Re: Outdoor Restaurant Permits

Dear Business Owner:

This letter is to inform you that placement of an outdoor restaurant within the public right-of-way requires a temporary occupancy permit. For your convenience, we have enclosed a temporary occupancy permit application and guide.

The review of the outdoor restaurant area and equipment to be used may require review by the City of Cleveland, Streetscape Committee. Please contact Michael Bosak of the City Planning Commission at 664-3802 to schedule a meeting.

If you have any questions regarding the permit process or associated rules and regulations, please contact Greg Esber, Section Chief, Plats and Surveys Section at 216-664-2460.

Sincerely

Richard J. Switalski, P.E.
Administration Bureau Manager
Division of Engineering & Construction

RJS/GJE/mdk

CC: Matthew L. Spronz, P.E., PMP - Director MOCAP
John Petkac, Superintendent, Bureau of Sidewalks
Greg Esber, Section Chief, Plats and Surveys
Michael Bosak, City Planning Commission
File
Outdoor Restaurant Occupancy Permit Guide and Application

City of Cleveland
Mayor's Office of Capital Projects
Division of Engineering and Construction

C.O. Chapters 513 and 241.22
CITY OF CLEVELAND
TEMPORARY OCCUPANCY PERMIT FOR OUTDOOR RESTAURANT USE

Applicant Name (Contact) __________________________________________ Email address __________________________________________
Applicant address _______________________________________________ Phone ________________________________________________

Restaurant Name ________________________________________________
Federal ID - or - Social Security Number _______________________________ Ward Number __________________
Restaurant Address _________________________________ Cleveland, Ohio, 441 ______ Business Phone __________________

Describe area to be used (size) ______________________________________

Number of Tables and Chairs? (Tables)____ (Chairs)____ Will pedestrian diverters or other obstructions be used? Yes ____ No ____

If yes, please describe _____________________________________________

_______________________________________________________________

_______________________________________________________________

Describe type of food and beverage to be served. ______________________

_______________________________________________________________

_______________________________________________________________

Attach photos, drawings, food service operation license, copies of Liquor Permit (if applicable) and a copy of the required Insurance Document (see attached).

If alcohol is to be served, enclose a copy of your Valid State of Ohio Permit.

The State of Ohio requires enclosures, and these must be reviewed by the City Planning Commission.

Permit Fee Restaurant: (New) $200.00 ______ (Renewal) $100.00 ______ Original Account 408390

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<tr>
<th>FOR OFFICE USE ONLY</th>
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<tbody>
<tr>
<td>Fee Paid: Yes____ No____ Councilperson: Yes____ No____</td>
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<td>Photo: Yes____ No____ Sidewalks: Yes____ No____</td>
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<td>Permits: Yes____ No____ Health: Yes____ No____</td>
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<td>Insurance: Yes____ No____ Safety: Yes____ No____</td>
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Planning/Landmarks Review Required Yes____ No____ Comments ______________________________________

A Temporary Occupancy Permit for Outdoor Restaurant Usage is hereby approved pursuant to Section 513 of the Codified Ordinances of the City of Cleveland, Ohio.

__________________________________________________________
Director of the Mayor's Office of Capital Projects Date
I, (We,) ______________________________ own the business establishment immediately adjacent to the proposed area to be occupied by an outdoor restaurant.

And that I, (We,) are also known as ____________________ ("Permittee"), and shall save and hold harmless the City of Cleveland, its Officers, Employees, and Assigns, and shall indemnify the City of Cleveland, its Officers, Employees, and Assigns for any and all claims or damage to property, or injury to any person or persons which may be occasioned by any activity carried on under the terms of the Permit.

Permittee shall furnish and maintain such Public Liability Insurance, Food Products Liability Insurance, and Property Damage Insurance, as will protect the Permittee and the City of Cleveland from all claims for damage to property or bodily injury, including death to one or more persons, which may arise from operations under this Permit or in connection therewith.

Such Insurance shall provide coverage in the amount of not less than One Million Dollars ($1,000,000) on account of an incident involving injuries, including death to one or more persons, and Property Damage Insurance in the amount of not less than One Million Dollars ($1,000,000), or a combined single limit of One Million Dollars ($1,000,000) provided, however, that this insurance requirement shall not be construed to limit Permittee's indemnification obligations to the above required limits of insurance.

Such Insurance shall also name the City of Cleveland as an Additional Insured, including its Officers, Employees, and Assigns, and shall further provide that the Policy shall not terminate or be cancelled prior to the expiration date of this Permit without thirty (30) calendar days' written notice to the Director of the Mayor's Office of capital Projects.

(Signature) ___________________________________________

(Printed Name) _________________________________________

(Title) _______________________________________________

(Date) _______________________________________________
Outdoor Restaurant Permits

The issuance of this permit is subject to Codified Ordinance Chapters 513 and 241.22 and any regulations established by the Director of Mayor's Office of Capital Projects.

Note: The Director of City Planning Commission must approve this application.

APPLICATION FOR PERMITS:

Application shall include, but not be limited to, the following information: (see insert).
1. Name, Phone number and address of applicant.
2. Detailed plans drawn to scale: showing the locations, number and arrangement of tables, chairs, and other structures.
3. The location of the pedestrian diverters planned to demarcate the occupied area.
4. The location of the entrance to the establishment.
5. The locations of the fire exits for fire escapes.
6. The nature and location of any existing sidewalk obstructions and the dimensions of the proposed area. (Photographs of the site are required).

