

# CITY OF BINGHAMTON OUTDOOR CAFÉ PERMIT APPLICATION

*Outdoor Café Permit applications must be submitted at least 30 days prior to the date of operation to avoid incurring late fees.*

## APPLICANT INFORMATION

**Applicant:** \_\_\_\_\_

**Business Name:** \_\_\_\_\_

**Mailing Address:** \_\_\_\_\_

**Physical Address:** \_\_\_\_\_

**Telephone Number(s):** \_\_\_\_\_

**Email Address:** \_\_\_\_\_

## OUTDOOR CAFÉ INFORMATION

**ALLOWABLE DIMENSIONS.** The maximum width of space in which a restaurant or tavern may operate an Outdoor Café shall be no larger than the width of the establishment frontage to which it is immediately abutting. In Public Pedestrian Areas, the maximum depth of space shall be up to half the distance of the public pedestrian area minus five (5) feet, as measured perpendicular from the building wall to which the Outdoor Café is immediately abutting to the edge of the public pedestrian area. On sidewalks, the maximum depth of space shall be the entire width of the sidewalk minus five (5) feet, as measured perpendicular from the building wall to which the Outdoor Café is immediately abutting to (a) the edge of the sidewalk or (b) any permanent obstruction including, but not limited to, trees, planters, fire hydrants, parking meters, and/or utility boxes, whichever is closest to the Outdoor Café.

**HOURS OF OPERATION.** Approved Outdoor Café Permits shall be valid from April 1<sup>st</sup> through October 31<sup>st</sup> during the year in which the permit is issued. Such permit shall authorize the permit holder to operate an Outdoor Café during (a) the permit holder's regular business hours, or (b) between the hours of 7:00 A.M. and 10:00 P.M. Sunday through Thursday and between the hours of 7:00 A.M. and 11:00 P.M. Friday through Saturday, whichever is less.

**RENEWALS.** An Outdoor Café Permit may be renewed on an annual basis provided the permit holder files an application and pays the annual rental fee and security deposit for each year of operation. A renewal for up to four (4) additional years does not require a new site plan review, provided the Outdoor Café as described in the original permit remains unchanged. If any portion of the Outdoor Café changes in the years following the initial approved site plan review, a new site plan review will be required and the permit holder must pay the site plan review fee.

**Please select one of the following options:**  New Application  Amend Existing Permit  Renew Existing Permit

**Is the Business located within a Historic District or is it a Local Landmark Property?**  Yes  No

*Note: Review by the Commission on Architecture and Urban Design (CAUD) will be required if the property is located within a Historic District or if the property is a Local Landmark Property. Please contact the Department of Planning, Housing and Community Development at (607) 772-7028 if this scenario applies.*

**Width of Café:** \_\_\_\_\_ **Width of Building:** \_\_\_\_\_

**Depth of Café:** \_\_\_\_\_ **Months of Operation:** \_\_\_\_\_

**Total Square Feet:** \_\_\_\_\_ **Hours of Operation:** \_\_\_\_\_

## SITE PLAN

Site Plans must be submitted if you seek to establish a new Outdoor Café, or if the specifications outlined in a previously approved Outdoor Café Permit have changed. The Site Plan must include a map, drawn to scale, showing the following information:

1. The shape and dimensions of the area in question.
2. The location and size of all buildings and structures within twenty-five (25) feet of the area in question, and any permanent obstructions, including but not limited to trees, planters, fire hydrants, parking meters, and/or utility boxes, whichever is closest to the Outdoor Café.

3. The location and type of any screening, barriers, and/or landscaping. Outdoor Cafes shall be demarcated on all sides not immediately abutting the building wall by barriers, and such Site Plan shall delineate the Outdoor Café's egress for public safety evacuation.
4. The location and type of proposed signage, including any menu or identifying kiosk or board associated with the Outdoor Café, and the location and type of any exterior lighting.
5. Type of furniture and its arrangement, materials and colors used. With the exception of table umbrellas or existing awnings, Outdoor Cafes shall be open to the sky.
6. Photographs of proposed Outdoor Café area.

