

**CITY OF MT. PLEASANT
DOWNTOWN SIDEWALK AND STREET PARKING LICENSE POLICY
FOR MERCHANDISE DISPLAYS, FOOD AND ALCOHOL SERVICE**

PURPOSE

The *Downtown Sidewalk and Street Parking License Policy for Merchandise Displays, Food and Alcohol* is designed to allow sidewalk merchandise displays, cafes or outdoor seating on public property in locations where they are determined to be appropriate by the City Commission, and to promote and protect the public health, safety, and general welfare of the community. These general goals include, among others, the following specific purposes:

- (1) To attract residents and non-residents to downtown Mt. Pleasant;
- (2) To provide an additional way for retailers, restaurants, food service, or other businesses within the Principal Shopping District / Central Business District to expand their operations;
- (3) To promote sidewalks as useful and properly planned visual amenities;
- (4) To provide adequate space for pedestrians on the sidewalk adjacent to sidewalk displays, cafes or outdoor seating and to insure access to adjacent commercial and retail uses;

Note: this policy is not to be used for the elimination of public parking spaces for personal and/or business parking usage.

COST AND APPLICATION PROCESS

Annual Sidewalk License Application Fee = \$50.00 Fence Application Fee = \$50.00 (one-time fee)

Additional costs:

Outdoor patios \$250.00 per full space or partial space/annually (limited to no more than three spaces).

Purchase of parking space for permanent outdoor use \$7,500 per space

Applications can be picked up at City Hall (320 W. Broadway) in the Division of Community Services.

Applications for temporary uses will be reviewed by the following City of Mt. Pleasant departments before being presented to City Commission for approval:

Public Works Public Safety Downtown Development Building Safety
If parking space(s) are requested for permanent elimination – Downtown Development Board and Planning Commission must review.

The City Commission may license City rights-of-way for merchandise displays, food and alcohol service. Licenses are good from April 1 to October 30.

Applications made for permanent fencing can be submitted on an ongoing basis and are subject 30 day review and approval process by the City Commission.

NOTICE OF VIOLATION; FAILURE TO COMPLY.

Upon a finding by a City staff member that an applicant has violated any provisions of this policy, the Downtown Development Director shall give notice to the applicant to correct said violation. Upon failure to immediately correct said violation, the City Commission may revoke the applicant's license to operate the sidewalk license. Upon the revocation of such license, the applicant shall be entitled to a hearing before the governing body within 30 days, upon notice thereof, provided that a hearing is requested by the applicant, in writing, within five days of revocation of the license.

All conditions are to be met by applicants, unless waived by the City Commission.

PLEASE NOTE

Sections entitled *Location, General Terms – Layout, Maintenance, and Hours of Operation, and Insurance* apply to ALL applicants. Applicants in the food and beverage industry, please review the section entitled *Food and Beverage (General), and Food and Beverage (Specific to Alcohol Beverage Sales)*. Applicants interested in purchasing a parking space for permanent outdoor use, please review the section entitled *Converting Parking Spaces for Permanent Outdoor Use*.

LOCATION

1. Applications to license public sidewalks or public property for merchandise display, food, alcoholic beverages, or other retail service shall be limited to the area within the downtown Principal Shopping District (PSD) and/or Tax Increment Finance Authority (TIFA) Central Business District (CBD) and those commercially zoned properties specifically authorized by the City Commission that can also meet all of the following criteria.
2. The area devoted to outdoor seating must be ancillary to the main use of an indoor restaurant, bakery, coffee shop, delicatessen, specialty food store, or similar establishment.

