



SIDEWALK DISPLAY AND SIDEWALK CAFÉ

PERMIT APPLICATION

- Complete application must be submitted to the Clerk's office with full payment and all required items listed on checklist.
- All applications must be approved by the Health and Recreation Committee of the Common Council before a permit is issued.
- Each permit shall be effective for one year from July 1st - June 30th.
- Sidewalk cafes may operate, serve food or beverages until 11:00 PM Sunday through Saturday.
- Outdoor seating allowed April 1 – October 31st.
- City of Kaukauna Municipal Code 12.05 regulates Sidewalk Display and Sidewalk Café Permits.

ESTABLISHMENT AND OWNER INFORMATION

Trade Name of Establishment:

Address:

Phone Number:

Website:

Name of Owner or Agent:

Phone Number:

Email:

PERMIT FEES

Please check one:

- | | |
|---|--|
| <input type="checkbox"/> First-Time Application (no alcohol) \$25 | <input type="checkbox"/> Renewal Application (no alcohol) \$10 |
| <input type="checkbox"/> First-Time Application (with alcohol) \$50 | <input type="checkbox"/> Renewal Application (with alcohol) \$10 |

TOTAL DUE: \$_____

CHECKLIST OF ADDITIONAL ITEMS REQUIRED WITH APPLICATION

- ☐ Completed application with fee made payable to City of Kaukauna.
- ☐ Site plan layout that accurately depicts the dimensions of the existing sidewalk area or other public property and adjacent private property, the proposed location of the sidewalk display / sidewalk café, the size and number of tables, chairs, steps, planters, location of doorways, trees, trash receptacles, heaters, light poles and any other obstructions, either existing or proposed. *Please complete in provided space on page 2 of application.*
 - Site plan must depict 5 feet of unobstructed sidewalk for public use
- ☐ Photographs, drawings or manufacturer's brochures fully describing the appearance and dimensions of all proposed tables, chairs, umbrellas or other objects related to the sidewalk café. Note: Molded plastic tables and chairs are not permitted.
- ☐ A current copy of the Certificate of Commercial Liability Insurance including:
 - City of Kaukauna named as additional insured
 - Minimum of \$1,000,000.00 per occurrence

- Liability overage must specifically delineate an extension off private property and into the public right-of-way to be used for the sidewalk display / sidewalk café

SITE PLAN LAYOUT

Please draw below an accurate depiction the dimensions of the existing sidewalk area or other public property and adjacent private property, the proposed location of the sidewalk café, the size and number of tables, chairs, steps, planters, location of doorways, trees, trash receptacles, heaters, light poles and any other obstructions, either existing or proposed. *Site plan must depict 5 feet of unobstructed sidewalk for public use.* A sample site layout is included in this packet.

OWNER/AGENT SIGNATURE

I hereby make an application for a Sidewalk Display/Sidewalk Café Permit as detailed above. I agree to abide by the requirements of all City ordinances and State laws. I understand that the approval of a sidewalk display/ sidewalk café permit is conditional at all times. I further understand that the permit can be revoked or suspended at any time. I agree to keep and save the City of Kaukauna free and harmless from any damages or claims against it by reason of any failure, fault or neglect of myself, my agent, servants or employees in the execution of the work or exercise of the privilege for which such permit is granted.

Signature

Date

FAST FACTS ABOUT THE CITY OF KAUKAUNA'S AMENDED SIDEWALK DISPLAY AND SIDEWALK CAFÉ PERMIT PROGRAM

The following gives a brief overview of the City of Kaukauna's amended Sidewalk Display and Sidewalk Café Permit program. Applicants are encouraged to refer to the full version of City of Kaukauna Municipal Ordinance 12.05 (included in this mailing) governing sidewalk displays and sidewalk café permits.

