

Applicant Information

Applicant Name (person): _____
Phone: _____ Email Address: _____
Mailing Address: _____
City: _____ State: _____ Zip Code: _____
Relationship to Restaurant (ie. Owner, Manager): _____

Restaurant/Bar Information

Business Name: _____
Business Address: _____
City: _____ State: _____ Zip Code: _____
Business Phone: _____ Franklin Mercantile License #: _____
Proposed Café Timeframe: From: _____ Through: _____ (Must be within Apr. 1 – Oct. 31)

Property Owner(s) Information (if different from Applicant)

Property Owner: _____
Phone: _____ Email Address: _____
Mailing Address: _____
City: _____ State: _____ Zip Code: _____

NOTE: If you are requesting a Sidewalk Café permit which extends laterally beyond your business’ building frontage, complete the following:

Abutting Property Owner #1 _____
Phone: _____ Email Address: _____
Mailing Address: _____
City: _____ State: _____ Zip Code: _____

Abutting Property Owner #2 _____
Phone: _____ Email Address: _____
Mailing Address: _____
City: _____ State: _____ Zip Code: _____

Certification, Hold Harmless Agreement, and Release

I certify the information contained in this application and other materials submitted in the course of my application for a Sidewalk Café Permit to be true and correct to the best of my knowledge.

I acknowledge that I have read and consent to the terms and conditions of Article 913 of the Codified Ordinances of the City of Franklin, some of which are stated under Regulations in the following pages. I understand that the City of Franklin may revoke Sidewalk Cafe permits and impose fines for violations of the terms of the ordinance. I understand that permits are annual and are not transferable and that ownership, operation, or location require reapplication for a yearly permit.

I agree to defend, indemnify, and hold harmless the City of Franklin, its officers, employees, and agents from and against any and all loss resulting from injury to, or death to, persons or damages to property arising out of, resulting from, or in any manner caused by the presence, location, use, operation, installation, maintenance, replacement or removal of such sidewalk café, or by the acts or omissions of the employees or agents of the permit holder in connection with such care.

I agree to release City of Franklin from any and all claims relating to the sidewalk café, including, but not limited to, loss of business and/or value of the sidewalk café when it is ordered removed or when street, sidewalk, or utility construction occurs.

I agree to obtain and maintain an insurance policy naming the City of Franklin as an Additional Insured as required by Article 913.

Authorized Applicant Signature: _____ Date: _____
Property Owner Signature: _____ Date: _____

Applicant Checklist

The following materials must be submitted with this application:

- Check for \$100.00 Application Fee, made out to City of Franklin
- A site plan showing dimensions of the property, proposed tables and chairs (and sizes), all existing features (ie. trees, poles, fire hydrants, trash cans, etc), proposed remaining pedestrian walkway, with dimensions (cannot be less than 5' between seating area and building or other features).
- Color photos showing the restaurant or bar and its spatial relationship to the requested sidewalk area.
- Insurance Certificate naming City of Franklin an Additional Insured with coverage of \$1,000,000, from the Business and the Property Owner, if different entities.
- Property Owner Consent (if different from Applicant)
- Abutting Property Owner Consent

City of Franklin Application for Sidewalk Café Permit

Regulations. (Refer also to Article 913 of the Codified Ordinances of the City of Franklin).

Each sidewalk café shall comply with the following requirements:

(1) The sidewalk or pedestrian walkway area on which the sidewalk café is to be located shall be flat and in good repair.

(2) The sidewalk café's location and use on the sidewalk shall not interfere with the clear vision of a motorist on the adjoining street, particularly at any intersection of the sidewalk and another street or alley. The sidewalk café shall not extend laterally along the sidewalk beyond the building frontage of the business operating the sidewalk café, unless it adjoins a pedestrian walkway and that area has been approved for use by the City, as well. Notwithstanding the foregoing, a sidewalk café may extend laterally along the sidewalk of an adjoining property so long as the adjoining property owner submits an application for a sidewalk café permit and complies with all of the terms and conditions of this Ordinance.

(3) For safe pedestrian circulation, the sidewalk café's location shall leave a clear and unencumbered area of not less than five (5) feet between the edge of the seating area and the building in which the business is present. Consideration for clearances shall also be given to any other obstruction or public service facility, such as a fence, utility pole, light fixture, planters, and trash receptacles within the seating area.

(4) No sidewalk café shall be situated in a manner which interferes with any pedestrian crossing or driveway, restricts access to fire hydrants and any public service facility, obstructs traffic signs and traffic control devices, or interferes with the parking or exiting of vehicles. No seating area shall be permitted within two (2) feet from the curbline of a public street.

(5) The property owner and operator of the establishment shall keep the sidewalk café clean and free of all paper, trash, refuse, and debris and shall power wash the sidewalk or public way if determined by the City Representative that it is necessary.

(6) Establishments requesting a sidewalk café must provide a sufficient number of trash receptacles for their own waste. Public receptacles placed by the City are not to be used for such purposes. Further, a sidewalk café permittee agrees to police for trash and debris to an area extending at least fifteen (15) feet in each direction from the outermost boundary of the sidewalk café.

(7) The seating area may accommodate tables with or without umbrella-type shades, as long as all such shading devices are secure and affixed in a manner acceptable to the City.

(8) A sidewalk café may operate only during the same hours that the associated restaurant is open for service, but at any rate, all patrons must be vacated from the sidewalk café area by 9:00 p.m.

(9) No sidewalk café advertising or signs will be allowed, unless approved by zoning and/or with a proper certificate of appropriateness issued, as applicable.

