

# SIDEWALK CAFÉ APPLICATION INFORMATION SHEET & CHECKLIST

Revised 4/21/2020

*This checklist is designed to assist you in determining the required forms for your business.*

**Please be advised:** The Café cannot be constructed or operated until all permits are **ISSUED** not just applied for!

- **LICENSE YEAR:** June 1<sup>st</sup> thru May 31<sup>st</sup>
- **FEES:** \$100.00 annual permit fee *plus* a 25 cents per sq. ft. annual rent of sidewalk space (payable upon permit **approval**) (Permits are valid from the Date of Issue thru May 31<sup>st</sup>. There is **no** pro-ration of the fees.)
- Each question must be completely answered & all attachments included OR your application will be returned as **INCOMPLETE** which will delay the processing of your application!
- Please read Lincoln Municipal Code Chapter 14.50 **thoroughly** before applying for a permit
- Applications are available on the City's web site at "www.lincoln.ne.gov".
- **RETURN APPLICATION & ALL ATTACHMENTS TO:** City Clerk's Office, 555 S. 10<sup>th</sup> St., Lincoln NE 68508 (Please note: Payments by check authorize the City to make a one-time electronic fund transfer. Funds may be withdrawn immediately and your check will not be returned.)

## **REQUIREMENTS BEFORE AN APPLICATION WILL BE CONSIDERED:**

- **Processing time** is approximately 6-8 weeks. If the application is incomplete & any attachments are missing, this will delay the processing even further.
- **Applicant** must be the owner of the business. If a designated representative of the owner is completing the application, the designated representative must have **written** proof that he is acting on the owner's behalf.
- **Building Permit** may be required. Contact Building & Safety at (402) 441-7521. ***Attach copy to application.***
- **Lincoln Food Establishment Permit required.** Contact Health Dept., Food Safety Program at (402) 441-6280. ***Attach copy to application.***
- **Established Menu** - Attach **copy** to application.
- **Site Plan** - Attach **one** copy of a site plan, on 8½ x 11" paper, indicating, to scale, the amount of surface public right-of-way you are seeking permission to use and **include** the following: **1)** location of all fencing, including design, gates, height; **2)** method of anchoring the fence/railing to the concrete; **3)** a photo of the fencing material to be used; **4)** location of all furniture, equipment, and any other article occupying public space; **5)** photo of the furniture to be used; **6)** location of any existing light poles, planters, curbs; **7)** amount of clearance between existing light poles, planters & curbs and your proposed sidewalk café.

- **If alcohol will be served:**
  - 1) If alcohol will be served, business must meet the following requirements: have a licensed kitchen & offer a **full** menu during the hours and days of operation of the sidewalk café **or** the gross sales from the sale of alcoholic drinks do not exceed 40% of the gross sales of food & drink.
  - 2) Make application with the Nebraska Liquor Control Commission, (402) 471-2571.
  - 3) Server training is required. Through the Responsible Hospitality Commission. Reservations are **required**. Cost is \$75 per person. Training is held the 2<sup>nd</sup> Thursday of every Month. To register, call the RHC at 437-7880 or sign-up on-line on the City's website at [www.lincoln.ne.gov](http://www.lincoln.ne.gov), click on: "Government", under City - click on "Departments", click on "City Council", click on "Responsible Hospitality Commission", scroll down & click on "Sign-Up".
  - 4) The site plan for the Liquor License **must** match the site plan submitted for the Sidewalk Café. **There can be no deviations.**
  - 5) **Fencing is required & you must submit a \$5,000 Bond for Occupier of Public Space.**
- **Certificate of Liability Insurance** (*show this to your Insurance Agent*) (**Attach to application**):
  - 1) Public liability insurance in the form of a commercial comprehensive general liability policy with a minimum combined single limit of \$500,000 aggregate for any one occurrence on an ACORD form
  - 2) Under "Description", name of the restaurant
  - 3) Under "Description", state that it is for a "Sidewalk Café"
  - 4) Under "Description", name the City of Lincoln as an "Additional Insured"
  - 5) **30 day** Cancellation notice to City Clerk
  - 6) Certificate Holder **must** read as follows: City of Lincoln, City Clerk's Office, 555 S. 10th Street, Lincoln NE 68508
- **Fencing Material** - Attach a photo of the **exact** fencing material you are going to use or a detailed, scale drawing showing a fence that will be fabricated.
- **If installing a fence, you must submit a \$5,000 Bond for Occupier of Public Space.**
- **Furniture** - Attach a photo of the **exact** furniture you are going to use.
- **Hold Harmless Agreement** - Included in the application is a Hold Harmless Agreement that must be signed by the applicant.

- **BE ADVISED: Any deviation** from the site plan submitted with the Sidewalk Café Application is a violation of City Ordinance. **ANY** changes made to the site plan, must be submitted, *IN WRITING*, to the City Clerk's Office and Building & Safety Dept. **PRIOR** to any permits being issued. If the applicant wishes to make changes **AFTER** permits are issued, they must reapply for a new Sidewalk Café Permit & new building permits!
- Applicants **must** meet with the Outdoor Dining Committee.
- **Sidewalk Café Design** must be reviewed and approved by the appropriate design review board. (Consult Planning Department at (402) 441-6361 to identify whether Urban Design Committee, Historic Preservation Commission, or Nebraska Capitol Environs Commission.)

