

CITY OF GREAT FALLS  
 PLANNING & COMMUNITY DEVELOPMENT DEPT.  
 P.O. BOX 5021, GREAT FALLS, MT, 59403-5021  
 406.455.8430 • WWW.GREATFALLSMT.NET

## SIDEWALK CAFÉ PERMIT APPLICATION

Restaurant Name & Manager/Owner Name:

Mailing Address:

Phone:

Email:

Sidewalk Café Permit Checklist		Req.	App.	Staff
<b>Site Plan</b>	A detailed <u>site plan</u> of the proposed Sidewalk Cafe location, neatly drawn with dimensions clearly marked and of sufficient clarity to determine compliance.			
	<ul style="list-style-type: none"> <li>Show streets, driveways, boulevard widths, property lines, sidewalk widths, distances from intersections and locations of nearby obstructions, such as light/signal/sign poles, fire hydrants, benches or structures.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> <li>Include a detailed, dimensioned schematic or drawing of the proposed layout, including planters, lighting, tables, and other proposed fixtures, as well as other pertinent information such as accessible routes and location of access to the building.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> <li>Sidewalk Cafe hours, dates of operation, and any other relevant operational details.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### The Applicant acknowledges and certifies as follows:

**SIDEWALK CAFE PLACEMENT REQUIREMENTS.** The Applicant has read and understands the requirements for placement and operation of sidewalk cafes within the City of Great Falls, as provided for in the Official Code of the City of Great Falls and as included in this Permit Application.

**INSURANCE REQUIREMENTS.** Applicant will purchase and maintain insurance coverage from an insurance company that is duly licensed and authorized to transact insurance business and write insurance within the state of Montana, with a minimum of "A.M. Best Rating" of A-, VI, which must name the City, (including its elected or appointed officers, officials, employees, or volunteers) additional insured, be written on a "primary—noncontributory basis, and on an occurrence, not a claims made basis" and name the City as an additional insured with endorsement documentation acceptable to the City. All insurance coverage shall remain in effect throughout the life of this Agreement. Insurance Coverage at least in the following amounts is required:

- |    |                                     |                                |
|----|-------------------------------------|--------------------------------|
| 1. | Commercial General Liability        | \$1,000,000 per occurrence     |
|    | (bodily injury and property damage) | \$2,000,000 aggregate          |
| 2. | Workers' Compensation               | Not less than statutory limits |
| 3. | Employers' Liability                | \$1,000,000                    |

Applicant may provide applicable excess or umbrella coverage to supplement existing insurance coverage, if Applicant's existing policy limits do not satisfy the coverage requirements as set forth above.

## Sidewalk Café Permit Application - (continued)

**PERPETUAL COMPLIANCE.** The Applicant will ensure the sidewalk cafe will at all times remain in compliance with all relevant sections of the Official Code of the City of Great Falls – including but not limited to Title 8, Chapter 12 Food Service Code; Title 5 Business License and Safety Inspection Certificate; Section 17.32.160 Clear Visibility Requirements; and Section 17.20.8.050 regarding establishment of sidewalk cafes.

**ACCESSIBILITY COMPLIANCE.** The Applicant will at all times ensure the sidewalk cafe remains in compliance with the accessibility for the disabled for sidewalks and in accordance with adopted building and fire codes.

**TERM.** This permit shall be in full force and effect from the date of issuance until the end of the calendar year. Sidewalk cafe permits must be renewed annually. However, the permit may be revoked by the City of Great Falls, or if voluntarily withdrawn by the Applicant. Revocation may be instigated for violations of City Code, safety concerns, deteriorated condition, or conditions that may relate to the safe and efficient operation of the public right-of-way.

**CITY SAVED HARMLESS FROM CLAIMS.** In accepting this permit the Applicant, its/his successors or assigns, agree to protect the City of Great Falls and save it harmless from all claims, actions or damage of every kind and description which may accrue to, or be suffered by, any person or persons, corporations or property by reason of the performance of any such work, character of materials used or manner of installations, maintenance and operation or by the improper occupancy of said street right-of-way, and in case any suit or action is brought against the City and arising out of, or by reason of, any of the above causes, the Applicant, its/his successors or assigns, will, upon notice to it/him of the commencement of such action defend the same at its/his sole cost and expense and satisfy and judgment which may be rendered against the City in any such suit or action. In accepting this permit, the Applicant further agrees to hold the City harmless for any damage or injury done to the sidewalk cafe by a public employee engaged in construction, alteration, repair, maintenance or improvement of the adjoining street, sidewalk, boulevard or alleys. However, City will make reasonable efforts to inform sidewalk cafe owner of any anticipated impacts in advance.

