



Community Development
401 W Owen K Garriott
Po Box 1768
Enid, OK 73701
580-616-7213
CommunityDevelopment@enid.org

OUTDOOR CAFÉ APPLICATION

Fill out application in entirety and include all documentation.
Incomplete Applications will not be accepted.

INFORMATION REQUIRED

1. Business Name _____

Business Owner Name _____

Date of Birth _____ Telephone Number _____

Address _____ City _____ State _____ Zip _____

2. Is the Business a partnership? NO (move on to #3) YES (fill out info below)

Name _____

Date of Birth _____ Telephone Number _____

Address _____ City _____ State _____ Zip _____

3. Is the business a corporation? NO (move on to #4) YES (fill out info below for all principal officers and directors)

Name _____

Telephone Number _____

Address _____ City _____ State _____ Zip _____

Name _____

Telephone Number _____

Address _____ City _____ State _____ Zip _____

Name _____

Telephone Number _____

Address _____ City _____ State _____ Zip _____

Name _____

Telephone Number _____

Address _____ City _____ State _____ Zip _____

4. Responsible Party (if applicable)

Name _____

Telephone Number _____

Address _____ City _____ State _____ Zip _____

5. Hours of Operation

☐ 6. Must be located in the Enid Overlay District

DOCUMENTS TO PROVIDE

☐ 7. City of Enid restaurant license

☐ 8. Oklahoma Department of Health permit

☐ 9. Proof of General Liability Insurance with City of Enid as certificate holder (Certificate of Insurance - COI)

Proof of current liability insurance, issued by an insurance company licensed to do business in the state, protecting the licensee and the City from all claims for damage to property and bodily injury, including death, which may arise from operation under or in connection with the permit. Such insurance shall name the City as an additional insured (certificate holder in bottom right of form) and shall provide that the policy shall not terminate or be canceled prior to the expiration date without 30 days' advance written notice to the City. The general liability insurance policy shall be in the minimum aggregate amount of \$1,000,000 total limits. The policy renewal shall be received by the City at the time of application and annual permit renewal

☐ 10. ABLE Commission License and/or any other state required licenses

Evidence in writing that all required licenses or health permits required by the county and/or state have been obtained. If alcoholic beverages are to be served, the license issued, and renewals issued by the Alcoholic Beverage Laws Enforcement (ABLE) Commission shall be furnished to the City and the appropriate city alcoholic beverage license must be obtained before the sale of any alcoholic beverages may commence. If low point beer is to be served, the license issued, and renewals issued by the county shall be furnished to the City and the appropriate city low point beer license obtained before the sale of any alcoholic beverages may commence. Annual license renewals from the ABLE Commission and the county shall be provided to the City

☐ 11. Plat design of proposed Outdoor Café (must include all details listed below) ****not required for renewal****

- ☐ a. Location, size and capacity of proposed outdoor cafe
- ☐ b. Location and size of entrances and exits;
- ☐ c. Layout and dimensions of the existing public area and adjacent private property;
- ☐ d. Layout and size of all tables, chairs and other appurtenances;
- ☐ e. Photographs, drawings or manufacturers' brochures fully describing the appearance of the proposed perimeter fencing, tables, chairs, umbrellas or other appurtenances related to the business, in accordance with the adopted design guidelines, as to weight, color, style and other similar standards; and
- ☐ f. Perimeter fencing shall be required. The fencing design shall meet uniform criteria as developed and specified by the design guidelines.

☐ 12. 300ft Mailing List ****not required for renewal****

Please provide a certified list from a licensed and bonded abstracting company or title insurance, containing the names and mailing addresses of all owners of property lying within 300 feet of the exterior boundary of the subject property. The notification shall provide for a ten-day period in which public comments will be received regarding the application and its specific contents and proposals. The City may consider any complaints or objections that have been received during the preceding year, but no notice or period of comment shall be required upon receipt of a renewal application.

☐ 13. Application Fee paid to City Clerk – Circle one \$300 (new) \$50 (renewal)

Application and Documentation are complete and accepted.

Signature of Office Staff

Date

License will be approved or denied within 30 days.

If approved, it must be renewed annually upon date of issuance.

Upon issuance the following conditions must be followed. Please read and sign below.

§ 3-3-11 OUTDOOR CAFÉS.

....(C)... (2)

(f)Fence removal. When the fencing is later removed, the property owner shall repair all damage to the sidewalk caused by the anchoring of the fencing.

... (F) *Conditions.* The issuance of an outdoor café permit shall contain the following conditions.

