

CITY OF NEENAH
Application for a Sidewalk Café

New Application -OR- Change of Ownership (waive site plan review)

Individual Partnership Corporation Limited Liability Company

Name: _____
(Individuals/Partners/Registered Name of Corporation/LLC)

If Partnership, Corporation or LLC, list names and addresses of all members:

Address of premise for which the sidewalk café permit is being applied for: _____

Trade Name: _____

Business Phone: _____

- Is the premise for which the sidewalk café permit is being sought located in C-2 Central Business zoning districts as that term is defined in Chapter 26. Yes No *(If no, the premise does not qualify for an outdoor dining area)*

- Is the proposed sidewalk café located in an area where a minimum of six (6) feet of sidewalk width will remain for safe passage of pedestrians and will not change the direction of travel along the sidewalk more than 30 degrees? Yes No
(If no, the premise does not qualify for an outdoor dining area)

- Is the sidewalk café furniture located in such a manner so as to block access for the pedestrians or in a manner that the street furniture would constitute a tripping hazard or other hazard to pedestrians. Yes No
(If no, the premise does not qualify for an outdoor extension)

- If the outdoor premise is located in the front yard of licensed premise, has the height barrier been approved by the City of Neenah Community Development Department? Yes No
(If no, the premise does not qualify for an outdoor extension)

- Is the applicant a "Class B", Class "B" and/or "Class C" License holder? Yes No
(If yes, an Application for Outdoor Extension of Retail "Class B", Class "B" and/or "Class C" License must be filed concurrently with this application. Approval of this application and the application for Outdoor Extension are contingent upon one another)

- Has a Certificate of Insurance been placed on file? Yes No
Does this Certificate satisfy the required liability limits? Yes No
Does the Certificate list the City of Neenah as an unrestricted additional insured? Yes No
(If no to any of the above, the premise does not qualify for an outdoor extension)

Service in the sidewalk café shall be limited to persons seated at tables. Appropriate signage must be affixed to each table notifying customers that alcoholic beverages may only be in possession while seated within the approved sidewalk café.

Each sidewalk café serving alcohol beverages shall be responsible for policing the area of the sidewalk café to be sure customers are of the legal drinking age and that alcohol beverages are not being removed from the premise or left unattended.

Outdoor Area Uses: The outdoor premises shall only be used for serving food and alcohol and no part of said area shall be used for recreational activities, including, but not limited to, volleyball, horseshoes, darts, and softball. Service in the outdoor premises shall be limited to persons seated at tables. Number of Tables: _____

Sidewalk Cafe Furniture: Sidewalk cafe furniture must be kept in a state of good repair and condition and free from the following conditions: rust, chipped or peeling paint or finishes, delaminating or peeling materials, missing hardware, rotting materials, poor craftsmanship or construction that would cause the item to be structurally unsound and thereby pose a health or safety hazard, or any other condition that the Department of Community Development deems to be contrary to the purposes of promoting visually appealing and structurally sound sidewalk furniture. It shall be placed, installed, used or maintained as follows:

- (a) Within ten feet of any marked or unmarked crosswalk or access ramp.
- (b) Within five feet of any fire hydrant.
- (c) Within ten feet of any driveway.
- (d) Within five feet ahead of and 15 feet to the rear of any sign marking a designated bus stop, measured along the edge of pavement.
- (e) On or within two feet of any water valve, manhole, or other similar structure.
- (f) Within the vision-clearance triangle as defined in the Neenah Zoning Code (Municipal Code Chapter 26).
- (g) At any location that is closer to the center of the street than a location at the widest point of the street, measured at the curb line (i.e. bump outs).
- (h) Windblown devices such as balloon, banners, or other similar item shall not be attached or otherwise made part of the sidewalk cafe furniture and no advertising shall be permitted on sidewalk cafe furniture.
- (i) Sidewalk cafe furniture shall be stored indoors overnight and/or when the business is closed..
- (j) Umbrellas, flags, heaters and such tall equipment/furniture shall not interfere with pedestrians below a height of seven feet on a sidewalk.
- (k) Advertising on sidewalk cafe furniture is prohibited, except for the placement of the permittee's business name in an unobtrusive or incidental manner, not to exceed 2 inches in height by 8 inches in width (3 inches in height by 8 inches in width on umbrellas), with a limit of one per piece of sidewalk café furniture; incidental logos that are affixed by the manufacturer and do not advertise the permittee's business.

Lighting: Lighting of the area must be shielded and not be of intensity or brilliance to create glare which is distracting to adjoining property owners or can become a hazard or danger to vehicular traffic.

Sound: Sound from any source that is emitted from the outdoor area and measured at any border of the real property on which the licensed premises is located shall not exceed 75 db from 7 a.m. to 9 p.m. and 65 db from 9 p.m. until closing. Three or more noise complaints filed against the owner of an Outdoor Premise during a license period (July 1 to June 30), and verified by the Neenah Police Department, shall constitute sufficient grounds to revoke the Outdoor Premise Permit granted under this section, subject to a hearing requirement under section 4.96(7) of this Code.

Closing Hours: All service in the outdoor premises (beverage and food) shall stop no later than bar closing as set by §125.32(3) and §125.68(4): Mon-Fri 2 a.m. and Sat-Sun 2:30 a.m.

READ CAREFULLY BEFORE SIGNING: Under penalty provided for by law, the undersigned states that each of the above questions has been truthfully answered to the best of his/her/their knowledge. Applicant acknowledges receiving a copy of Ordinance No. 2011-08 and agrees to comply with its terms and conditions should this application be approved. (Individual applicants, each member of a partnership, officers of a corporation and members of an LLC must sign)

(Partner/Individual/Officer of a Corporation, Member of an LLC)

(Partner/Officer of a Corporation/Member of an LLC)

(Additional Partner/Officer of a Corporation/Member of an LLC)

**SUBSCRIBED AND SWORN TO BEFORE ME THIS _____
DAY OF _____, 20__.**

**Clerk/Notary Public
My Commission Expires:**

TO BE COMPLETED BY CLERK

Date Received: _____ Clerk Signature: _____

Date \$125 Site Plan Fee Paid: _____ **Account No. 010-0000-534-11-00**

Date to Plan Commission: _____ Granted Denied

Date to Public Services & Safety Committee: _____ Granted Denied

Date to Council: _____ Granted Denied

Date Final Inspection Completed: _____

Date of Signed Insurance Agreement: _____

License No. Issued: _____ Date: _____

Note: Permit will not be issued until final inspections are complete.