

# CITY OF BINGHAMTON OUTDOOR CAFÉ PERMIT APPLICATION

Outdoor Café Permit applications must be submitted at least 30 days prior to the date of operation. Please be aware of Section §327-2.G. Permit Approval Procedure

## Applicant Information

**Applicant:** \_\_\_\_\_  
**Business Name:** \_\_\_\_\_  
**Mailing Address:** \_\_\_\_\_  
**Business Address:** \_\_\_\_\_  
**Phone Number(s):** \_\_\_\_\_  
**Email Address:** \_\_\_\_\_

## OUTDOOR CAFÉ INFORMATION

**§ 327-2.D. Area Requirements.** The maximum width of the space in which a restaurant or tavern may operate an Outdoor Café shall be no larger than the width of the establishment frontage to which it is immediately abutting. In no case shall the width of an Outdoor Café impede any ingress or egress from an abutting establishment or infringe upon the space potentially available to another restaurant or tavern for use as an Outdoor Café. The maximum depth of space for any Outdoor Café area is outlined below:

- 1. Public Pedestrian Areas.** In public pedestrian areas, the maximum depth of space for any Outdoor Café area shall be up to half the distance of the public pedestrian area minus five (5) feet, as measured perpendicular from the building wall to which the Outdoor Café is immediately abutting to the edge of the public pedestrian area.
- 2. Sidewalks.** On sidewalks, the maximum depth of space shall be the entire width of the sidewalk, minus five (5) feet, as measured perpendicular from the building wall to which the Outdoor Café is immediately abutting to (a) the edge of the sidewalk or (b) any permanent obstruction including, but not limited to, trees, planters, fire hydrants, parking meters, and/or utility boxes, whichever is closest to the Outdoor Café.

**§ 327-2.C. Hours and Months of Operations.** Approved Outdoor Café Permits shall be valid from March 1st through November 30th during the year in which the permit was issued; the City reserves the right to exclude any particular dates from the outdoor café seasons in the interest of public safety. Such permit shall authorize the permit holder to operate an Outdoor REV 2023.12.29 Café during (a) the permit holder's regular business hours, but not before the hour of 7:00 A.M. or past the hour of 11:00 P.M. Sunday through Saturday. Outdoor Café operations must cease at the times indicated herein. Operation of an Outdoor Café outside of the permissible hours shall constitute a violation of this Ordinance, and shall constitute grounds for the revocation of an Outdoor Café permit, in accordance with § 327-2.L.

**Please select one of the following option:**  New Application  Amend Existing Permit  Renew Existing Permit

**Is the Business located within a Historic District or is it a Local Landmark Property?**  Yes  No

*Note: Review by the Commission on Architecture and Urban Design (CAUD) will be required if the property is located within a Historic District or if the property is a Local Landmark Property. Please contact the Department of Planning, Housing and Community Development at (607) 772-7028 if this scenario applies.*

**Width of Café:** \_\_\_\_\_ **Depth of Café:** \_\_\_\_\_  
**Width of Building:** \_\_\_\_\_ **Total Sq. Feet:** \_\_\_\_\_  
**Months of Operation:** \_\_\_\_\_ **Hours of Operation:** \_\_\_\_\_

# CITY OF BINGHAMTON OUTDOOR CAFÉ PERMIT APPLICATION

Outdoor Café Permit applications must be submitted at least 30 days prior to the date of operation. Please be aware of Section §327-2.G. Permit Approval Procedure

## SITE PLAN

No Outdoor Café Permit shall be issued until a site plan review has been completed and approved. The Outdoor Café and its property shall not be set up in such a way as to cause damage to City property. The City reserves the right to approve, approve with modifications, or deny any proposed site plan. The site plan may include but is not limited to the following:

1. The shape and dimensions of the area in question.
2. The location and size of all buildings and structures within twenty-five (25) feet of the area in question.
3. The location and type of any screening, barriers, and/or landscaping. Outdoor Cafes shall be demarcated on all sides not immediately abutting the building wall by barriers, and such Site Plan shall delineate the Outdoor Café's egress for public safety evacuation.
4. Type of furniture and its arrangement, materials and colors used. With the exception of table umbrellas or existing awnings, Outdoor Cafes shall be open to the sky.
5. Photographs of proposed Outdoor Café area.

Site Plan Attached:  Yes

Adjacent Property Owner Approval attached:  Yes  No  N/A

## BROOME COUNTY DEPARTMENT OF HEALTH CERTIFICATE

Applications must include a copy of your Permit to Operate Food Service Establishment issued by the Broome County Department of Health.

Health Certificate Attached:  Yes

## SERVICE OF ALCOHOL

If you intend to serve alcohol in the Outdoor Café area, you must receive approval from the New York State Liquor Authority. To obtain approval to serve alcohol in an area not originally specified in your NYS Liquor License, you must complete the 'Standardized Notice Form for Providing 30-Day Notice to a Local Municipality for Expansion onto Municipal Property' form. This form can be found on the NYS SLA website at [www.sla.ny.gov](http://www.sla.ny.gov). Along with the SLA notice form, you must also submit a valid copy of your NYS liquor license.

