



520 3<sup>rd</sup> St., Suite 230, Brookings, SD 57006  
Phone: (605) 692-6281  
[www.cityofbrookings.org](http://www.cityofbrookings.org)

## Application

### Sidewalk Café Alcohol Sales

The undersigned makes application for a Sidewalk Café Alcohol Sales Permit under the 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 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 the license holder derives more than fifty percent of its gross receipts from the sale of prepared food for consumption on the licensed premises.

Business Name: \_\_\_\_\_

Representative's Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Alcohol License Number(s): \_\_\_\_\_

Food License No: \_\_\_\_\_

**Application Submittal Requirements:**

- 1) **Fee.** A one-time application fee in the amount of \$100.00 payable to the City of Brookings filed with the City Clerk.
- 2) **Site Plan.** Furnish a site plan identifying the location of tables, chairs, umbrellas, trash receptacles, heaters and barricades in compliance with the following requirements:
  - 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. Tables, chairs, benches and food and beverage carts and equipment shall be located so that they do not impede, endanger or interfere with pedestrian traffic, with a minimum width of six (6) feet of unobstructed passage for pedestrian traffic on Main Avenue and a minimum width of four (4) feet of unobstructed passage for pedestrian traffic on side streets.
  - No fixtures or devices on which food or beverages are sold or consumed shall be attached to the sidewalk or other public area. 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.
  - Lighting for the sidewalk café is subject to approval during the permitting process. Tabletop lighting may include candles and battery-operated fixtures.
  - Physical barricades are required if alcoholic beverages are sold at the sidewalk café.

- 3) 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. 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 restated in accordance with this requirement.
- 4) Compliance Requirements. Compliance with the following programming requirements is required and signing of this application is an acceptance of these compliance requirements.
- All services provided to sidewalk café patrons as well as all patron activity must occur within the designated sidewalk café area. No alcoholic beverages may be stored or mixed in the sidewalk café.
  - The permit holder is responsible for proper supervision of the sidewalk café in order to ensure the requirements of this section are met.
  - Permit holders must ensure that the requirements for operation are met. These include:
    - Patrons must wear shoes and shirts at all times.
    - All sidewalk cafes must maintain at least one opening for ingress and egress at all times. All sidewalk cafes shall abide by all requirements of the currently adopted International Building Code and the American's with Disabilities Act.
    - To the extent applicable, sidewalk cafes must adhere to all regulations of the City pertaining to food and beverage service as set forth in Ordinance Section 74-38 to 40.
  - All areas within and surrounding a sidewalk café must be maintained in a clean, neat, and sanitary condition.
  - All permit holders shall be required to abide by all federal, state, and local laws.
  - The sidewalk or walkway subject to a public right-of-way shall be immediately adjacent to and abutting the licensed premises.
  - Public walkways and sidewalks within the right of way of a Federal-aid eligible highway are not eligible for a permit unless approved in accordance with the applicable requirements for the receipt of Federal aid.
  - The hours of authorized sale and consumption on the sidewalk or walkway subject to a public right-of-way as provided by this section shall be consistent with the hours permitted for the license held by the sidewalk café permittee.
  - A violation of any provision of Title 35 by an alcoholic beverage license holder conducting business on a sidewalk or walkway subject to a public right-of-way pursuant to this section constitutes a violation of Title 35 as if the violation had occurred in or on the licensed premises.
- 5) Revocation. A sidewalk café permit may be revoked for failure to maintain the standards required for the initial permit. A notice of intent to revoke a sidewalk café permit shall be given in writing 10 days prior to actual revocation and shall specify the area or areas of continued failure to meet requirements and maintain conditions the city may have imposed. If, during that period, proof of compliance is made to the

satisfaction of the city by the holder of the permit, the permit shall be continued in force.

The Applicant also certifies that all current property taxes due on its licensed premises are paid if property is owned by the Applicant.

This 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.

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 TO:

**Return to completed application to:**  
**Bonnie Foster, City Clerk**  
**520 3<sup>rd</sup> St., Suite 230, Brookings, SD 57006**  
**605-692-6281**  
[bfoster@cityofbrookings.org](mailto:bfoster@cityofbrookings.org)

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*TO BE COMPLETED BY CITY PERSONNEL*

Reviewed by:

Planning & Zoning Department: \_\_\_\_\_

City Clerk: \_\_\_\_\_

ADA Coordinator: \_\_\_\_\_

City Manager: \_\_\_\_\_

## **SIDEWALK ALCOHOL SALES PERMIT**

Retail On-Sale Licensee holding an Operating Agreement for Malt, Wine or Liquor

\_\_\_\_\_  
APPROVE

\_\_\_\_\_  
DISAPPROVE (State reason if disapproved and return to applicant)

The following restrictions were imposed.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date of Application: \_\_\_\_\_

Date Notification Sent: \_\_\_\_\_