



As per Ordinance 99-07660, it is the determination of the City of Sioux City that in certain instances and with the proper regulation, it is desirable to allow certain restaurant, bar, or similar uses to expand onto the public right-of-way. Further, it is the determination that the expansion of these uses may lead to the revitalization of areas of the City by encouraging the creation or maintenance of a lively and traditional use of public space.

Therefore, the City Manager is authorized to permit the temporary expansion of business onto portions of the public right-of-way for the purposes of establishing sidewalk cafes in a manner consistent with all requirements of the Municipal Code.

SIDWALK CAFE PERMIT

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Applicant _____

Applicant's Address _____

Applicant's Phone # _____

Owner's Address _____

Owner's Phone # _____

Location: _____

Zoning Classification: GC _____ DC _____ HA-4 _____ HA-P _____

	Yes	No	Initial
1. Approval of attached site plan?	Yes	No	_____
2. Indemnification approved by City Attorney?	Yes	No	_____
3. Insurance policy approved by City Attorney?	Yes	No	_____
4. City Manager approval?	Yes	No	_____

I acknowledge that I have had the opportunity to review the requirements of Ordinance 99-07660 (attached) and I acknowledge that I may not occupy the public right-of-way for a sidewalk café or for any other purposes unless said operation is in conformance with Ordinance 99-07660 and with the attached site plan.

Petitioner Signature: _____

Property Owner Signature: _____

SIDEWALK CAFE PERMIT SITE PLAN

I acknowledge that the proposed sidewalk café will be developed in a manner consistent with the site plan, which is shown attached to this form.

Signed: _____

The following information must be shown in the site plan: Check “shown”, “not applicable,” or “not shown” for each item.

	Shown	Not Applicable	Not Shown (Explain)
1. Graphically present location of the sidewalk café relative to the abutting business.			
2. Graphically present the dimensions of the sidewalk café to the curb line.			
3. Illustrate parking meters, street lights, and other permanent obstructions in the sidewalk.			
4. Illustrate that portion of sidewalk that will remain unobstructed with dimensions.			
5. Illustrate where the delineation of sidewalk will be and details of what materials will be used for the delineation.			
6. On separate attachment, illustrate proposed signage of the outdoor cafe..			
7. If a fence is proposed, show on separate attachment how it will be attached to the sidewalk, or indicate that it will not be permanently attached.			
8. Illustrate the location of tables, chairs, and other furniture.			
9. Indicate on separate attachment how the sidewalk café will be illuminated.			

RELEASE, WAIVER, WARRANTY AND HOLD HARMLESS AGREEMENT

The undersigned _____ and owner of the business known as _____, located at _____, Sioux City, Woodbury County, Iowa, in consideration of the permission for encroachment granted by the City of Sioux City, Iowa, agrees to indemnify, safe harmless and defend the City of Sioux City, Iowa, its officers, employees and agents from and against all loss or expense, including costs and attorney fees, by reason of liability imposed by law upon the City, its officers, employees or agents for damages because of bodily injury, including death at any time resulting therefrom sustained by any person or persons or on account of damage to property, including loss of use thereof, arising out of or in consequence of the City of Sioux City issuing an encroachment permit pursuant to Section 17.28.230, Municipal Code, for the establishment of a sidewalk café upon the public right-of-way abutting the following business addressed as _____, whether such injuries to persons or damage to property is due or claimed to be due to the negligence of the undersigned, the City, its officers, employees, or agents except only such injury or damage as shall have been occasioned by the sole negligence of the City, its officers, employees, or agents.

The undersigned agrees to release, waive, and forever discharge the City of Sioux City, Iowa, its officers, agents, employees and servants from any and all rights, claims, demands and actions of any and every nature whatsoever that I/it may have for any and all loss, damage or injury sustained by me/it, including death, or to any personal property owned by me/it during my/its occupation of such public right-of-way.

The undersigned warrants not to institute any suit, action at law or make any claim, demand or action against the City of Sioux City, its officers, agents, employees, and servants arising out of such occupancy or use of such public right-of-way and/or the revocation by the City of such encroachment permit.

THE UNDERSIGNED HAS READ AND VOLUNTARILY SIGNS THE RELEASE, WAIVER OF LIABILITY, INDEMNIFICATION, HOLD HARMLESS AND WARRANTY AS ABOVE STATED.

Date: _____, _____

Date: _____, _____

Name of Business Owner/Permit holder

Name of Property Owner

By: _____

By: _____

Title/Status: _____

Title/Status: _____