk or public plaza.
 - (11) The permit holder shall purchase and maintain an insurance policy issued by a company licensed to issue insurance in the State of Kansas, insuring the licensee, and the city as an additionally named insured, in an amount not less than \$500,000 per single incident, for any liability associated with the failure of the permit holder, its employees, agents, servants, invitees, and patrons to exercise due care and diligence in the use of the sidewalk or public plaza. The permit holder shall provide a certificate of insurance to the City upon permit issuance.
 - (12) The permit shall be conspicuously displayed at all times at the business for the permit area and shall be available for inspection by the city.
 - (13) The permit shall apply to the permit holder only and is non-assignable and non-transferable.
- (b) In addition to the requirements set forth in subsection (a), to obtain and maintain a temporary use permit for a sidewalk sign, the following requirements must be met:
- (1) Only one sidewalk sign shall be permitted per establishment.
 - (2) The sidewalk sign must be a movable sign not secured or attached to the ground or surface upon which it is located and placed upon a sidewalk within a public right-of-way that is supported by its own frame and shall be no more than twenty-eight (28) inches wide and forty-eight inches (48) high as measured from the sidewalk surface.

Sec. 30-114. Sidewalk café regulations.

The permit holder for a sidewalk café shall comply with the following regulations:

- (a) The sidewalk café area and adjoining sidewalk areas shall remain clear of litter, food scraps, grease, and soiled dishes. All flooring areas must be cleaned daily, including adjacent sidewalk areas.
- (b) The sidewalk café shall be continuously supervised by employees of the licensed establishment.
- (c) Alcohol or cereal malt beverages may not be served within the permitted area, unless the following conditions are met:
 - (1) Pursuant to Chapter 4 of the city code, the governing body approves an ordinance granting an exemption for the possession and consumption of alcoholic liquor or cereal malt beverages on the specified city property upon which the sidewalk café will be located. The permit holder shall pay for the publication costs of an ordinance granting exemption for the possession and consumption of alcoholic liquor on such property.
 - (2) The permit holder possesses and maintains all required licenses relating to alcoholic liquor or cereal malt beverages, and the permit holder complies with all laws relating to the service of alcoholic liquor or cereal malt beverages within establishment and the permitted area. If the permit holder, or an employee therefor, fails to comply with any law relating to the service of alcoholic liquor or cereal malt beverages, the city may suspend or revoke the sidewalk café permit.
 - (3) The permitted area shall be designated with a permanent railing or barrier. Upon making application for a sidewalk café permit, the applicant shall submit a site plan detailing the style, design and color of the railing or barrier, which shall be at least 36 inches high. The city may require modification of the applicant's plan to increase safety, to improve passage, to prevent damage to the city's right-of-way, or to maintain a style consistent with the surrounding area. The permit holder, and the employees therefor, shall not serve or sell, or permit the service, sale, possession or consumption of alcoholic liquor or cereal malt beverages, outside of the permitted area designated by the barrier.
 - (4) Alcohol may not be served, sold or consumed within the permitted area after 11 p.m. or before 8 a.m.
- (d) The sidewalk café shall meet the requirements of the Riley County Health Department, and all other state and local laws pertaining to the service of food. The permit holder shall possess and maintain a valid license for food service as required by state and local laws.
- (e) All required building modifications shall be completed prior to the commencement of the operation of the sidewalk café.