GENERAL TERMS - LAYOUT, MAINTENANCE, AND HOURS OF OPERATION

1. Prior to license approval, the Director of Public Works or his designee shall inspect the proposed area and prepare a report listing any damaged public sidewalk in the area, any potential hazards that need to be corrected prior to issuance of the license including, but not limited to, location of trees and low-hanging branches, wires, guide wires, sign locations and height, tree gates, planters, bike racks, etc., that could serve as a hazard to pedestrians.
2. Licensees building a structure or permanent fence to be utilized for outdoor seating shall obtain a building permit to ensure local, state, and federal building codes are met. Please note: it is the intention of this policy that all structures are built flush to the sidewalk (i.e. no step on or off the structure) whenever possible to ensure the ease of use for all patrons. Where structures are not able to be built flush with the sidewalk, structures must provide ADA accessibility either through a permanent or temporary ramp.
 - a. Exempt structures that were approved in 2014 from complying with the provision that “all structures are built flush to the sidewalk.”
3. Location of all furniture, displays or other materials shall be placed to assure safe ingress/egress to buildings.
4. Merchandise displays must be placed next to the building only, except during the annual Sidewalk Sales event.
5. Tables, chairs, umbrellas and any other objects used shall be of quality design, materials, and workmanship both to ensure the safety and convenience of users and to enhance the visual and aesthetic quality of the urban environment.
6. Fence materials shall be of durable commercial-grade building materials, such as powder-coated aluminum or steel. Decorative fences should generally be four and a half feet (54 inches) or below. However, exceptions may be considered for special circumstances.
7. The licensed area and abutting public sidewalk shall be kept clean, attractive and free of all litter and debris, and must allow for the safe and easy flow of pedestrian traffic. In addition, it is the responsibility of the license holder to inspect the licensed area and abutting public sidewalk on a daily basis and report any deterioration, or other hazard(s) to the Director of Public Works.

8. Temporary patio licensees shall keep clean the perimeter of the licensed area where street sweeper or snow plow will be unable to maneuver.
9. Landscape areas and areas containing trees and the dirt around such trees shall not be disturbed or used in conjunction with licensed area activities, and shall not be designated as the area reserved for pedestrian use.
10. A license area shall not interfere with any public service facility; such as a telephone, mailbox or bench, located on a sidewalk.
11. The area devoted to outdoor seating shall not encroach upon or extend over any public alley.
12. No business displays or signs shall be attached to or displayed on public facilities such as trees, street light poles, junction boxes, mailboxes, fire hydrants, benches, bus shelters, bike racks, trash cans, etc.
13. No advertising signage shall be present on or in the outdoor seating area.
14. Outdoor amplification shall be in compliance with the appropriate codes of the city.
15. Any outdoor lighting shall be arranged in such a manner so as not to create a hazard for vehicular traffic or a nuisance to residential land uses in the area.
16. In licensed areas all electrical wiring and fixtures shall be installed and remain in conformance with the appropriate codes of the city.
17. No structure or enclosure to accommodate the storage of accumulated garbage may be erected or placed on public property.
18. 4' (four feet) of unobstructed pedestrian sidewalk shall be maintained at all times. Note: the swing of exterior doors must be calculated in this measurement.
19. All patio structures must meet ADA accessibility standards. Where ADA ramps and/or other resources are used, signage indicating their availability will be posted clearly so patrons can see it.
20. An adequate area adjacent to handicapped parking spaces area shall be maintained free and clear of obstructions and shall lead to the pedestrian walkway.
21. Licensed areas shall not impede city drainage.
22. Fire apparatus access roads shall have an unobstructed width of not less than 24'(twenty-four feet) and an unobstructed vertical clearance of not less than 13'-6" (thirteen feet, six inches).
23. 3' (three feet) clear space shall be maintained around the circumference of all fire hydrants with a minimum of 6' clear aisle access to all hydrants.
24. Vehicles or structures over 1,500 lbs. are prohibited on the licensed area or abutting public sidewalk.
25. License of public right-of-way shall not be permitted if the proposed licensing or requested alterations result in sight obstructions for vehicles or pedestrians or result in the obstruction of normal traffic flow.

26. The licensed area shall be limited to portions of right-of-way abutting the property owned, leased, or rented by the applicant unless given approval by adjacent property and business owners.
27. No more than three parking spaces can be utilized.
28. Hours of operation for licensees shall be limited to between 8:00 a.m. and 11:00 p.m.
29. Licensee shall not cause or permit hazardous or toxic substances to be released, stored, produced, emitted, disposed of or used in the licensed area.

