



Application

Sidewalk Café Alcohol Sales Parklet Alcohol Sales

520 3rd St, Suite 230, Brookings, SD 57006

Phone: (605) 692-6281

www.cityofbrookings-sd.gov

The undersigned makes application for a Sidewalk Café or Parklet Alcohol Sales Permit under provisions of Chapter 6, Section 6-8 of the City of Brookings Code of Ordinances.

Applicant Qualifications: Any holder of an operating agreement, on-sale malt beverage license or on-sale wine license may apply for a sidewalk café or parklet permit for the sale and consumption of alcoholic beverages which the licensee is authorized to sell on a sidewalk or walkway subject to a public right-of-way abutting a licensed premises, provided that license holder meets the qualifications under Section 6-8.

Business Name: _____

Representative's Name: _____

Address/Location: _____

Phone Number: _____

Alcohol License Number(s): _____

Food License Number: _____

Submitting Application For: Sidewalk Café (\$100 annual fee)

Parklet (\$250 annual fee)

Application Submittal Requirements:

A. For both sidewalk café and parklet permits, the following are required:

- a. **Fee.** An annual fee in the amount of \$100.00 for sidewalk sales alcohol permits and \$250.00 for parklet alcohol permits payable to the City of Brookings filed with the City Clerk.
- b. **Insurance.** Furnish a certificate of insurance proving commercial insurance coverage of at least \$1,000,000 for bodily injury, death, disability, and property damage liability. The City of Brookings shall be named as an additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the operation of a sidewalk café or parklet. In the event that the insurance is cancelled, the permit holder has 24 hours to reinstate the insurance or the permit shall be revoked. The permit holder shall immediately notify the city clerk if insurance under this provision is revoked and shall not serve or allow alcoholic

beverages to be consumed until insurance is reinstated in accordance with this requirement.

- c. Alcohol Requirements. Physical barricades are required if alcoholic beverages are sold at the sidewalk café/parklet. All services provided to sidewalk café/parklet patrons as well as all patron activity must occur within the designated sidewalk café/parklet area. No alcoholic beverages may be stored or mixed in the sidewalk café/parklet. The permit holder is responsible for proper supervision of the sidewalk café/parklet in order to ensure compliance with Section 6-8.

B. For Sidewalk Sales permits, the following are also required:

- a. Site Plan. Furnish a site plan identifying the location of tables, chairs, umbrellas, trash receptacles, heaters and barricades in compliance with the following requirements:
 - i. The location of the sidewalk café must be directly in front of the business operating the café, and may not extend beyond the side property lines. No part of the sidewalk café should impede, endanger or interfere with pedestrian traffic, with a minimum width of four (4) feet of unobstructed passage.
 - ii. No fixtures or devices on which food or beverages are sold or consumed shall be attached to the sidewalk or other public area. Exemptions may be allowed on a case-by-case basis. The property owner is responsible for the restoration of the sidewalk or public right-of-way if any damage is caused by the sidewalk café. Physical barriers may not exceed four feet in height.
 - iii. Lighting for the sidewalk café is subject to approval during the permitting process. Tabletop lighting may include candles and battery-operated fixtures.
- b. Notification. Notification of adjacent property owners is required. Please provide evidence of notification.

C. For Parklet permits, the following are also required:

- a. Site Plan. Furnish a site plan identifying the location of the parklet, tables, chairs, umbrellas, trash receptacles, steps/ramps, heaters and barricades in compliance with the following requirements:
 - i. The location of the parklet must be directly in front of the business operating the parklet, and may not extend beyond the side property lines. No part of the parklet should impede, endanger or interfere with pedestrian traffic with a minimum width of four (4) feet of unobstructed passage.
 - ii. Parklets are not permitted on Main Avenue.
 - iii. Parklets must meet the requirements of the Parklet Design Check List. See Attachment "A" below.
- b. Pavement Condition Assessment. The Public Works – Engineering Division will conduct a pavement condition assessment before and after the parklet is

installed to note any damages. The Applicant will be responsible for any damages incurred to the public right-of-way.

- c. Utilization/Hours of Operation. Parklets may only be utilized between April 15 and October 15 of each year (pending snow events).
- d. Notification. Notification of property owners whose property either abuts or is immediately across the street from the business requesting the permit is required. Please provide evidence of notification.

D. Compliance Requirements:

- a. Permit holders must ensure that the requirements for operation are met. These include:
 - i. Patrons must wear shoes and shirts at all times.
 - ii. All sidewalk cafés and parklets must maintain at least one opening for ingress and egress at all times. All sidewalk cafes and parklets shall abide by all requirements of the currently adopted International Building Code and the American's with Disabilities Act.
 - iii. To the extent applicable, sidewalk cafes and parklets must adhere to all regulations of the City pertaining to food and beverage services as set forth in Ordinance Sections 6-8 and 74-38 to 40.
 - iv. All areas within and surrounding a sidewalk café or parklet must be maintained in a clean, neat and sanitary condition.
- b. All permit holders shall be required to abide by all federal, state, and local laws.
- c. The hours of authorized alcoholic beverage sales and consumption are regulated by state law [SDCL] Title 35. Patrons must vacate parklet or sidewalk dining areas by 10:00PM.

E. **Revocation.** A sidewalk café or parklet permit may be revoked for failure to maintain the standards required for the initial permit. A notice of intent to revoke a sidewalk café or parklet permit shall be given in writing ten (10) days prior to actual revocation and shall specify the area or areas of continued failure to maintain conditions the city may have imposed. If, during that period, proof of compliance is made by the holder of the permit, the city may allow the permit to continue.

F. **Please attach site plan and any other additional details to the application upon submittal.**

Acknowledgements. The Application and any permit issued constitute a contract between the undersigned applicant and the City of Brookings. The undersigned applicant agrees to comply with all provisions of Chapter 6 (pertaining to Alcoholic Beverages) of the Brookings Code of Ordinances and Chapter 35 of the South Dakota Codified Laws, which pertain to the sale and consumption of alcoholic beverages. The undersigned Applicant expressly agrees that violations of the provisions of Chapter 6, or failure to comply therewith, constitutes cause for revocation or suspension of the permit issued pursuant to this Application or for refusal to renew the permit upon expiration thereof. By approval of this permit, the City of Brookings assumes no liability for any damages or injuries suffered due to the sidewalk café or parklet at the above location. Applicant agrees to permit the City to periodically verify the accuracy of information contained in this Application and agrees to provide information requested to verify the

accuracy of the information and the Certifications contained in this Application.

I have read and fully understand the attached rules and regulations applying to the approval of this license.

Dated _____, 20____ By: _____

Return completed application to:
Bonnie Foster, City Clerk
520 3rd St., Suite 230, Brookings, SD 57006
(605) 697-8641
bfoster@cityofbrookings-sd.gov

(TO BE COMPLETED BY CITY STAFF)

Reviewed by (in this order):

- ADA Coordinator: _____
- Public Works – City Engineer: _____
- Public Works – Street Manager: _____
- Public Works – Director: _____
- Community Development Department: _____
- Fire Department: _____
- City Clerk’s Office: _____

FYI Notification to: Police Department, City Manager’s Office, Brookings Municipal Utilities

SIDEWALK ALCOHOL SALES PERMIT
PARKLET ALCOHOL SALES PERMIT

_____ APPROVE

_____ DISAPPROVE (State reason if disapproved and return to applicant)

The following restrictions were imposed:

Date of Application: _____

City Council Action Date: _____

Date Notification Sent: _____