

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

PURPOSE

The *Sidewalk 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, bar establishments, 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 private personal and/or business parking usage.

COST AND APPLICATION PROCESS

Annual Application Fee = \$50

Applications can be picked up in the Downtown Development or Planning and Zoning office.

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

Public Works Public Safety Planning & Zoning Downtown Development
If parking space is requested for elimination – Downtown Development Board and Planning Commission must review.

The City Commission may license for no more than one calendar year City rights-of-way for merchandise displays, food and alcohol service. Licenses expire annually on May 31.

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.

The following 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*. 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 Central Business District (CBD) and those commercially zoned properties specifically authorized by the City Commission that can also meet all of the following criteria.

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. Location of all furniture, displays or other materials shall be placed to assure safe ingress/egress to buildings.
3. The area encompassing the licensed area shall be maintained in a clean, neat and safe manner at all times. No furniture, displays or other materials may be left on public property overnight.
4. Four feet of unobstructed pedestrian sidewalk shall be maintained at all times.
5. An adequate area adjacent to handicapped parking spaces area shall be maintained free and clear of obstructions and shall lead to the pedestrian walkway.
6. Fire apparatus access roads shall have an unobstructed width of not less than 20' and an unobstructed vertical clearance of not less than 13'-6".
7. A 3' clear space shall be maintained around the circumference of all fire hydrants with a minimum of 6' clear aisle access to all hydrants.
8. 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.
9. 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.

10. No sidewalk 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.
11. 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.
12. Vehicles or structures over 1,500 lbs. are prohibited on the licensed area or abutting public sidewalk.
13. 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.
14. The licensed area shall be limited to portions of right-of-way abutting the property owned, leased, or rented by the applicant.
15. Hours of operation for licensees shall be limited to between 8:00 a.m. and 2:00 a.m.

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 \$300,000 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 LICENSEES

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. Ashtrays shall be provided if smoking is permitted by the operator and/or applicant and kept clean.
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.

CONVERTING PARKING SPACE(S) FOR TEMPORARY OUTDOOR USE

1. Should applicant wish to use parking spaces for temporary outdoor use such as sidewalk sales, community, business, or other event(s) may due 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 \$5,000 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.

MLS/mls

Adopted by the Mt. Pleasant City Commission - June 14, 1993
Revised by the Mt. Pleasant City Commission - June 10, 2002 and June 13, 2005
Revised by the Mt. Pleasant City Commission – March 10, 2008