- (1) *Term; fees nonrefundable.* Each permit shall be effective for one year from the date of issuance. If the business is licensed by the ABLE Commission, the effective date of the permit issued by the City may be concurrent with the ABLE permit. If a permit is revoked, the prorated fee for the remaining year shall not be refunded. No fees will be refunded for periods of suspension.
- (2) *Permit nontransferable.* The permit issued shall be personal to the permittee only and shall not be assigned or transferred.
- (3) *Temporary suspension authorized.*
 - (a) The permit may be temporarily suspended for a 48-hour period, with five days' written notice by the administrator when necessary to clear the public property for the safety of the public in accordance with a community or special event authorized by a permit issued by the City.
 - (b) The administrator may temporarily suspend the permit or require the removal of items within the encroachment area when street, sidewalk, common area or utility repairs necessitate such action.
- (4) *Area.* The permit shall be specifically limited to the area shown on the exhibit attached to and made part of the permit.
- (5) *Maintenance of area, cleanliness.* The encroachment area covered by the permit shall be maintained in a neat and orderly appearance at all times, and the area shall be cleared of all debris on a periodic basis during the day, and again at the close of each business day.
- (6) *Advertising.* No advertising shall be permitted, except for menus.
- (7) *Tables and chairs attached to fixtures; seating requirements.* No tables or chairs or any other parts of the business shall be attached, chained or in any manner affixed to any tree, post, sign or other fixtures, curb or sidewalk within or near the permitted area. No additional outdoor seating authorized under this chapter shall be used for calculating seating requirements pertaining to location of, application for, or issuance of, an ABLE license for any establishment or be used as the basis for computing required seating for restaurants and dining rooms, or as grounds for claiming exemption from such requirements under the provisions of any city or state law.
- (8) *Quality and design of furniture, fencing.* Tables, chairs, umbrellas, fencing and any other appurtenances shall be of such quality of design, materials and workmanship as specified by the design guidelines.
- (9) *Use of glass containers.* The City retains the right to suspend the privilege of using glass containers within the encroachment area. The use of glass containers may be revoked if an incident jeopardizes the health, safety and welfare of customers or the general public.

- (10) Serving alcoholic beverages. Upon any city sidewalk, the serving and consumption of alcoholic beverages will be limited to those customers seated/standing within the permitted encroachment area, bounded by perimeter fencing which shall completely enclose said encroachment area.
- (11) Location, placement of business related items. No permittee may place any items for sale or other equipment, tables or chairs on any portion of the public property other than that directly in front of his existing place of business without the written consent of adjacent landowners and businesses.
- (12) Obstructing passageways. No permittee may block or restrict the passageway to less than six feet in width, or block ingress or egress to or from any building. In areas of congested pedestrian activity, the administrator is authorized to require a wider pedestrian path, as circumstances dictate. Also, no items or appurtenances shall be placed in a manner as to block any driveway, crosswalk, bus stop or counter service window. The physical elements or features located within the encroachment area (e.g., awnings, umbrellas, canopies not attached to the building, plants, planters and the like) shall not overhang the adjacent area set aside for the pedestrian passageway.
- (13) Physical or visual barriers. No permittee may place objects around the perimeter of an area occupied by tables and chairs which would have the effect of forming a physical or visual barrier, except perimeter fencing shall be required where alcoholic beverages are to be served.
- (14) Fencing and other appurtenances; compliance with requirements. No permittee may use fencing, rails, tables, chairs, umbrellas and any other appurtenances of such quality, design, materials and workmanship that have not been specified by the design guidelines, as well as this code.
- (15) Noise control. No permittee may use or operate any loudspeaker, public address system, radio, sound amplifier or any other device in violation of the noise regulations contained in § 5-5E-8.
- (16) Leaving equipment, furnishings on street overnight. No permittee may store or leave any equipment, or furniture, or other items or appurtenances overnight on any street or sidewalk, except for tables and chairs, which may be kept in the permitted encroachment area at the permittee's risk.
- (G) Removal of property. Tables, chairs and other appurtenances of the business may be removed by the Public Works Department, and a reasonable fee charged for labor, transportation and storage, should the permittee fail to remove the items within 48 hours of receipt of the administrator's notice to do so for any reason provided for under this chapter. The action shall become effective upon the receipt of such notice by certified mail.
- (H) Suspension or revocation of permit; notice.
- (1) Grounds for suspension or revocation. The administrator, or his designee, may suspend or revoke a permit issued under this chapter at any time for any business authorized in the City if it is found that:
- (a) Any required business or health permit, or license has been suspended, revoked or canceled;
 - (b) The permittee does not have insurance in force which is correct and effective in the minimum amount as specified in this chapter;
 - (c) Conditions of pedestrian or vehicular traffic cause congestion, necessitating removal of the encroachment;
 - (d) Violations of this chapter or breaches of conditions of this permit have occurred;
 - (e) The permittee has failed to make modifications upon receipt of the administrator's notice to make such modifications delivered in writing to the permittee; and
 - (f) There is a failure to maintain the primary food or beverage service use and the requisite licenses therefor.
- (2) Notice of suspension or revocation. Upon suspension or revocation, the administrator shall give notice of such action to the permittee, in writing, stating the action which has been taken and the reason therefor. The action shall be effective upon the receipt of such notice by certified mail. The decision of the administrator shall be final, unless appealed to the City Council.
- (Prior Code, § 3-3-11) (Ord. 2015-13, passed 4-7-2015)

I have read and understand the above information and expectations of the proposed Outdoor Café

I _____ hereby sign in agreement.
Printed name of Applicant or Responsible Party

Signature of Applicant or Responsible Party

Date