1. First floor commercial businesses within the Commercial Core District and Central Business District may apply for a sidewalk display or sidewalk café. Displays or cafes are limited to the public sidewalk outside their business and sidewalks must be wide enough to accommodate a five (5) foot clearance in accordance with ADA requirements. Displays or cafes may not "stretch" or extend over to a neighboring property's frontage, even with their permission.
2. Seating and displays shall be adjacent to the building, not on the curb line. Seating and displays are only allowed where sidewalk width can accommodate standard widths for both seating and pedestrian accessibility. A five (5) foot clearance for pedestrians must be maintained to be in accordance with ADA requirements. As a part of the application process, the City will review your proposed site layout to ensure it is compliant.
3. Items you place in the public right-of-way as a part of your display or café must be verified for safety. The City recommends that you do not buy furniture, displays or fixtures for your sidewalk display or sidewalk café items without first having them approved. As a part of the application process, the types of chairs, tables, reader boards, goods or merchandise, display racks, or other accessories to be used in the sidewalk display or sidewalk café area will be reviewed by City staff for safety and code compliance.
4. No part of a sidewalk display or sidewalk café may be anchored in any manner to the sidewalk.
5. Sidewalk displays or sidewalk café cannot include off-premise advertising, including logos on sidewalk café furniture and fixtures.
6. Business owners are expected to keep displays and cafes clean and safe at all times. Spilling of food, beverage, condiments and litter shall immediately be removed and cleaned.
7. Permits are seasonal and weather permitting. Permits for sidewalk displays and sidewalk cafes are valid from July 1st through June 30th of the following year. Sidewalk displays and sidewalk cafes can be placed outdoors from April 1st – October 31st (weather permitting). No outdoor furniture, displays or fixtures shall be allowed on the public right-of-way during snow shoveling, snow plowing or when snow cleanup is required in the downtown area.
8. Doorways may not be blocked by any placement of furniture, displays or fixtures placed on the public sidewalk.
9. Business owners are responsible for regularly checking on the placement of furniture, displays or fixtures in the public right-of-way, as well as your business patrons utilizing your sidewalk display or sidewalk café. If your business serves alcohol, the application process requires that you develop an alcohol control plan stating how your business intends to monitor alcohol consumption in the public right-of-way.

Questions regarding the Sidewalk Display and Sidewalk Café Permit program should be directed to the City of Kaukauna Planning and Community Development Department: (920) 766-6315 or planning@kaukauna.gov.

SEC. 12.05. - SIDEWALK DISPLAY AND SIDEWALK CAFE PERMIT.

(1)

Applicability. A person or entity owning or lawfully occupying a premises and conducting therein a retail business may apply for a sidewalk display and sidewalk cafe permit, and upon receipt of said permit, place certain materials such as seasonal planters, reader boards, goods or merchandise, chairs or tables, vending machines, or other like items, as described in the permit, during the times permitted by the permit, and only in the locations as indicated in the site plan submitted with the application.

(2)

Issuance. A revocable sidewalk display and sidewalk cafe permit shall be issued by the planning and community development department upon approval by the city council of an application which the planning and community development department has determined complies with this section and for which the applicable fee has been paid to the city clerk - treasurer and the following information provided:

- a. Name (if alcohol is to be served at sidewalk cafe, also include name of premise liquor licensee), business address, and telephone number of the business owner/applicant.
- b. Name, address, and telephone number of the owner of the premises.
- c. Number of any tables and chairs to be permitted.
- d. Design and scaled site layout of chairs, tables, reader boards, goods or merchandise, display racks, or other accessories.
- e. Operations plan of service, sanitation, monitoring schedule, and responsibilities. An alcohol control plan is required if the permittee is the holder of a "Class B", Class "B" and/or "Class C" license and intends to serve alcohol in the public right-of-way.
- f. Liability insurance naming the City as an unrestricted additional insured on the sidewalk café owner's insurance policy for the licensed sidewalk café site will be required, including insurance to cover liquor liability (for sidewalk cafes serving alcohol beverages), to the extent specified by and on forms approved by the City Attorney's office.
- g. Any other information the planning and community development department deems appropriate to fully describe the planned operation.

(3)

Location. Sidewalk cafes shall be permitted on public sidewalks in any Commercial Core District (CCD), Central Business District (CBD) districts where allowed by the City's zoning ordinances. The sidewalk café shall be located only on that portion of the public sidewalk which is directly adjacent to the building, or portion of the building, where the permittee's business is located.

