



121 North Fourth Street, West Branch, Michigan 48661  
Phone 989-345-0500, Fax 989-345-4390, e-mail cityhall@westbranch.com  
The City of West Branch is an equal opportunity provider, employer, and lender

## SIDEWALK CAFÉ PERMIT APPLICATION

Property Owner: \_\_\_\_\_

Mailing address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Project Address: \_\_\_\_\_

Please include a site sketch as per the included instructions.

Applicant Signature: \_\_\_\_\_

Date: \_\_\_\_\_

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For office use only

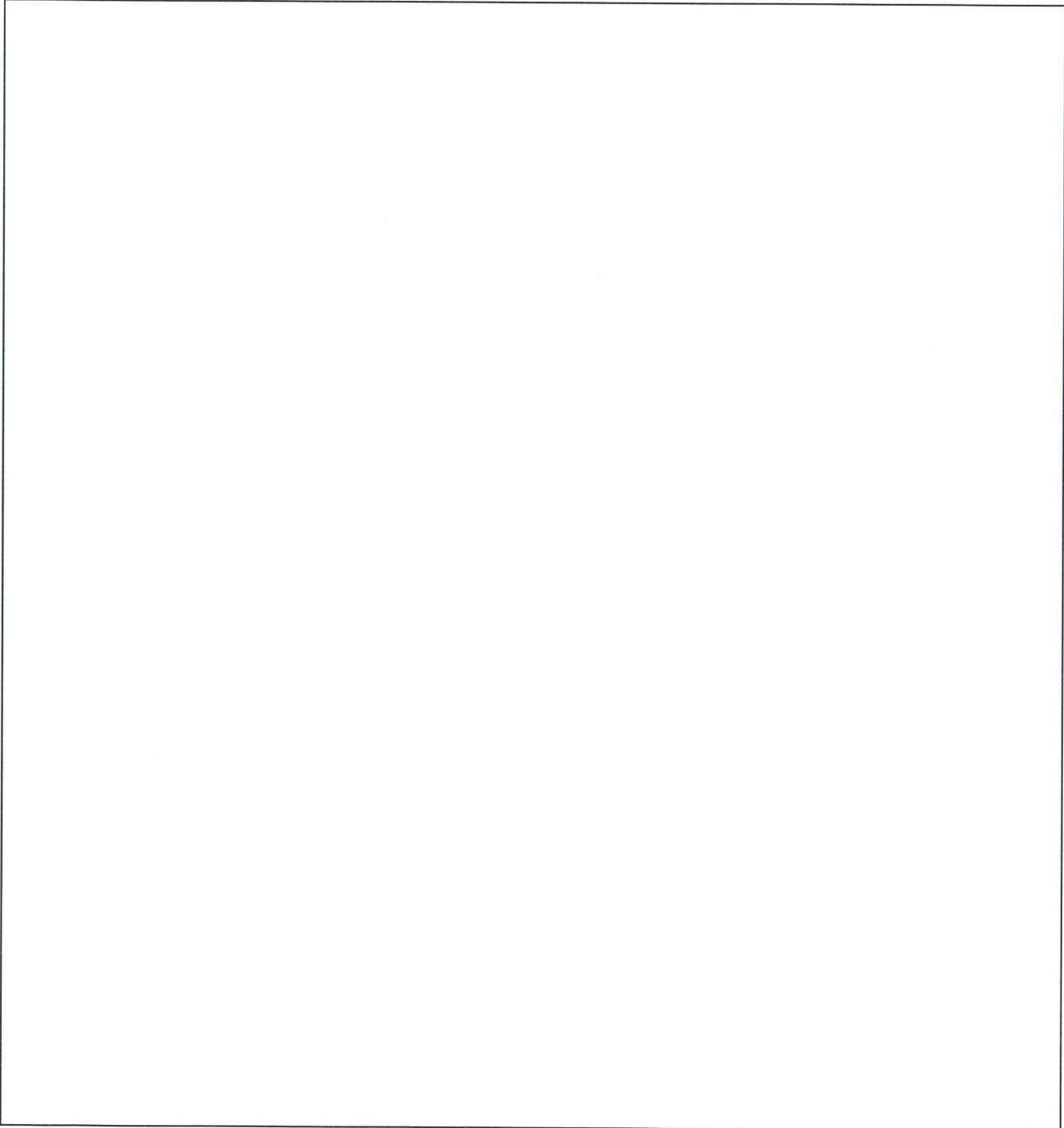
Council Action: Date\_\_\_\_\_ Approved\_\_\_\_\_ Denied\_\_\_\_\_

Permit No. \_\_\_\_\_

\_\_\_\_\_



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## Subject: Sidewalk Café Permit

Thank you for your interest in adding to our community by providing a positive contribution to our outside dining environment! Enclosed are sidewalk café guidelines and a permit application to occupy a portion of adjacent City right-of-way to place tables and chairs in conjunction with selling and consuming food and/or alcohol. This permit is available April 1 until November 1 of each year.