(10) All materials, including outdoor furniture and accessory items used in conjunction with the sidewalk café, shall be secured for normal wind load at all times to avoid associated traffic and pedestrian hazards during windy conditions. Furnishings may not be attached, even in a temporary manner, to the sidewalk or other public property. Tables must have smooth and easily cleanable tops. No picnic tables shall be permitted. During off-season periods, all outdoor furniture and accessories shall be removed and stored elsewhere.

(11) A sidewalk café shall contain no food service equipment to cook, hold, store, heat, warm, cool, chill, or otherwise keep food to be served outside of the restaurant.

(12) No electrical cords are permitted within the café area.

(13) Alcoholic beverages may be served or allowed to be consumed only while seated within the delineated area of the sidewalk café, and only in conformance with Pennsylvania Liquor Control Board requirements. For those establishments duly licensed for sale and consumption of alcoholic beverages by the PLCB, patrons shall not be subject to Article 703 of the Codified Ordinances of the City of Franklin, which is also known as the open container law, while in the area encompassed within a permitted sidewalk café.

(14) The holder of a sidewalk café permit is responsible for keeping all visitors, patrons, employees and café furnishings from occupying or encroaching upon the required clear sidewalk space.

(15) No music may be played, from whatever source, emanating from the outdoor sidewalk café premises.

(16) Sidewalk café permits are not transferrable to another entity. Any applicant issued a permit must also have a mercantile license on file in accordance with Article 301 of the Codified Ordinances of the City of Franklin.

Certificate of Insurance.

The applicant and property owner, if different from the applicant, must obtain and maintain in full force and effect, at the permit holder's and property owner's own expense, an insurance policy naming the City of Franklin as an Additional Insured with coverage of not less than \$1,000,000. The policy shall afford comprehensive general liability insurance, including contractual liability insurance covering the permit holder's defense, indemnification, and hold harmless obligations, and shall provide that the City be notified upon the expiration of coverage in the event the policy is cancelled or the applicant or property owner fails to renew the insurance policy.

Site Plan.

- A. The applicant shall submit a site plan that shows:
 1. Dimensions of subject property and all existing features, such as trees, utility poles, sign poles, fire hydrants, trash receptacles, mailboxes, etc.
 2. The proposed limits of the seating area, the size and location of all proposed tables and chairs and the remaining pedestrian walkway, with dimensions. If seating is proposed on any abutting property, be sure to note the property line on the sketch. The seating area must take into account the average patron usage of space when seated and upon standing.
- B. The applicant shall submit color photos that show the restaurant and its relationship to the requested sidewalk café area.

CITY OF FRANKLIN – APPLICATION FOR SIDEWALK CAFÉ PERMIT

For Year: _____

PROPERTY OWNER CONSENT (if different from Applicant)

I, _____
Name of Property Owner

authorize _____
Sidewalk Café Permit Applicant (person)

to operate a Sidewalk Café for _____
Name of Business or Restaurant

at my property located at _____
Street Address

This consent shall run concurrent with the Sidewalk Café Permit. If, at any time the permit expires or is revoked, this consent shall be null and void.

I understand that I agree to indemnify, hold harmless and defend the City of Franklin from any claims for damages to persons or property, including legal fees, which may result from the granting of this permit. I also agree to obtain and maintain in full force and effect, at my own expense, an insurance policy naming the City of Franklin as an Additional Insured with coverage of not less than \$1,000,000. The policy shall afford comprehensive general liability insurance including contractual liability insurance covering the applicant and property owner's defense of the City.

Property Owner Signature: _____ Date: _____

Property Owner Printed Name: _____

Phone: _____ Email: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Sidewalk Café Applicant Signature: _____

CITY OF FRANKLIN – APPLICATION FOR SIDEWALK CAFÉ PERMIT

For Year: _____

ABUTTING PROPERTY OWNER CONSENT (if requesting sidewalk café onto abutting property)

I, _____
Name of Property Owner

authorize _____
Sidewalk Café Permit Applicant (person)

to operate a Sidewalk Café for _____
Name of Business or Restaurant

at my *abutting* property located at _____
Street Address

This consent shall run concurrent with the Sidewalk Café Permit. If, at any time the permit expires or is revoked, this consent shall be null and void.

I understand that I agree to indemnify, hold harmless and defend the City of Franklin from any claims for damages to persons or property, including legal fees, which may result from the granting of this permit. I also agree to obtain and maintain in full force and effect, at my own expense, an insurance policy naming the City of Franklin as an Additional Insured with coverage of not less than \$1,000,000. The policy shall afford comprehensive general liability insurance including contractual liability insurance covering the applicant and property owner's defense of the City.

Property Owner Signature: _____ Date: _____

Property Owner Printed Name: _____

Phone: _____ Email: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Sidewalk Café Applicant Signature: _____

CITY OF FRANKLIN – APPLICATION FOR SIDEWALK CAFÉ PERMIT

For Year: _____

ABUTTING BUSINESS OWNER CONSENT (if requesting sidewalk café onto abutting property)

I, _____
Name of Business Owner, if different from Property Owner

authorize _____
Sidewalk Café Permit Applicant (person)

to operate a Sidewalk Café for _____
Name of Business or Restaurant

at my *abutting* property located at _____
Street Address

This consent shall run concurrent with the Sidewalk Café Permit. If, at any time the permit expires or is revoked, this consent shall be null and void.

I understand that I agree to indemnify, hold harmless and defend the City of Franklin from any claims for damages to persons or property, including legal fees, which may result from the granting of this permit. I also agree to obtain and maintain in full force and effect, at my own expense, an insurance policy naming the City of Franklin as an Additional Insured with coverage of not less than \$1,000,000. The policy shall afford comprehensive general liability insurance including contractual liability insurance covering the applicant and property owner's defense of the City.

Business Owner Signature: _____ Date: _____

Business Owner Printed Name: _____

Phone: _____ Email: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Sidewalk Café Applicant Signature: _____