

LIGONIER BOROUGH
APPLICATION FOR SIDEWALK CAFÉ PERMIT

Applicant Information – Name and Contact Information for Applicant

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

Name and Location of Business and Restaurant that will Use Permit

Business Name: _____
Business Phone: _____
Business Address: _____
City: _____ State: _____ Zip: _____
Restaurant Name: _____
Restaurant Phone: _____
Borough Street Address of Restaurant: _____

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 Chapter 65 of the Code of the Borough of Ligonier (Ord. No. 544). I understand that Ligonier Borough may suspend or revoke Sidewalk Café Permits and impose fines for violations of the terms of the Ordinance. I understand that Permits are not transferable and that changes in ownership, operation or location require reapplication for a Permit.

I agree to defend, indemnify and hold harmless Ligonier Borough, its officers, employees and agents from and against any and all loss resulting from injury to, or death to persons or damage 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 café.

I agree to release Ligonier Borough 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 Borough of Ligonier as an additional insured as required by Chapter 65 of the Code of the Borough of Ligonier (Ord. No. 544).

Applicant Signature: _____ Date: _____

Application Checklist

- The following materials must be submitted with this application.
- Copy of the current business license.
 - Site Plan.
 - Three color photographs showing the complete area of the sidewalk and building façade from three different angles.
 - A copy of certificate of insurance naming the Borough of Ligonier as additional insured.
 - Sidewalk Café Property Owner Consent.

Submit complete application to: Paul A. Fry, Jr., Secretary, Ligonier Borough
Town Hall, 120 East Main Street
Ligonier, Pennsylvania 15658.

The complete text of Chapter 65 (Ord. No. 544) of the Code of the Borough of Ligonier can be found at www.ligonierborough.org and is available upon request at the Borough Office. If you have any questions during the application process, please contact Paul A. Fry, Jr. at the Ligonier Borough Office at (724) 238-9852.

Certificate of Insurance.

The applicant must obtain and maintain in full force and effect, at the permit holder's own expense, an insurance policy naming the Borough of Ligonier as an additional insured with coverage of not less than \$1,000,000.00. The policy shall afford comprehensive general liability insurance including contractual liability insurance covering the permit holder's defense, indemnification, and hold harmless obligations in Ord. No. 544 and shall provide that the Borough be notified upon the expiration of coverage in the event the policy is cancelled or the applicant fails to renew the insurance policy. Within ten (10) days of the approval of the Sidewalk Café Permit application, and each year thereafter, the permit holder shall submit a certificate of insurance in accordance with the agreement and maintain a copy on the premises for review.

Site Plan.

The Site Plan must include dimensions and show:

- A) The entirety of the sidewalk abutting the property of the owner showing sidewalk widths;
- B) The frontage of the property proposed for the sidewalk café;
- C) All existing sidewalk features including, but not limited to, trees, utility poles, sign poles, fire hydrants, permanent litter receptacles, and mailboxes;
- D) The limits of the proposed sidewalk café site, the size and location of all proposed tables and chairs, all exterior lighting, and the proposed pedestrian walkway; and,
- E) The seating capacity of the proposed sidewalk café.

Design Standards.

- A. A sidewalk café shall leave a paved pedestrian walkway with a clear unobstructed width of sixty (60) inches between the sidewalk café and any obstacle (tree, pole, post, sign, planting area, etc.). No portion of a sidewalk café shall be permitted in the pedestrian walkway. The pedestrian walkway shall be provided with an unobstructed height of 7 feet between the ground plane and an overhead obstacle (tree branch, overhead sign, awning, etc.)
- B. All parts of a sidewalk café shall be easily removable. Furnishings of a sidewalk café shall consist solely of tables, chairs, and, if needed, waste receptacles. Furnishings may not be attached, even in a temporary manner, to the sidewalk or other public property or to any building or structure.
- C. A sidewalk café shall contain no food serving or food service equipment to hold, store, heat, warm, cool, chill or otherwise keep food to be served outside of the sponsoring restaurant for use in or by a sidewalk café.
- D. No sidewalk café shall be situated:
 - 1) In a manner which interferes with any pedestrian crossing.
 - 2) In a manner which restricts access to fire hydrants.
 - 3) In a manner which interferes with any driveway.
 - 4) In a manner which restricts sight easements of vehicular traffic.
 - 5) In a manner which obstructs traffic control devices or traffic signs.
- E. All sidewalk cafés shall be open to the air.
- F. Sidewalk cafés shall in no way obstruct the ingress to or the egress from any building or business.
- G. Sidewalk cafés shall provide and maintain adequate lighting of not less than one-half foot candle (.5 lm/ft²) in and around the pedestrian walkway so as to allow sidewalk users to observe and avoid obstructions.
- H. Sidewalk cafés shall not obstruct access to any public service facility on the sidewalk area or street.
- I. No signs shall be hung or attached to any portion of the sidewalk café.