### **DESIGN AND LOCATION GUIDANCE GENERAL CRITERIA AND GUIDANCE FOR SIDEWALK CAFES**

For the applicant, the following items are provided as guidance for the development of a Sidewalk Café and a site plan. This list is not comprehensive, and the attached Code excerpts should be referenced for additional detail.

Generally, a Sidewalk Café must:

- Comply with all applicable state and local food service and related licensing requirements, including but not limited to those for the sale and service of alcohol;
- Be established in conjunction with a neighboring, operational restaurant, and be located exclusively adjacent to the restaurant frontage.
- Not remove any required landscaping, parking, or other feature required by City Code.
- Obstruct the free flow of pedestrian movement.
- Be properly maintained at all times.
- Be attractively designed to fit well into the streetscape.
- Be temporary in nature, easily removed.
- Allow for safe access and egress from the adjoining restaurant, and not block any required fire or emergency exit.
- Not inhibit free and full access to fire hydrants, pedestrian signal actuation buttons, or similar feature of the streetscape that requires such access by public employees, emergency responders or the general public.
- Not be established unless and until the restaurant is operational, and be removed immediately upon cessation of restaurant operations.
- Not encroach upon the “clear visibility triangle”, as defined in Chapter 32 of the City Code (attached to this Application).
- Comply with all requirements shown in Section 17.20.8.50 of the City Code (attached to this Application).

**Applicant/Owner's Signature:**

**Date:**

**FOR OFFICE USE ONLY:**

**Permit Approved By:**

**Date Approved:**

**Comments:**

# Sidewalk Café Permit Application - (continued)

## SIDEWALK CAFE CODE REQUIREMENTS

(from Chapter 20 of Title 17, Official Code of the City of Great Falls)

### 17.20.8.050 - Sidewalk café.

- A. Generally.** The provisions of this section provide the opportunity for restaurants in identified areas of the City to use adjoining public sidewalks and other public rights-of-way (not to include those controlled by the State of Montana) for the purpose of providing outdoor seating.
- B. Purpose.** The provisions of this section are intended to accomplish the following purposes:
1. Enhance the pedestrian ambiance of the City by promoting additional activity on City sidewalks and visual interest.
  2. Enhance the appropriate use of existing public spaces.
  3. Increase economic activity in the area.
- C. Location.** A sidewalk café shall be located directly in front of the restaurant with which it is associated and it shall be operated solely in conjunction with such restaurant.
- D. Obstructions.** A sidewalk café may not interfere with any public service facilities located within the street right-of-way, including public telephones, mailboxes, public signs, public benches, public art, public fountains, and bus stops. In addition, a sidewalk café may not interfere with fire escapes, drop ladders, building access points, and other points of normal or emergency access.
- E. Pedestrian movement.** No portion of the sidewalk café may impede pedestrian movement. Generally, a four-foot wide unobstructed walkway allows adequate pedestrian movement.
- F. Planters.** Planters may be used as a visual amenity and to frame off the space allocated for the sidewalk café. The size of plant materials shall be compatible in scale with the immediate area. Hanging planters are not permitted.
- G. Lighting.** Lighting shall be limited to table top lamps of low intensity. The Director of Planning and Community Development may allow additional lighting to provide appropriate levels for safety.
- H. Furnishings.** All furnishings shall fit the character of a public streetscape. Umbrellas over each table may be permitted if it does not create an obstruction.
- I. Floor covering.** A floor covering may not be used in the sidewalk café.
- J. Tables.** Round tables may not exceed thirty-six (36) inches in diameter and square tables may not exceed thirty-six (36) inches in width.
- K. Food preparation.** All food shall be prepared within the restaurant.
- (Ord. No. 3056, § 1, 8-17-2010)

## CLEAR VISIBILITY TRIANGLE REQUIREMENTS

(from Chapter 32 “Transportation Facilities” of Title 17, Official Code of the City of Great Falls)

### 17.32.160 - Intersection visibility

- A. Generally.** To provide motorists with a clear view of intersecting streets, alleys and driveways, nothing within the clear visibility triangle shall be erected, placed, parked, planted, or allowed to grow at a level between 2.5 feet and 8 feet above the adjoining street center line surface elevation. A tree whose branches are 8 feet or higher may be located in this area. (Ord. 2950, 2007)
- B. Size.** The configuration of a clear visibility triangle is shown in Exhibit 32-5 and the length of each leg measured along the curbline or edge of roadway, (indicated on Exhibit 32-5 as “x”) shall be 45 feet for street intersections, and 10 feet for alleys and 15 feet for driveways. (Ord. 2950, 2007)
- C. Exemption.** Properties in the C-4 Central Business zoning district are required to comply with the provisions in this section unless compliance is not possible due to the setback of the building. (Ord. 2950, 2007)

**Exhibit 32-5. Clear visibility triangle**