The City of West Branch Zoning Code, Section 4.9 as well as Public Act 300 of 1949, as amended, outlines the requirements for operating a sidewalk café. These requirements are as follows:

- The applicant for the permit must occupy private property located adjacent to the site requested for the duration of the permit.
- The sidewalk café will not interfere with the use of the street, sidewalk, or alley or vehicular or pedestrian traffic.
- The sidewalk café will not unreasonably interfere with the view of, access to, or use of property adjacent to the street or alley.
- The sidewalk café will not reduce any sidewalk to a total of less than 6'.
- The sidewalk café will not cause damage to the street, sidewalk, or alley or restrict cleaning or snow removal activities.
- The sidewalk café will not cause a violation of any State or local law.
- The sidewalk café will not be principally used for off premise advertising.
- The sidewalk café will not be attached to or reduce the effectiveness of or access to any utility pole, sign, or other traffic device.
- The sidewalk café will not cause an increased risk of theft or vandalism.
- If the permit is requested on an MDOT road, the permit must be accompanied by a resolution of City Council authorizing the requested use.
- The issuance of a permit shall not confer any property rights.
- The permit may be limited or revoked if a permit holder conducts activities that create an unsafe situation or interferes with transportation, or if the permit holder is in violation of the conditions of the permit.

A representative from the City Clerk's Office will be in contact with you to set up an on-site inspection of your Sidewalk Café.

We hope this information is helpful. The City of West Branch looks forward to working with you to compliment the dining experience in West Branch! Should you have any questions, please feel free to contact the City Clerk at (989) 345-0500 or by email at [clerktreasurer@westbranch.com](mailto:clerktreasurer@westbranch.com).



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These guidelines are not intended to substitute the ordinance, and may not contain all provisions as noted in the ordinance. All applicants should familiarize themselves and adhere to the West Branch City Zoning Ordinances Sections 4.9 and Public Act 300 of 1949, as amended.

### **Definition**

A *Sidewalk Café* is any group of tables, chairs, or other seating fixtures and all associated items placed within City or State right-of-way and intended for the purpose of consumption of food or beverage by patrons, when such is located adjacent to a food or beverage service establishment having the same operator.

### **Purpose**

Sidewalk Cafés contribute to a vibrant urban culture and make the streets of West Branch more dynamic places to walk, socialize, and dine. Sidewalk Cafés are temporary dining areas that occupy part of the public right-of-way during dining establishment hours. Sidewalk cafés enhance the public realm and motivate City and regional residents to patronize West Branch’s eating establishments. This document is a guide to creating temporary sidewalk cafés that are safe and attractive to the restaurant patrons and pedestrians.

### **Unobstructed Pedestrian Passage Requirements/Clear Zone**

All sidewalk cafés must allow for a minimum six-foot unobstructed pedestrian passage way on the sidewalk. No element of the sidewalk café, including umbrellas, planters, barriers, trash cans, or signage may obstruct the pedestrian passage way. Light poles, tree wells, fire hydrants, and other items may not fall within the pedestrian path allowed between the curb and the leading edge of the sidewalk café. It is important that you work with the City to assure you are meeting the requirements for a minimum six-foot pedestrian passage way on the sidewalk.

### **Serving Alcohol**

In every case where alcoholic beverages are being served and sold, a one square foot sign must be posted in a prominent location that indicates “No Beverages beyond the Barrier of this Sidewalk Café.” A copy of this sign shall be attached to the application. Sidewalk Cafes serving alcohol must also be designed and operated in accordance with Michigan Liquor Control Commission (LCC) requirements. *Please determine the applicable requirements before preparing or submitting your Sidewalk Café Application Form by contacting the LCC office at: 1-866-813-0011.*

### **Insurance Coverage**

All Sidewalk Café applicants are required to provide a certificate of General Liability in the amount of \$1 Million per occurrence, naming the City of West Branch as additional insured.

