

CITY OF GERING

PERMIT FOR SIDEWALK CAFÉ

This request form shall be used by organizations or individuals desiring to use the sidewalk of the City of Gering, Nebraska, a Municipal Corporation (hereinafter called "City"). By making this request for use, the person or organization agrees to abide by applicable city ordinances or state statutes, and also to procure liability insurance as specified below. The requesting person or entity also agrees to abide by specific conditions to a granting of the use requested as may be set by the City Administrator or Police Department.

A. Name of Owner and Business Name: _____

B. Purpose of Sidewalk Café: _____

C. City Property or Public Area to be used: _____

D. Dates and Times of Use: _____

E. Contact Person(s) Name, Address and Phone Number(s). _____

F. Authority of Person Signing Below to Make Request: (Name & Title) _____

G. **Actual Proof of Insurance** naming City as an additional insured on general liability policy effective on the requested use date(s) covering any acts of negligence on the part of person or organization or by any of his/her or its agents, officers, servants, employees, or by persons on City property because of City property use request in the amount of \$500,000.00 in bodily injury liability and \$500,000.00 in property damage liability or a combined limit of \$1,000,000.00 is attached hereto. The general liability policy shall also be endorsed to read that it shall be primary over all other policies the City has in force at the time of the loss.

_____ Yes _____ No

- If not attached, please provide the reason for failure to do so: _____

H. By making this request, the person or organization making the request hereby agrees to perform a general clean up of the area used, including the picking up of all litter, trash, and loose debris. Tables, chairs and other amenities placed on a sidewalk cannot impede regular foot traffic and cannot pose tripping or other hazards to the public.

I. Law Enforcement, Fire Protection or Utility Needs: _____

J. Other Needs or Considerations: _____

Ordinance Attached.

Signed

Dated

City Code

113.01 USE OF CITY PROPERTY OR FACILITIES FOR SPECIAL EVENTS;

- (A) COMMUNITY OR BUSINESS: Public streets, sidewalks, parks, parking lots and other public property and facilities may be used temporarily for the purpose of conducting an organized community or business event.
- (B) BLOCK PARTY: Public streets and sidewalks are not to be used for the purpose of a festive gathering including barbecues, picnics, and games.
- (C) SIDEWALK CAFÉ: Public sidewalks may be used for extended periods for the purpose of operating a sidewalk café as an accessory use for an adjacent food service business.

The City Council hereby authorizes the City Administrator to administer at his or her discretion,

this chapter, unless otherwise directed by the City Council.

113.02 PERMIT REQUIRED:

- (A) No community or business special event shall be conducted on City property and facilities unless a permit is obtained from the office of the City Clerk and approved by the City Administrator.
- (B) No sidewalk café or similar use may operate on a public sidewalk unless a permit is obtained from the office of the City Clerk and approved by the City Administrator.

113.03 PERMIT APPLICATION:

- (A) An organization or individual seeking a permit to request use of City property or facilities for a special event shall file an application with the City Clerk on forms provided for a permit. The application shall be filed not less than thirty (30) days before the date of the proposed special event. The City Administrator may, if good cause is shown by the organization or individual, consider an application which has been filed less than thirty (30) days before the date of the proposed special event.
- (B) A business seeking a sidewalk café permit shall file an application with the City Clerk on forms provided for the permit. The application shall be filed not less than ten (10) days before the operation of the café.

113.04 PERMIT CONDITIONS:

- (A) The City Administrator may approve the permit as submitted or may set additional conditions upon the request for use of City property or facilities.
- (B) The City Administrator may approve the permit as submitted or may set additional conditions upon the request for use of the public street or sidewalk.

113.05 AUTHORIZATION FOR INDIVIDUAL OR ORGANIZATION TO ISSUE VENDING PERMITS DURING SPECIAL EVENTS

- (A) An organization or individual may request exclusive rights to issue vending permits in the designated area or facility of the special event. The City Administrator may authorize the organization or individual exclusive rights to issue vending permits in the designated area or facility of the special event.

If such exclusive right is not requested or if the City Administrator denies the request, then vending permits cannot be issued.

113.06 VENDING PERMIT MONITORING: The organization or individual to which the City Administrator has authorized exclusive rights to issue vending permits shall be responsible for monitoring those permits.

113.07 PERMIT COMPLIANCE:

(A) An organization or individual to which a permit has been issued for a special event shall comply with all permit conditions and with all applicable laws and ordinances, unless otherwise directed by the City Administrator in his or her discretion.

113.08 INSURANCE REQUIRED:

(A) An organization or individual should name the City as an additional insured on general liability policy effective on the requested use date(s) covering any acts of negligence on the part of person or organization or by any of his, her or its agents, officers, servants, employees, or by persons on City property because of City property and facility use request in the amount of \$500,000 in bodily injury liability and \$500,000 in property damage liability or a combined limit of \$1,000,000.00

(B) Upon a written showing of good cause, the above insurance requirement may be waived in the discretion of the City Administrator.

113.09 PERMIT REVOKED:

(A) Any permit issued to an organization or individual for use of city property or facility for a special event may be revoked by the municipal police or City Administrator in the event that the permittee is or has engaged in deceitful, shady or unlawful practices.

(B) A sidewalk café permit may be revoked by the municipal police or City Administrator in the event that the party becomes a nuisance or any deceitful, shady, or unlawful practices occur.