



**SIDEWALK CAFE APPLICATION**  
**INSURANCE AND OTHER REQUIREMENTS CHECKLIST**

1. Three (3) copies of Cafe Site Plan must be submitted.
2. The City of Auburn requires Comprehensive General Liability Coverage in the amount of \$500,000 combined single limit (GLC) per occurrence.
3. The City of Auburn requires an Owners and Contractors Protective Liability (OCP) in the amount of \$500,000 per occurrence with the City of Auburn as named insured.
4. The applicant may furnish a Comprehensive CGL in the amount of \$1,000,000 (\$1 Million) with the City of Auburn as additional insured and the OCP requirement will be waived.
4. Proof of required workers' compensation and disability insurance must be filed with the application.  
*\*Please note: Pertaining to requirements above acceptable insurance shall be from a company authorized to transact business in the State of New York and subject to the supervision and regulation of the New York State Department of Insurance.*
5. A hold harmless agreement by the owner of the property must be signed and notarized.
6. Acknowledgement of Sidewalk Café Regulations must be signed and notarized.
7. A copy of your license from the NY State Liquor Authority must be included with the application for a sidewalk café if you are an establishment that serves alcohol. This license must reflect the State Liquor Authority's permission to serve alcoholic beverages at the exterior Sidewalk Café.

## **PROCEDURE FOR ISSUANCE OF A SIDEWALK CAFE PERMIT**

1. Application for sidewalk cafe license is available at the City Clerk's Office. The application must be filled out and returned to the City Clerk's Office along with the following:
  - Cafe Plans – Three copies of drawings of the proposed café must be submitted. An accurate site plan is required showing the front building wall, cafe area and sidewalk area out to the curb, including any and all obstructions. The sidewalk area immediately adjacent on each side of the subject property shall also be shown. Details of railing, canopy, etc. and a description of the method securing same to the sidewalk and the building will be required.
  - \$20.00 License fee to be paid when submitting application, café site plan, NY State Liquor License and additional required insurance certifications.
  - Additional certifications are outlined in attached documents.

### **PLEASE ALLOW 3 weeks to obtain approval.**

2. After receipt of application and plans by the City Clerk: Copy of application and plans will be sent to the Code Enforcement Office and Police Department for review of safety and location of the cafe. As part of the review process, seating capacity of the cafe area will be determined based on Municipal Code (15sf/person). Code enforcement office will review to see that café site plan meets all City code and Americans with Disabilities Act (ADA) requirements.
3. The following must be submitted **BEFORE LICENSE MAY BE ISSUED:**
  - Insurance requirements – please see attached information.
  - Hold Harmless Agreement – enclosed.
  - State Liquor License -- For applicants to serve alcoholic beverages inside the premises but will not allow them on the sidewalk cafe.
  - Statement of Acknowledgement of 2016 Sidewalk Café Regulations. – enclosed.
4. Upon approval the City Manager shall issue a permit, valid for a period between the date of issue and November 1<sup>st</sup> of the calendar year. The sidewalk café must be removed each year by November 1<sup>st</sup>.
5. Applicant of the sidewalk cafe must visibly display the hard copy permit card issued by the City Manager at all times in the premises.

**NOTE:** Applications that do not match the definition of sidewalk cafe or mobile vendor requires special permit and review. Larger events (i.e. those which will require an entire Mall area or a street) require a separate permit for each event.

**CITY OF AUBURN, NEW YORK**

**INDEMNIFICATION/HOLD HARMLESS AGREEMENT**

**FOR SIDEWALK CAFE**

The sidewalk cafe operator agrees to fully indemnify, save and hold harmless the City of Auburn, New York and all its officers, agents and employees from and against any and all liability of any type whatsoever including but not limited to any and all damages, expenses, causes of action, lawsuits, claims, penalties, fines, assessments of judgment relating to or arising out of or occurring in connection with any use of the City right-of-way between the curb and the operators building to be used as a sidewalk cafe.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Printed Name of Owner