**Site Plan attached.**       Yes                       No, I am renewing a previously approved Outdoor Café Permit

*Note: You may renew an Outdoor Café Permit for up to four (4) additional years, provided the Outdoor Café as described in the original permit remains unchanged. Renewals do not require the resubmission of a Site Plan.*

**BROOME COUNTY DEPARTMENT OF HEALTH CERTIFICATE**

Applications must include a copy of your Permit to Operate Food Service Establishment issued by the Broome County Department of Health. For more information, please visit the Broome County website at [www.gobroomecounty.com](http://www.gobroomecounty.com), or by calling the Broome County Department of Health Environmental Health Division at (607) 778-2847.

**Health certificate attached.**                       Yes

**SERVICE OF ALCOHOL**

If you intend to serve alcohol in the Outdoor Café area, you must receive approval from the New York State Liquor Authority. To obtain approval to serve alcohol in an area not originally specified in your NYS Liquor License, you must complete the Application for Permission to Make Alterations (Section 99D, A.B.C.). This form can be found on the NYS SLA website at [www.sla.ny.gov](http://www.sla.ny.gov). Please note that approval of the Alteration Permit by NYS SLA may take up to four (4) weeks. If you wish to serve alcohol in the Outdoor Café area, the City of Binghamton will allow such activity contingent upon receipt of approval from the NYS SLA. If approval from the NYS SLA is received, you must submit a copy of such approval to the City Clerk's Office prior to operation.

**Service of Alcohol in the Outdoor Café area.**                       Yes, alcohol will be served.                       No, alcohol will not be served.

**INSURANCE REQUIREMENTS**

All Outdoor Café Permit applications must be accompanied by proof of general liability insurance coverage in the amount of not less than one million dollars (\$1,000,000) and property damage insurance in an amount not less than fifty thousand dollars (\$50,000). If the Outdoor Café Permit Applicant intends to serve alcohol in the Outdoor Café area, the application must also be accompanied by proof of liquor liability insurance coverage in the amount of not less than one million dollars (\$1,000,000). Please note the following requirements:

1. The insurance certificate(s) must be endorsed.
2. The insurance certificate or endorsement must state the following, "**THE CITY OF BINGHAMTON IS NAMED AS AN ADDITIONAL INSURED ON A PRIMARY NON-CONTRIBUTORY BASIS**".
3. The insurance certificate must include a statement of indemnification to hold the City harmless from any liability incurred or caused by the operation of the Outdoor Café.

**General Liability Insurance attached.**                       Yes

**Liquor Liability Insurance attached.**                       Yes                       N/A

**Workers Compensation Insurance attached.**                       Yes                       N/A

*Note: If the applicant has paid employees, proof of workers compensation insurance coverage must be provided.*

**OUTDOOR CAFÉ PERMIT SECURITY DEPOSIT & FEES**

- Site Plan Review Fee<sup>1</sup>:                      \$50
- Annual Rental Fee:                      \$0.60 Per Square Foot
- Security Deposit<sup>2</sup> (Areas of 500 Square Feet or Less):                      \$250
- Security Deposit<sup>2</sup> (Areas of 501 Square Feet or More):                      \$500

<sup>1</sup>Note: The site plan review fee must be paid at the time of permit application for new or amended permits only. The fee is nonrefundable, regardless of the Site Plan Review determination.

<sup>2</sup>Note: The security deposit shall be paid upon issuance of an Outdoor Café Permit. In the event that the City must provide services for the cleaning, maintenance, and/or repair of the area rented by the permit holder, the cost of such services shall be billed to the permit holder. Should the permit holder fail to submit payment for such services, the total cost shall be deducted from the security deposit. Any remaining portion of the security deposit shall be returned to the permit applicant within thirty (30) days of expiration of the Outdoor Café Permit, or within thirty (30) days of the City Clerk's receipt in writing that the permit applicant no longer wishes to operate an Outdoor Café.