THE ISSUANCE OF A PERMIT SHALL BE SUBJECT TO THE FOLLOWING REQUIREMENTS

1. Seasonal outdoor restaurants located in the public right-of-way shall occupy only area immediately adjacent to the business making the application, except in locations where plaza area have been developed for such use.
2. Restaurant Structures, Furniture and Equipment shall be constructed so that they may be removed at anytime.
3. Outdoor restaurants shall not obstruct emergency exits or fire standpipes.
4. Outdoor restaurants shall not occupy any portion of the roadway or within two (2) feet of the curb.
5. Outdoor restaurants shall not be permitted within six (6) feet of any fire hydrant, within five (5) feet of any driveway, within three (3) feet of any sidewalk handicap ramp, or within that portion of the sidewalk parallel to an area designated for parking, for handicapped parking, or commercial loading and unloading.
6. Six (6) feet of clear unobstructed walk must remain open at all times. In some areas circumstances may require a larger clear unobstructed walks of up to ten (10) feet. Prior to the issuance of a permit to occupy the sidewalk within the public right-of-way, the sidewalks shall meet the requirements of the Codified Ordinances of the City of Cleveland, Section 505.
7. Anchoring methods and materials shall be submitted for review and approval by the Director of Mayor's Office of Capital Projects prior to the issuance of any permit.

NOTE: APPLICATIONS WITH INCOMPLETE DRAWINGS WILL NOT BE PROCESSED.
REQUIREMENTS AND CONDITIONS OF PERMIT

- The outdoor restaurant shall be placed only on the location set forth in the permit.

  $200.00 Application Fee ($100.00 Renewal Fee) must be paid. (Check made out to the City of Cleveland)

- Restaurant Furniture shall not be placed, and food service shall not begin until the application for the permit has been approved.

- Permits may be revoked for non-compliance with City Codified Ordinances or State law; and Permits may be suspended for such time and duration as the City of Cleveland deems necessary.

- Permittees shall maintain all required health licenses.

- Permittees and their Agents shall be responsible for maintaining all outdoor restaurant structures and associated equipment in good repair and free of corrosion and litter.

- Permittees shall not cook food in the outdoor restaurant.

- Permittees shall not place signs in the outdoor restaurant.

- All enclosures, tables, chairs and associated equipment shall be removed from the right-of-way during the off-season.

- Permittees shall provide insurance of not less than $1,000,000.00 in accordance with section 513.03 (j) of the Codified Ordinances of the City of Cleveland.

- The permits allows for operation between April 1st and March 31st of the following year with hours of operation from 6:00 a.m. to 12 midnight in the Central Business District and 6:00 a.m. to 11:00 p.m. in all other districts.
REQUIREMENTS AND CONDITIONS

• The Outdoor Restaurant shall be placed only on the location set forth in the permit.

• **An Outdoor Restaurant located in the Central Business District shall not operate earlier than 6:00 a.m. nor later than 12:00 midnight. An Outdoor Restaurant located in any District other than the Central Business District shall not operate earlier than 6:00 a.m. nor later than 11:00 p.m.**

• Permittee and their agents shall obey any order of a Police Officer or other Emergency Personnel to remove their tables, chairs and other structures from the public right-of-way if necessary to avoid congestion or obstruction in an emergency.

  Permittees and their agents shall be responsible for maintaining all Outdoor Restaurant structures and associated equipment in good repair, free of corrosion and in a safe, sound and non-hazardous condition.

• Permittees and their agents shall be responsible for keeping the general area around the permitted location free of litter. Permittees and their agents shall provide a suitable container for the placement of paper wrappers, and other similar items used by customers and others within the permitted area.

  Permittees shall not place heaters, stoves or other flame producing devices in the Outdoor Restaurant.

• Permittees shall not cook food in the Outdoor Restaurant.

• Permittees shall not place signs in the Outdoor Restaurant.

• Permittees shall maintain the required minimum clear unobstructed sidewalk adjacent to the Permit area which includes snow/ice removal.

• No permit shall be transferable in any manner.

  A permit is valid only when used at the location designated in the Permit.

• Permits are valid commencing April 1st and ending March 31st of each calendar year.

• The window cling permit shall be visible from the sidewalk outside the fenced area.
**CERTIFICATE OF LIABILITY INSURANCE**

**PRODUCER**
Name of Insurance
Insurance Division
AVL...
Cleveland, OH 44115-2001

**INSURED**
Name of Restaurant
Cleveland, OH

**COVERAGE**

The policies of insurance listed below have been issued to the Insured named above for the policy period indicated. Notwithstanding any requirement, term or condition of any contract or other document with respect to which this certificate may be issued or may pertain, the insurance afforded by the policies described herein is subject to all the terms, exclusions and conditions of such policies. Aggregate limits shown may have been reduced by paid claims.

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**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADOPTED BY ENDORSEMENT / SPECIAL PROVISIONS**

The City of Cleveland is an Additional Insured under the above General Liability policy.

**CERTIFICATE HOLDER**
City of Cleveland
Mayor's Office of Capital Projects
601 Lakeside Avenue
Cleveland, OH 44114