\_\_\_\_\_  
Signature of Owner

**ACKNOWLEDGEMENT (sign in presence of Notary Public)**

STATE OF NEW YORK )  
COUNTY OF CAYUGA ) ss.:

On the \_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_, before me, the undersigned, a Notary Public in and for said State, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that (s)he executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
Notary Public

City of Auburn, New York  
**SIDEWALK CAFE REGULATIONS – PAGE 1**  
Revised March 2016

1. A sidewalk cafe shall be permitted upon application to the City Clerk's office, first floor, Memorial City Hall, 24 South Street in Auburn, NY. A sidewalk café should not be installed until the Sidewalk Café Permit has been issued by the City Manager.
2. A sidewalk cafe is defined as tables and chairs placed on the sidewalk or in the area between the sidewalk and the curb providing outdoor seating for the purpose of accommodating seated patrons of a restaurant located immediately adjacent to the cafe area.
3. A cafe in the public right-of-way shall be located in such a position that will allow the maintenance of at least four (4) feet of unobstructed hard-surfaced sidewalk between the cafe and any tree, bench, pole, sign, flower bed, or other obstacle in the public right-of-way. Space must be maintained to allow for passage of a wheelchair. If canopies or umbrellas are used at a café they must maintain a clearance of eight (8) feet from the ground.
4. No signs shall be hung or attached to any portion of the cafe.
5. Hours of cafe operation shall be during the hours between 8:00 a.m. – 11:00 p.m. Café operations must cease and area cleared by 11:00 p.m. to accommodate residential occupants of nearby buildings. All patrons must be vacated from the cafe by 11:00 p.m. The sidewalk cafe must be kept clean and free of grease, cooking residue, food scraps and litter at all times.
6. No music, from whatever source (acoustical, electric, or other) may be played on the premises outdoors between the hours of 8:00 p.m. and 9:00 a.m.
7. Sidewalk cafe permit includes facilities for the sale of food and non-alcoholic beverages, and shall not include facilities for sale of any other kind or type of goods, wares, merchandise or services. The granting of a sidewalk café permit hereunder does not authorize the sale of alcoholic beverages. The State Liquor Authority has exclusive jurisdiction. A copy of your license from the State Liquor Authority must be included with the application for a sidewalk café permit. This license should reflect the State Liquor Authority's permission to serve alcoholic beverages at the Sidewalk Café.
8. Tables and chairs may not be chained or otherwise attached to street light poles, street trees, or other street appurtenances.

City of Auburn, New York  
**SIDEWALK CAFE REGULATIONS – PAGE 2**

- 9. No smoking is allowed on any sidewalk cafe.
- 10. The operator of a sidewalk cafe must visibly display the hard copy permit card at all times on the property.
- 11. The operator of a sidewalk cafe is responsible for complying with all conditions of the permit. Failure to adhere to any of the sidewalk cafe regulations and all other provisions of the Code of the City of Auburn, New York, County of Cayuga and State of New York may result in the revocation of the permit.
- 12. At any time the City Manager, City Code Enforcement personnel and Auburn Police Department personnel may impose any other restrictions on the location, size or design of the cafe that, in their sole judgment, protects the health, safety and welfare of the public.
- 13. The City Manager of the City of Auburn reserves the right to revoke or revise any issued Sidewalk Café Permit at any time. Any violation of these regulations or any other City, County, and State regulations governing this operation will result in immediate revocation of this permit.
- 14. These regulations may be revised periodically as deemed appropriate by the City Manager.

**ACKNOWLEDGEMENT (sign in presence of Notary Public)**

The sidewalk cafe owner/operator acknowledges receipt of the above listed City of Auburn, New York Sidewalk Café Regulations and agrees to fully adhere to the regulations as listed.

		___/___/20___
Printed Name of Owner/Operator	Signature of Owner/Operator	Date

STATE OF NEW YORK    )  
COUNTY OF CAYUGA    ) ss.:

On the \_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_, before me, the undersigned, a Notary Public in and for said State, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that (s)he executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
Notary Public