INSURANCE

1. The applicant shall provide evidence of the following insurances prior to issuance of a sidewalk license:
 - a. Workers Compensation and Employers Liability
 - b. General Liability (occurrence basis only) with the following coverage inclusions:
 - Broad Form General Liability Endorsement or equivalent if not included in the policy proper.
 - Contractual Liability
 - Products and Completed Operations
 - City of Mt. Pleasant named as "Additional Insured"
 - c. Limits of liability for items b. above shall be not less than \$1,000,000 per occurrence and/or aggregate, for personal injury, bodily injury and property.
2. Hold Harmless
 - i. To the fullest extent permitted by law, the licensee agrees to defend, pay in behalf of, and hold harmless the City of Mt. Pleasant, its elected and appointed officials, employees and volunteers, and others working in behalf of the City of Mt. Pleasant against any and all claims, demands, suits, losses, including all costs connected therewith, for any damages which may be asserted, claimed or recovered against or from the City of Mt. Pleasant, its elected and appointed officials, employees, volunteers or others working on behalf of the City of Mt. Pleasant, by reason of personal injury, including bodily injury and death; and/or property damage, including loss of use therefore which arises out of or is in any way connected or associated with this contract.

FOOD AND BEVERAGE (GENERAL)

1. If the licensee serves food and beverages within the licensed area, the licensed area and abutting public sidewalk shall be washed on an as-needed basis to ensure a clean, safe, and healthy environment.
2. Smoking is not allowed in any outdoor areas such as patios or rooftops where patrons are intended to receive service or consume food, beverages, or both per Public Act 1998-0188 (Michigan's Smoke Free Air Law).
3. A minimum 10 lb. ABC Fire Extinguisher shall be present for all outside cooking displays. (ie. grills, roasters, etc.) Also someone shall remain present during the cooking process to avoid any injuries to by-standers.

FOOD AND BEVERAGE (SPECIFIC TO ALCOHOLIC BEVERAGE SALES)

1. The location of sidewalk cafes where alcohol is served shall be subject to the requirements of the Michigan Liquor Control Commission.
2. Outdoor dining areas serving alcoholic beverages shall be continuously supervised by employees of the establishment.
3. All alcoholic beverages to be served at sidewalk cafes shall be prepared within the existing restaurant, and alcoholic drinks shall only be served to patrons seated at tables or counters. 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. The operator of the sidewalk cafe shall take whatever steps are necessary to procure the appropriate license from the M.L.C.C., if he 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.
4. Barriers. All barriers used for outdoor cafes serving liquor shall also conform to Michigan Liquor Control Commission (M.L.C.C.) policies and requirements.
5. A sign, one foot square, reading "No Food or Beverages Allowed Beyond Railing" shall be posted at a conspicuous location within the perimeter of outdoor cafes serving alcoholic beverages.

CONVERTING PARKING SPACE(S) FOR TEMPORARY EVENT USE

1. Should applicant wish to use parking spaces for temporary event use such as sidewalk sales, community, business, or other event(s) may do so with approval of the Downtown Development Director and Fire Marshall.
2. Use of space(s) will be no longer than two weeks.
3. Annual application fee may be waived or reduced based on City staff recommendation.

CONVERTING PARKING SPACE(S) FOR PERMANENT OUTDOOR USE

1. The petitioner shall bear all expenses associated with the removal of parking spaces, including preparation of engineering plans for the proposed work, drainage calculations, relocation of said parking spaces and utilities or street lights, etc.
2. The merchant shall contribute \$7,500 to the Downtown Development account for each permanent space eliminated in front of his/her property.
3. The petitioner shall follow Department of Public Works permit process for the removal of any alterations of right-of-way associated with the applicant's proposed use.
4. The licensee shall also be responsible for all costs incurred for alterations to existing sidewalk if necessary to accommodate the use of the sidewalk, and if so approved by the City. All work in right-of-way must have Department of Public Works permit.
5. Licensees building a permanent structure to be utilized obtain a building permit to ensure local, state, and federal building codes are met.