**LICENSE RENEWAL - NO CHANGES IN OWNERSHIP:**

- Permit Renewal statement will be sent from the City Clerk's Office.
- Remit statement, payment & updated certificate of insurance by May 15<sup>th</sup>, by mail. Permit will be mailed.

**IF THERE IS A CHANGE IN OWNERSHIP:**

- Permits are **nontransferable**. Once ownership changes, any existing permits become **null & void**.
- New owners must submit an application & complete the approval process before operating café.

**Questions Contact:** Brandi Lehl, City Clerk's Office, at (402) 441-7439 or [blehl@lincoln.ne.gov](mailto:blehl@lincoln.ne.gov)  
Hallie Salem, Urban Development Office at (402) 441-7866.

# SIDEWALK CAFÉ PERMIT APPLICATION

**Please PRINT using blue or black ink only.**

1

BUSINESS OWNER'S NAME & HOME ADDRESS				
NAME:				
STREET ADDRESS:			CITY:	
STATE:		ZIP:		HOME PHONE #:
EMAIL ADDRESS:				

2

MAILING ADDRESS				
NAME:				
STREET ADDRESS:				
CITY:		STATE:		ZIP:

3

CAFÉ INFORMATION				
BUSINESS NAME:				
STREET ADDRESS:				
ZIP:		BUSINESS PHONE#:		FAX#:

4

MANAGER OF CAFÉ & THEIR HOME ADDRESS				
NAME:				
STREET ADDRESS:				
CITY:		STATE:		ZIP:
PHONE #:		CELL#:		DATE OF BIRTH:

5

OWNER OF PROPERTY				
NAME:				
STREET ADDRESS:				
CITY:		STATE:		PHONE #:
DOES THE RECORD PROPERTY OWNER AGREE TO SUCH USE?    ____ YES    ____ NO				
<b>ATTACH A NOTARIZED LETTER OF CONSENT BY RECORD PROPERTY OWNER FOR THE USE OF SAID PROPERTY &amp; A COPY OF YOUR LEASE.</b>				

6

DAYS & HOURS OF OPERATION							
	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
OPEN							
CLOSE							

7

HOW WILL THE SIDEWALK CAFÉ BE SUPERVISED & MAINTAINED

8

HOW MANY PATRONS WILL BE SERVED IN THE CAFÉ AREA (OCCUPANCY):	
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9

DESCRIBE, <i>IN DETAIL</i> , ANY PERMITTED ADVERTISING TO BE USED (ATTACH PHOTOS)

10

DESCRIBE, <i>IN DETAIL</i> , FURNITURE TO BE USED (ATTACH PHOTOS)

11

ALCOHOL		
WILL ALCOHOLIC BEVERAGES BE SERVED?	_____ Yes	_____ No
If YES, have you applied for your liquor license with the Nebraska State Liquor Control Commission?	_____ Yes	_____ No
Have you signed up for training with the Responsible Hospitality Commission?	_____ Yes	_____ No

12

DESCRIBE THE TYPE OF FOOD & DRINK TO BE OFFERED FOR SALE (ATTACH A SAMPLE MENU)

## ATTACHMENTS

The following items *must* be ATTACHED to the application. Please put a Check (✓) mark next to those items you have attached.

ITEM	ATTACHED
Enclosed Property Owner Checklist	
Building Permit (copy), if needed	
Food Establishment Permit (copy)	
Menu	
Notarized Letter of Consent from the Record Property Owner	
Signed Lease (copy)	
Site Plan (as described on checklist)	
Fencing Material (photo)	
Furniture (photo)	
<b>Original</b> Certificate of Liability Insurance (as described on checklist)	

## HOLD HARMLESS AGREEMENT

***Must be signed before a witness!***

In consideration of being issued a permit for the use of surface space for a sidewalk café the undersigned applicant agrees to hold harmless the City of Lincoln and the officers and employees of the City for any loss or damage arising out of the use, or the discontinuance of any use. The undersigned agrees and understands that the use of the surface space is temporary, on a day to day basis; that the undersigned does not acquire any right, title, or interest in such space; that the undersigned may be required by the City at any time to vacate all or any part of the surface space that the undersigned has been given permission to use; that upon demand to vacate such space, the undersigned agrees to promptly remove any personal property placed thereon by the undersigned and to return the surface space to the same condition that it was in prior to commencement of such use or to reimburse the City for the cost of removing such property and restoring the surface space to its prior condition and that the undersigned has no recourse against either the City or its officers, employees or agents, either for any loss or damage occasioned by his or her being required to vacate all or any part of the surface space which the undersigned has been granted permission to use.

The undersigned further agrees at all times hereafter to comply with all municipal ordinances, rules and regulations of the City of Lincoln, Nebraska.

\_\_\_\_\_  
Printed Name of Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Witness

# TERMS AND CONDITIONS

*To be signed by the property owner*

*Please read and initial each line item to confirm all parties understand the standards and requirements for sidewalk cafés. The owner agrees:*

- \_\_\_\_\_ If the tenant leaves, the owner is now responsible for the fencing surrounding the sidewalk café.
- \_\_\_\_\_ The owner has 120 days after the old tenant leaves to identify a new tenant to use the sidewalk café space.
- \_\_\_\_\_ In the event that the new found tenant is not eligible to apply for a sidewalk café or if a new tenant is not found, the fencing will be removed by the owner.

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner's Signature