## **TERMS AND CONDITIONS**

All Outdoor Café Permits issued pursuant to this section shall be subject to the following conditions, rules and regulations:

1. The permit holder shall maintain responsibility for the Outdoor Café and provide sufficient personnel for the proper supervision and operation of the Café, and shall be responsible for the cleaning, maintenance and/or repair of said Outdoor Café area.
  - a. Maintenance shall include cleaning the Outdoor Café area of all rubbish, debris, stains, and/or residue resulting from the operation of the Outdoor Café, leaving the site in a clean condition at the end of each day during which the Outdoor Café is in operation. Such maintenance shall be subject to the satisfaction of the City of Binghamton. Maintenance shall also include the repair of any City property which may have been damaged during the course of Outdoor Café operations.
  - b. Should the permit holder fail to clean, maintain, and/or repair the Outdoor Café area to the satisfaction of the City of Binghamton, the permit holder shall be notified by the City of Binghamton in writing of such failure to comply with the regulations described in § 327, Article II of the Code of the City of Binghamton, and shall be given a reasonable time period to restore the Outdoor Café area to an acceptable conditions, given the nature of the violation.
  - c. Should the permit holder fail to restore the Outdoor Café area to an acceptable condition, the City shall provide services for the cleaning, maintenance, and/or repair of the Outdoor Café area. The cost of such services shall be billed to the permit holder. (iv) Should the permit holder fail to submit payment for those cleaning, maintenance, and/or repair services provided by the City of Binghamton, such funds shall be deducted from the security deposit, as outlined in § 327-2.F. (v) Notwithstanding any provision above, should the City be required to provide services for cleaning, maintenance, and/or repair of the Outdoor Café area, or if the permit holder fails to make any required payment in a timely manner, the Outdoor Café Permit, in accordance with § 327-2.L *Outdoor Café Permit* may be subject to immediate revocation by the City, and the permit holder may be ineligible to receive future Outdoor Café Permits.
2. If the security deposit is exhausted due to expenses incurred by the City for the cleaning, maintenance, and/or repair of the Outdoor Café area, the City Clerk may require the permit holder to provide an additional security deposit in an amount which may exceed the original security deposit. The permit holder will remain liable and shall reimburse the City for any and all damages or injury to any City property that may arise from the operation of the Outdoor Café.
3. The permit holder shall hold harmless and indemnify the City from any and all claims, actions, damages or liability arising from the operation of the Outdoor Café of every name and nature which may arise or be incurred by the City as a consequence of the giving of such permission, or as the result of the conduct of such Outdoor Café patrons, or as a result of the cleaning of rubbish, debris, stains, and/or residue resulting from said Outdoor Café.
4. The permit holder shall comply with all regulations set forth by the Police Department, Fire Bureau or other public safety personnel as they pertain to the conduct of the patrons of said Outdoor Café.
5. All approved barriers and furniture may remain in the designated Outdoor Café area during the permitted months of operation. Upon expiration of the Outdoor Café Permit, all barriers and furniture must be removed, and the space must be made open and available for public use.
6. Outdoor Café Permits are non-transferrable.
7. Permit holders shall not be allowed access to or use of City electricity, electrical equipment, and/or water service in connection with the operation of an Outdoor Café.
8. The permit holder is responsible for ensuring that the business and its patrons adhere to all noise and public conduct regulations outlined in the Code of the City of Binghamton.
9. The City shall not be responsible for the theft, loss, or damage to any furniture or other Outdoor Café property.
10. No loudspeaker, public-address system, or similar amplification device shall be used, nor shall any live music be played within any Outdoor Café area without the permit holder having first obtained a Noise Permit from the City, as outlined in § 292-2.

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

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