(4)

Limitations and requirements. The following limitations or requirements are applicable to all sidewalk display and sidewalk cafe permits:

- a. Permitted hours of use for public right-of-way shall never commence earlier than 6:00 a.m. nor conclude later than 11:00 p.m. Alcohol service shall never commence earlier than 11:00 a.m. nor conclude later than 11:00 p.m.
- b. A minimum width of five feet of continuous, unobstructed way for pedestrian traffic and a contiguous unobstructed way for persons exiting the host premises shall be provided at all times.
- c. No sidewalk café furniture shall be placed, installed, used or maintained as follows:
 1. Within ten feet of any marked or unmarked crosswalk or access ramp.

2. Within five feet of any fire hydrant.
 3. Within ten feet of any driveway.
 4. On or within two feet of any water valve, manhole, or other similar structure.
 5. Overnight storage of sidewalk café furniture is allowed by permit only.
 6. No off-premise advertising shall be permitted as a part of the sidewalk café permit, including logos on sidewalk café furniture.
- d. Any sidewalk use shall be directly associated with and material to the business being conducted upon the host premises.
 - e. Sidewalk café furniture must be kept in a state of good repair and condition and free from the following conditions: rust, chipped or peeling paint or finishes, delaminating or peeling materials, missing hardware, rotting materials, poor craftsmanship or construction that would cause the item to be structurally unsound and thereby pose a health or safety hazard, or any other condition that the Department of Planning and Community Development deems to be contrary to the purposes of promoting visually appealing and structurally sound sidewalk furniture.
 - f. Any furniture, merchandise, equipment, signage or other objects placed on the sidewalk shall be removable upon short notice, if required, by city officials for any reason.
 - g. Service of food and alcohol in the sidewalk cafés shall be limited to persons within the designated area. Appropriate signage must be affixed notifying customers that alcoholic beverages may only be in possession while within the approved designated area.
 - h. Each sidewalk café serving alcohol beverages shall be responsible for policing the area of the sidewalk café to be sure that customers are of the legal drinking age and that alcohol beverages are not removed from the premises, or left unattended.
 1. A sidewalk cafe area where alcohol is served shall be monitored at all times. If any area is required by the permit specification to be monitored by surveillance cameras, such surveillance cameras and security recording system shall be maintained in good operating condition at all times. Upon request by the city police department, surveillance video shall be made available for review to aid in the investigation of any incident, altercation or crime under investigation.
 - i. No amplified sound or music is permitted outside the building on the sidewalk café between the hours of 10:00 p.m. and 8:00 a.m. where such amplified sound or music can be heard beyond the boundaries of the premises property.
 - j. All amplified sound or music is subject to the provisions of section 9.12 of this Municipal Code: No person shall use any mechanical device for intensification or amplification of the human voice or any sound or noise in any public or private place so that the public peace and good order is disturbed or that persons owning, using, or occupying property are disturbed or annoyed.
 - k. No outdoor alcoholic beverage area which is less than 80 feet from any public school property, parochial school property, hospital property, or church property shall be open for operation during hours as specified on the outdoor alcoholic beverage area permit. Such distance shall be measured by the shortest route from the closest point of such school, church, or hospital property to the closest point of the outdoor alcoholic beverage area.
 - l. The capacity for the licensed premises' building shall remain the same even with the addition of a sidewalk café permit.
 - m. A permittee shall not permit any activities within the sidewalk cafe that constitute a nuisance.
 - n. A permittee shall comply with all other applicable state statutes and city ordinances.

(5)

Permit Fees. The application fees shall be as provided by resolution of the city council. A \$25.00 one-time fee for sidewalk display/sidewalk café permit applicants (no alcohol sales). A \$50.00 one-time

fee for sidewalk café applicants (selling alcohol in public right-of-way). A \$10.00 annual renewal fee for all applicants.

(6)

Revocation. The planning and community development director or designee is authorized to immediately suspend or revoke any permit upon written notice to the applicant or a person in charge of the host business for any of the following conditions:

- a. Whenever it shall be determined necessary that the sidewalk area covered by the permit, or a portion thereof, is needed for a public purpose or because of the need for construction or maintenance on or below the sidewalk.
- b. Whenever a permittee has failed or neglected to comply with any of the conditions of the permit.
- c. Whenever it is determined that there is a danger to the public health, safety or welfare as a result of the continuation of the permitted activities or that the permitted activities are not compatible with the adjacent land use.

The permit holder may appeal any revocation or suspension as provided in chapter 24 of this Code.

Adopted by the City of Kaukauna Common Council June 19, 2018