Regulations.

- A. No sidewalk café may be operated except:
 - 1) As an accessory to a restaurant lawfully operating on the first floor of the premises in the C-1, C-2, or VR District;
 - 2) On the sidewalk in front of the principal place of business of such entity; and,
 - 3) By the entity which operates the restaurant.
- B. A sidewalk café may operate only during the same hours that the restaurant is open for service. All patrons must be vacated from the sidewalk café and all tables, chairs, and any other materials used in the operation of the sidewalk café or within the area used by the sidewalk café shall be removed from the sidewalk café area each day within one-half (1/2) hour after the restaurant closes.
- C. All food must be prepared within the existing restaurant upon which the café permit has been granted.
- D. No food or beverages may be served to a patron at a sidewalk café unless that patron is seated at a table.
- E. No alcoholic beverages may be served or allowed to be consumed upon the sidewalk café.
- F. No music may be played from whatever source (acoustical, electric, or other) on the sidewalk café.
- G. The applicant shall be responsible for obtaining, maintaining in full force and effect, and complying with the terms and conditions of any state or county health permit which may be required under any other law or regulation for the serving of food or beverages at a sidewalk café.
- H. The applicant shall maintain a sufficient number of receptacles for the disposal of waste. Such receptacles, if any, shall be emptied as often as is necessary.
- I. Sidewalk cafés, the public property on which they are located and the surrounding area shall at all times be kept free and clear of litter, debris and any substance that may damage the sidewalk or cause pedestrian injury. As an express condition of the acceptance of a permit hereunder, the recipient agrees to police for trash and debris an area extending at least 15 feet in each direction from the outermost portion or boundary of the sidewalk café.
- J. The holder of a Sidewalk Café Permit is responsible for keeping all visitors, patrons, employees, and café fixtures, including tables and chairs, from occupying or encroaching into the required clear sidewalk space.
- K. All sidewalk cafés and attendant facilities may be inspected at any time by the Public Works Director, his designee, or the Police Department.
- L. Acceptance of a Sidewalk Café Permit is an express acknowledgment and consent to the terms and regulations set by this Ordinance. The grant and usage of such permit is a privilege, not a right, subject to reasonable regulations as set out herein or as may be promulgated by the Borough.

**LIGONIER BOROUGH
SIDEWALK CAFÉ PROPERTY OWNER CONSENT**

I, _____
Name of Property Owner

authorize _____
Sidewalk Café Permit Applicant (person)

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

adjacent to my property located at the address _____
Ligonier Borough Property Address and Street

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

The operator of the Sidewalk Café is required to comply with all applicable sections of Borough, County, and State law. Failure to do so may cause the permit for said location to be revoked.

I understand that my consent may be revoked in writing with the revocation to become effective on December 31st of the same calendar year. Written revocation must be submitted to:

Borough of Ligonier
Town Hall
120 East Main Street
Ligonier, PA 15658

The Applicant / Sidewalk Café Permit Holder agrees to indemnify, hold harmless and defend the property owner from any claims for damages to persons or property including legal fees, which may result from the granting of this permit.

The property owner is ultimately liable for any damage resulting from the condition of the sidewalk or any obstruction placed thereon, and is responsible for reconstructing, maintaining and repairing the sidewalks, curbs and driveways abutting or immediately adjacent to his or her property (Ligonier Borough Code Chapter 135).

Property Owner Signature: _____ Date: _____

Property Owner Print Name: _____

Phone: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Applicant Signature: _____ Date: _____