Service of Alcohol in the Outdoor Café Area:  Yes  No

30-Day Notice of expansion attached:  Yes  No  N/A

Copy of Valid Liquor License attached:  Yes  No  N/A

## INSURANCE REQUIREMENTS

All Outdoor Café Permit applications must be accompanied by proof of general liability insurance coverage in the amount of not less than one million dollars (\$1,000,000) and property damage insurance in an amount not less than fifty thousand dollars (\$50,000). If the Outdoor Café Permit Applicant intends to serve alcohol in the Outdoor Café area, the application must also be accompanied by proof of liquor liability insurance coverage in the amount of not less than one million dollars (\$1,000,000). If the applicant has paid employees, proof of workers compensation insurance coverage must be provided. Please note the following requirements:

1. The insurance certificate(s) must be endorsed.
2. The endorsement must state the following, "**THE CITY OF BINGHAMTON IS NAMED AS AN ADDITIONAL INSURED ON A PRIMARY NON-CONTRIBUTORY BASIS**".
3. The insurance certificate must include a statement of indemnification to hold the City harmless from any liability incurred or caused by the operation of the Outdoor Café.

# CITY OF BINGHAMTON OUTDOOR CAFÉ PERMIT APPLICATION

Outdoor Café Permit applications must be submitted at least 30 days prior to the date of operation. Please be aware of Section §327-2.G. Permit Approval Procedure

**General Liability Insurance attached:**  Yes

**Additionally Insured Endorsement Certificate attached:**  Yes

*\*Must have "primary, non-contributory" language.*

**Liquor Liability Insurance attached:**  Yes  N/A

**Workers Compensation Insurance attached:**  Yes  N/A

*\*If the applicant has paid employees, proof of workers compensation insurance coverage must be provided.*

## TERMS AND CONDITIONS

All Outdoor Café Permits issued pursuant to this section shall be subject to the following conditions, rules, and regulations:

**1.** The permit holder shall maintain responsibility for the Outdoor Café and provide sufficient personnel for the proper supervision and operation of the Café, and shall be responsible for the cleaning, maintenance and/or repair of said Outdoor Café area.

**(i)** Maintenance shall include cleaning the Outdoor Café area of all rubbish, debris, stains, and/or residue resulting from the operation of the Outdoor Café, leaving the site in a clean condition at the end of each day during which the Outdoor Café is in operation. Such maintenance shall be subject to the satisfaction of the City of Binghamton. Maintenance shall also include the repair of any City property which may have been damaged during the course of Outdoor Café operations.

**(ii)** Should the permit holder fail to clean, maintain, and/or repair the Outdoor Café area to the satisfaction of the City of Binghamton, the permit holder shall be notified by the City of Binghamton in writing of such failure to comply with the regulations described herein, and shall be given a reasonable time period to restore the Outdoor Café area to an acceptable condition, given the nature of the violation.

**(iii)** Should the permit holder fail to restore the Outdoor Café area to an acceptable condition, the City shall provide services for the cleaning, maintenance, and/or repair of the Outdoor Café area. The cost of such services shall be billed to the permit holder.

**(iv)** Should the permit holder fail to submit payment for those cleaning, maintenance, and/or repair services provided by the City of Binghamton, such funds shall be deducted from the security deposit, as outlined in §327-2.F.

**(v)** Notwithstanding any provision above, should the City be required to provide services for cleaning, maintenance, and/or repair of the Outdoor Café area, or if the permit holder fails to make any required payment in a timely manner, the Outdoor Café Permit, in accordance with §327-2.L Outdoor Café Permit maybe subject to immediate revocation by the City, and the permit holder may be ineligible to receive future Outdoor Café Permits.

**2.** If the security deposit is exhausted due to expenses incurred by the City for the cleaning, maintenance, and/or repair of the Outdoor Café area, the Director of Economic Development or their designee may require the permit holder to provide an additional security deposit in an amount which may exceed the original security deposit. The permit holder will remain liable and shall reimburse the City for any and all damages or injury to any City property that may arise from the operation of the Outdoor Café.

**3.** The permit holder shall hold harmless and indemnify the City from any and all claims, actions, damages, or liability arising from the operation of the Outdoor Café of every name and nature which may arise or be incurred by the City as a consequence of the giving of such permission, or as the result of the conduct of such Outdoor Café patrons, or as a result of the cleaning of rubbish, debris, stains, and/or residue resulting from said Outdoor Café.

**4.** The permit holder shall comply with all regulations set forth by the Police Department, Fire Bureau, or other public safety personnel as they pertain to the conduct of the patrons of said Outdoor Café.

# CITY OF BINGHAMTON OUTDOOR CAFÉ PERMIT APPLICATION

Outdoor Café Permit applications must be submitted at least 30 days prior to the date of operation. Please be aware of Section §327-2.G. Permit Approval Procedure

5. All approved barriers and furniture may remain in the designated Outdoor Café area during the permitted months of operation. Upon expiration of the Outdoor Café Permit, all barriers and furniture must be removed, and the space must be made open and available for public use.
6. Outdoor Café Permits are non-transferrable.
7. Permit Holder shall not be allowed access to or use of City electricity, electrical equipment, and/or water service in connection with the operation of an Outdoor Café.
8. The permit holder is responsible for ensuring that the business and its patrons adhere to all noise and public conduct regulations outlined in the Code of the City of Binghamton.
9. The City shall not be responsible for the theft, loss, or damage to any furniture or other Outdoor Café property.
10. No loudspeakers, public-address system, or similar amplification device shall be used, nor shall any live music be played within any Outdoor Café area without the permit holder having first obtained a Noise Permit from the City, as outlined in §292-9.
11. Please be aware of Section §327-2.L: Permit Modification, Revocations, and Inspections

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_