For those Sidewalk Café applicants who are requesting permission to sell and serve alcohol, you are required to provide Liquor Liability coverage in the amount of \$1 Million per occurrence, also naming the City of West Branch as additional insured.

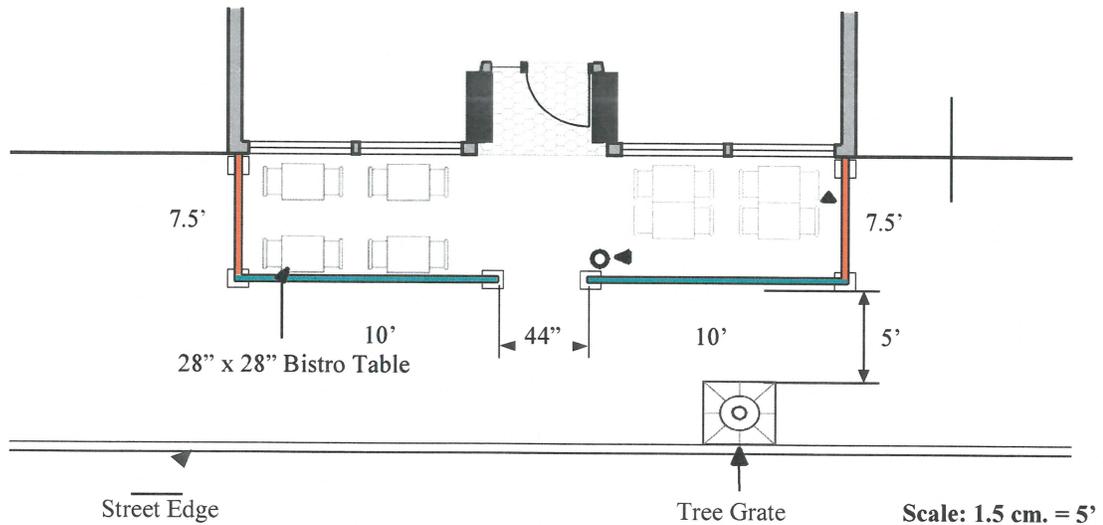
### Site Plan

A site plan drawn to scale depicting the measurements and elements of your Sidewalk Café must accompany all Sidewalk Café applications. The site plan should be no larger than 11" x 17," clearly drawn with an accurate scale. The site plan shall depict the dimensions and placement within the sidewalk café of the following:

- Tables and Chairs
- Planters
- Wait-staff booths
- Trash cans
- Any other items within the sidewalk café

If a site plan is deemed unacceptable by any approving department, the Sidewalk Café application will not be approved until required adjustments are made.

*See Sample Site Plan Below*





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## **Required Right-of-Way Permit and Barriers**

If planning to anchor to the sidewalk, it is important that you work with the City to start the process of obtaining a right-of-way permit. This process will begin after your on-site inspection has taken place. *Without a right-of-way permit, an anchoring system cannot be installed into the sidewalk.*

All barriers and other elements utilized by the sidewalk café shall be removed each day when the business closes. If anchoring points have been placed in the sidewalk, they shall be capped immediately following the removal of barriers to prevent tripping hazards.

## **Renewal of Permit**

Sidewalk Café Permits are valid from April 1 to November 1 of each year, and must be renewed annually. If you wish to renew your permit and had two or more violations in previous permit year, the City is unable to renew your permit.

## **On-Site Inspection**

After your application has been submitted, the City Clerk's Office will work to set up an on-site inspection of your sidewalk café. Upon this inspection, a determination for placement of your café will be made.

## **More Information**

For more information, visit [www.westbranch.com](http://www.westbranch.com). At this website, applicants can access the ordinance sections pertaining to Sidewalk Cafés, the application packet, and contact information for all City Departments involved in approving Sidewalk Café applications.



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## Hold Harmless Agreement

To the fullest extent permitted by law, \_\_\_\_\_ . agrees to defend, pay on behalf of, indemnify, and hold harmless the City of West Branch, its elected and appointed officials, employees and volunteers and others working in behalf of the City of West Branch against any and all claim, demands, suits, or loss, including all cost connected therewith, and for any damages which may be asserted, claimed or recovered against or from the City of West Branch, its elected and appointed officials, employees, volunteers or others working in behalf of the City of West Branch, by reasons of personal injury, including bodily injury and death and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with the use of City sidewalk for an outdoor café.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date