APPLICATION FOR SIDEWALK CAFE PERMIT

I/WE, _____, in consideration of Ordinance No. 093-593, would like to operate a sidewalk cafe dining facility located at _____. We hereby agree to abide with the rules and regulations set forth by the Metropolitan Department of Public Works of Nashville and Davidson County.

1. Operation of sidewalk cafe dining facilities shall require a permit from the Metropolitan Department of Public Works. Such permits shall be available only for locations in the area of downtown described in Section 10.20.390 of the Metropolitan Code. For the purposes of the regulation, a "sidewalk cafe dining facility" means an area adjacent to a street level restaurant or equivalent eating or dining establishment, located within the public right-of-way and used for dining, drinking and related activities. A sidewalk cafe dining facility may provide waiter or waitress services or may be self-service.

2. All permits issued pursuant to these regulation shall be for a period of one year, renewable annually, and must be posted on the premises. If an applicant is not the owner of the property abutting the affected right-of-way, such application must have written approval by the owner of said property. Both the applicant and the owner of the abutting property, if different from the applicant, are responsible for any damage to the public right-of-way arising out of operation of the sidewalk cafe dining facility, and must immediately restore the right-of-way upon request to the specifications of the Director of Public Works.

3. Each application must be accompanied by a $100.00 application fee which shall be non-refundable. If a renewal is desired, application for renewal must be made at least 30 days prior to the expiration of the existing permit, and each renewal application must be accompanied by a $100.00 fee, which shall be non-refundable.

4. Each application must be accompanied by a plan showing all proposed activities to be conducted upon the public right-of-way, and all items proposed to be placed upon said right-of-way. A description of the area proposed to be encumbered must accompany each application. No stakes rods, support poles or holes for whatever purpose are allowed to be drilled in the public right-of-way. No permanent fixtures are permitted in the public right-of-way.

5. The plan so presented at the time application is sought must include every activity proposed to be conducted upon the public right-of-way. For example, if food service is planned for the sidewalk area, the application must so state. If any entertainment or music is contemplated, the application must disclose this in detail. Anything not specifically included

in an application will be considered to be excluded.

6. A minimum of 4 feet of sidewalk must be left clear for pedestrian traffic (measured from the edge of the encroachment to the curb or to any other obstruction, such as parking meters, signposts, etc.) and placement must not obstruct ingress or egress from vehicles parked at the curb.

7. The area surrounding the sidewalk cafe dining location must be kept completely free of debris, trash or litter of any type. Such cleanup and maintenance shall be the joint responsibility of the applicant and the property owner, if different from the applicant.

8. Sidewalk cafe dining facilities must not obstruct any doorway.

9. The applicant shall hold harmless and indemnify the Metropolitan Government from any and all liability resulting from personal injury or property damage resulting in any way from the operation of sidewalk cafe facilities, including court costs and attorneys' fees. Proof of insurance in an amount of not less than $1,000,000.00 and in a form acceptable to the Metropolitan Government from a company licensed to do business in the State of Tennessee must be furnished with the application.

10. The sale and consumption of alcoholic beverages other than beer at sidewalk cafe locations is prohibited. The sale and consumption of beer is permitted only if the requirements of all pertinent laws, rules and regulations have been met prior to the filing of any applications sought pursuant to these regulations.

11. Food preparation on the public right-of-way is prohibited.

12. Any permit issued pursuant to this regulation may be immediately canceled or suspended by the Director of Public Works for any reason and at any time. The Metropolitan Government shall have the right, at any time and for any reason, with or without notice, to remove from the public right-of-way any and all items placed thereon pursuant to any permit issued under these regulation, and to dispose of same in any manner without liability to the permitholder or to any other party; provided, however, that the Director of the Department of Public Works shall use his best efforts to provide at least 24 hours notice to any permit holder whose operation will be affected by the provision of this section.

SIDEWALK CAFÉ

1. _____
   Name of Business, (Sidewalk Café)

2. _____
   Address – Location of Sidewalk Café

   _____
   Mailing Address

3. $100.00 Application fee paid. Office Use: Date Received _____
   By _____

4. Certificate of Insurance provided. Office Use: Date Received _____
   By _____

5. Proposed activity to be conducted in the public right of way:

   _____

   _____

   _____

6. I/We certify that I/We have read and understand the rules, regulations governing the operation of a sidewalk café.

   _____
   Applicant Signature

APPROVED: _____

DENIED: _____

Reason for denial: _____