



Village of Scarsdale

Application for a Sidewalk Café

Application Date: _____

Project Location

Property Owner:

Name

Address

(_____) _____ - _____

Applicant:

Name

Address

(_____) _____ - _____

Checklist

Items to be submitted with application

- ☐ Side and front elevation drawing of the proposed café (scale 1\2" equals 1 foot) (§245-4.A.)
- ☐ Submit copy of your state liquor license (if any) (§245-4.B.)
- ☐ Written authorization from the property owner for this submission (§245-4.C.)
- ☐ Attach copy of indemnification and hold harmless statement (§245-4.D.)
- ☐ Certificate of Insurance: Workman's Compensation & General Liability naming the Village of Scarsdale as additional insured (§245-4.E.)

_____ being duly sworn, deposes and says:

(PRINT NAME) (agent owner, contractor, corporate officer)

that _____ is the owner in fee of the premises to which this application applies; that the applicant is duly authorized to make this application; and that the statements obtained here are made to the best of the applicant's knowledge and belief, and that the work will be performed in the manner set forth in the application and in the plans and specifications filed therewith, and in accordance with all applicable laws, ordinances and regulations.

Signature (Owner)

Signature (Applicant if Different)

Permit is Valid for One Year

Permit Expires:

Approved: _____

THIS PERMIT MUST BE CONSPICUOUSLY POSTED WITHIN THE ESTABLISHMENT OF THE PERMITEE

(3/31/17)

Village of Scarsdale, NY

Monday, April 3, 2017

Chapter 245. Sidewalk Cafes

[HISTORY: Adopted by the Board of Trustees of the Village of Scarsdale 7-9-2002 by L.L. No. 5-2002,^[1] amended in its entirety 11-26-2013 by L.L. No. 9-2013. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Alcoholic beverages — See Ch. 111.

[1] *Editor's Note: This local law also superseded former Ch. 245, Sidewalk Cafes, adopted 6-12-2001 by L.L. No. 14-2001.*

§ 245-1. Purpose.

The purpose of this chapter is to establish rules and regulations governing the operation of sidewalk cafes in order to provide the orderly management of public property and to protect the health, safety and welfare of pedestrians and diners.

§ 245-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

FOOD SERVICE ESTABLISHMENT

A legally licensed business enterprise primarily engaged in the retail sale of meals where consumption on the premises is provided for, including restaurants and other places serving food or beverages.

SIDEWALK CAFE

An outdoor seating area which is near or adjoins the facade of a food serving establishment and extends out onto the sidewalk, but in no event is greater than 75 feet from the establishment.

§ 245-3. Permit required; fee and deposit.

- A. The Village Manager or his/her designee, notwithstanding any provisions of the Village Code to the contrary, has the authority to issue a revocable and nontransferable seasonal permit for the operation of a sidewalk cafe, at or adjoining an applicant's place of business, upon approval of the application.
- B. A nonrefundable annual fee for the issuance and/or renewal of the permit shall be established by resolution of the Board of Trustees in accordance with the annual Village-wide Fees and Charges Schedule.
- C. Before a permit is issued or renewed, the applicant must provide a monetary refundable deposit for any potential property damage to the Village right-of-way. The amount of such deposit shall be established by resolution of the Board of Trustees in accordance with the annual Village-wide Fees

and Charges Schedule. The return of the deposit shall be processed by the Village Manager or his/her designee upon the filing of a refund application by the applicant and the completion of any and all repairs or damages to the Village right-of-way to the satisfaction of the Village Manager or his/her designee.

§ 245-4. Application.

Applications to the Village Manager shall contain the following information:

- A. A plan prepared to scale by a state-licensed architect, landscape architect, professional engineer or owner/leaseholder. The plan must be at a scale of 1/2 inch equals one foot showing all obstructions such as trees, utility poles, telephones, mailboxes and the design and location of all temporary structures. The plan shall include side and front elevation drawings of the proposed sidewalk cafe and of the restaurant's facade as well as at least 10 feet of the first story facade of the adjoining properties.
- B. If the establishment has a state liquor license a copy must be submitted as part of the application.
- C. Written authorization from the owner of the property is required if the area to be used as a sidewalk cafe is partially or fully owned by that party.
- D. The applicant shall agree, on a form provided by the Village, to indemnify and save harmless the Village of Scarsdale, its officers, agents, attorneys and employees, from and against any claim of loss, liability or damage by any person arising as a result of the establishment's operation of the sidewalk cafe.
- E. The applicant shall obtain and maintain in full force and effect throughout the term of the permit a workman's compensation policy and a policy of general liability insurance, which such policies shall name the Village of Scarsdale, its officers, agents, attorneys and employees as additional insured, have a combined single limit of not less than \$1,000,000 and contain a provision prohibiting its cancellation except upon 30 days' notice to the Village of Scarsdale. The applicant shall file with the Village Manager prior to the issuance of the permit a certificate of insurance.

§ 245-5. Design standards.

- A. A barrier such as planters or a railing to physically separate patrons from pedestrian traffic must delineate the sidewalk cafe. The barrier shall have a height of a minimum of 36 inches.
- B. Furnishings of a sidewalk cafe shall consist solely of readily removable awnings, covers, railings, tables, chairs and planters containing live plants.
- C. Furnishings may not be attached, even in a temporary manner, to the sidewalk or other public property.
- D. Garbage may not be stored or accumulated adjacent to or separate from the sidewalk cafe on public property.
- E. All tables and chairs shall be uniform in color, material and style.
- F. All physical barriers shall be uniform in color, material and style.
- G. Advertising and any signage, except for safety, shall be prohibited on the barriers.
- H. A minimum width of four feet of unobstructed sidewalk between the sidewalk cafe barrier and the curb shall be maintained at all times as a pedestrian way.

§ 245-6. Regulations.

- A. The permit is valid from April 1 to October 31. Permits must be renewed annually. All existing two-year permits as of the date of this amendment shall continue until expired.
- B. Sidewalk cafes and their appurtenances must be removed by the first Monday in November.
- C. No outdoor music shall be permitted.
- D. When the associated food-serving establishment is not open and/or the sidewalk cafe is not in use, all furnishings, utensils, containers, chairs, tables, umbrellas or any other materials used in the operation of the sidewalk cafe or within the area used by the sidewalk cafe shall be neatly stacked, bundled or be stored in an approved manner.
- E. All sidewalk cafes shall close operations by 10:00 p.m. each night and shall not begin before 8:00 a.m. each morning.
- F. Sidewalk cafes and the public property on which they are located shall be kept neat and clean at all times and free from litter or any substance that may damage the sidewalk or cause pedestrian injury.
- G. The applicant shall be responsible for any damage caused to any sidewalk or public property.

§ 245-7. Notice of violation; revocation of permit.

If an applicant violates any provisions of this chapter, the Village Manager shall give notice to the applicant to correct said violation within 24 hours of receipt of said notice. Upon failure to correct said violation, the Village Manager may revoke the applicant's permit issued pursuant to this chapter.

§ 245-8. Penalties for offenses.

- A. If an applicant violates any provision of this chapter, he or she shall be liable for prosecution in the Village Court and shall, upon conviction thereof, be liable for a fine not exceeding \$250. Each day that such violation continues shall constitute a separate violation.
- B. The renewal of all applications will be subject to the previous year(s) experience. Renewal applications may be denied based upon the seriousness of the violations that occurred and/or the repeated nature of the violations that transpired.