

**DEPARTMENT OF PUBLIC WORKS
SIDEWALK CAFÉ PERMIT**

The Wenatchee City Council has passed Ordinance No. 2020-22, creating regulations and permit requirements for private use of City streets and sidewalks for sidewalk cafes, storefront enhancements and display of goods.

Formal Application Process for Sidewalk Cafes

The application shall include:

1. **Please complete Temporary Use Permit Application “Outdoor Seating.”**
2. Proof of Liquor Control Board application and Health District approval if applicable;
3. A detailed site plan of the final design of the sidewalk seating area detailing the location of existing street features, such as fire hydrants, sidewalk width, trees, catch basins, street lights, etc.;
4. An operational plan illustrating ADA compliant ingress and egress along with safety features to protect users and the structure.
5. Structural plan if applicable;
6. Proof of insurance; with limits no less than five hundred thousand dollars per occurrence
7. Security device; if permittee intends to permanently secure something to City right of way, the security device shall be in the amount of one thousand dollars.
8. Proof of City business license.

Steps for approval of a Sidewalk Café Permit Application

1. Once the application is deemed complete, the application packet will be reviewed by the Public Works Director and Planning Dept.
2. Upon approval and prior to issuance of the Sidewalk Café permit the applicant shall pay a one-time fee in accordance with Chapter 1.99 WCC. Any change to the use requiring City approval shall constitute a new application and is subject to a new one-time fee, including change of ownership.
3. Once payment is received a hold harmless agreement approved by the City wherein the applicant agrees to defend, save and hold harmless the City of Wenatchee will be issued.

Conditions of Sidewalk Café Permit

1. No alcoholic beverage may be served or consumed within the permit area, except under the following conditions:
 - a. Any establishment seeking to extend outside liquor services shall comply with all applicable Washington Liquor and Cannabis Board regulations, including but not limited to WAC 314-02-130 and WAC 314-03-200

- b. City of Wenatchee currently has demarcations to place on the sidewalk in lieu of having to install a 42-inch barrier. Must notify LCB demarcations will be in use when applying for outdoor liquor license. Please see exhibit below for demarcation example.
 - c. All Liquor and Cannabis Board regulations including regulations relating to "extended outside service areas" shall be adhered to;
 - d. A breach of any of the foregoing conditions shall be grounds for immediate suspension or termination of the permit pursuant to subsections (f) of this section;
2. The entire sidewalk, including both the permit area and the unobstructed pedestrian corridor, plus a distance of fifty feet either side thereof, shall be maintained in a clean and litter-free condition and shall be cleaned by the permittee no less than once daily;
 3. The minimum height for umbrellas and other shade devices shall be seven feet in order to provide unobstructed passage for pedestrians;
 4. No food preparation shall take place within the permit area.

Exhibit:





CITY OF WENATCHEE

P.O. BOX 519 • WENATCHEE, WASHINGTON 98807-0519 • (509) 888-3200

**DEPARTMENT OF PUBLIC WORKS
SIDEWALK CAFÉ PERMIT APPLICATION**

Permit No.: _____ Site Address: _____

Applicant Name _____
and Address: _____

Owner Name _____
And Address: _____

State Registration #: _____ Expires: _____

City Business License #: _____ Expires: _____

“Additional Insured” Endorsement received by City _____ Expires: _____

The Applicant, hereinafter referred to as the “Grantee,” having applied for a permit to:

The City of Wenatchee Department of Public Works, hereinafter referred to as the “City”, hereby orders that this permit be granted, according to Ordinance 2020-22, subject to the terms stated in the GENERAL PROVISIONS and SPECIAL PROVISIONS attached hereto, the Exhibits attached hereto and by this reference made a part hereof:

This use is considered to have no value with respect its right to be placed in the Public Rights-of-way. See the attached sketch of the location.

SIDEWALK CAFÉ PERMIT APPLICATION

General Provisions

Permit No.: _____ Site Address: _____

1. The activity authorized by this permit shall terminate on December 31st unless renewed.
2. Private use of Public space shall be limited to the following activities – outdoor seating for restaurants, coffee shops, or similar uses.
3. The licensee must comply with all applicable federal, state and City of Wenatchee laws and regulations and the private use of public space shall not be detrimental to the health, safety, or welfare of persons residing, working, or patronizing in the vicinity.
4. The use of the public sidewalk or right of way for private use is only permitted where adjoining sidewalk is a minimum width of ten (10) feet.
5. The operation of the private use cannot interfere with the passage of pedestrian or vehicular traffic, or reduce the open portion of the public walk to less than five (5) feet clear of all obstructions.
6. The use of the public sidewalk or right of way for private uses is only permitted when incidental to the operation of a licensed restaurant, coffee shop, or similar use, on private contiguous property and only along the frontage of the subject property.
7. No furniture, furnishings, or fencing may be attached by any means to the public sidewalk or any public property. Unless approved by the Public Works Department.
8. No electrical appliances or conductors, open flame devices, spill able petroleum products or other flammable liquids shall be placed or kept in the outdoor seating area.
9. This temporary permit for private use of the public space shall not constitute a property right and the City of Wenatchee shall retain at all times the right to terminate any permit for use of any public property upon thirty (30) days written notice to the license / permit holder(s).
10. The Grantee, its successors and assigns, agrees to protect the City of Wenatchee, their officers and employees and save them harmless from all claims, actions or damages of every kind and description which may accrue to or be suffered by any person, persons, or property by reason of the acts or omissions of the Grantee, its assigns, agents, contractors, licenses, employees or any person whomsoever, in connection with Grantee's, its assigns', contractors', licensees' or employees' construction, installation, maintenance, operation, use of occupancy of the right of way or in the exercise of this permit. In case any suit or action is brought against the City of Wenatchee, their officers or employees, arising out of or by reason of any of the above causes, the Grantee, its' successors or assigns will, upon notice of such action, defend the same at its sole cost and expense and satisfy any judgment against the City of Wenatchee, or their officers or employees: PROVIDED, that if the claims or damages are caused by or result from the concurrent negligence of (a) the City of Wenatchee's agents or employees and (b) the Grantee or Grantee's agents or employees, this indemnity provision shall be valid and enforceable only to the extent of the negligence of the Grantee or the Grantee's agents or employees.

SIDEWALK CAFÉ PERMIT APPLICATION
Special Provisions

The undersigned agrees to abide by the general and any special provisions for the private use of public space as identified in this permit and to indemnify and hold harmless the City of Wenatchee from any and all claims which might be made against the City of Wenatchee arising out of the construction, maintenance and use of said right-of-way.

Address	Applicant (signature)	Date
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APPROVED / DENIED this _____ day of _____, 20_____