

CITY OF EUREKA
Instructions for Sidewalk Café Application

1. There shall be no application or permit fee for a sidewalk café.
2. Licensee must comply with all Ordinance Restrictions as noted in Chapter 3, Article V of the Municipal Code of the City of Eureka.
3. Indemnification. Every applicant for a license required by this Article for a sidewalk café to be located on a public sidewalk is required to agree, by signing this application, to forever defend, indemnify and hold harmless the City and its employees and agents from any and all claims, actions or damages of every kind and description which may accrue to, or be suffered by, any persons by reason of or related to the operation of a sidewalk café located on a public sidewalk. In addition, the applicant understands the permit is wholly of a temporary nature and that it vests no permanent right whatsoever.
4. Every application for a license required by this Article for a sidewalk café to be located on a public sidewalk is required to provide proof of liability insurance. The permit applicant shall obtain and maintain in force comprehensive general liability, broad form property damage and blanket contractual liability insurance in a combined single limit amount, per claim and aggregate, of at least one million dollars (\$1,000,000.00) covering the permit applicant's operations on the sidewalk. Such insurance shall name, on a Special Endorsement form, the City, its elected and appointed boards, officers, agents and employees as additional insureds. A Certificate of Insurance shall contain provisions that prohibit cancellations, modifications, or lapse without thirty (30) days prior written notice to the City.
5. Following the submission of this application, the Board of Aldermen may issue or refuse to issue a license under the provisions of this Article after examining and considering:
 - (a) Any danger to the health, morals and safety of the people of the City.
 - (b) The reputation of the applicant, his officers or agents, if any, and their ability to operate the sidewalk café in a manner consistent with the maintenance and preservation of good order, public health, safety, good morals and welfare.
 - (c) The effect upon the peace and quiet of the neighborhood of conducting a sidewalk café at the location designated between the hours for which a license is required.
 - (d) The insurance companies or sureties utilized by this licensee in complying with the provisions of this Article.
 - (e) Whether the requirements of this Article and all other governing laws and ordinances have been met.
6. The license issued under the provisions of this Article may be revoked or suspended by the Board of Aldermen should they find that:
 - (a) The licensee is operating in violation of this Article or any other governing law, ordinance or regulation; or
 - (b) The licensee is operating so as to constitute a nuisance by reason of noise, disorderly or illegal conduct or immoral activity on the premises.
7. Every application for a license required by this Article shall be accompanied by a plat or drawing showing the sidewalk adjacent to the business, any street lights, planters, curb, on street parking or any other public appurtenances, and the proposed location of any tables and chairs. The applicant shall be made aware here, on this application, of the following additional regulations:
 - (a) It shall be the duty of the licensee to maintain quiet and good order upon the premises of a sidewalk café, and not permit disorderly or immoral conduct or loitering. The licensee shall not cause or create any noise or other nuisance in the outdoor area where the quiet and good order of the premises or the neighborhood are disturbed. No outdoor speakers or music shall be allowed. No patron on the premises of a sidewalk café shall needlessly make or cause to be made any loud or unseemly noise, nuisance, or disturbance whereby the quiet and good order of the premises or the neighborhood is disturbed.

- (b) At least once every twenty-four (24) hours the licensee shall dispose of waste materials which tend to create a public nuisance on the premises. The licensee shall keep the premises whereon the sidewalk café is located, free from waste material and shall provide the sidewalk café with appropriate refuse containers. The sidewalk café shall be kept clean and free of debris at all times. No patron shall place, throw or deposit any case, bottle, paper, waste material or refuse upon the outside premises of any sidewalk café or in the vicinity of same except in adequate receptacles provided for that purpose nor shall the licensee permit such conduct.
 - (c) The sale of food, alcohol, or beverages or other products from a window or other opening in the building connected to the sidewalk café shall not be permitted unless such window or opening is approved by the Board of Aldermen.
 - (d) Serving hours shall be no longer than permitted by law except the Board of Aldermen may impose reasonable restrictions based on neighborhood conditions.
 - (e) A sidewalk café operated after dark shall be adequately illuminated by electric lights; but such illumination shall be so arranged and shielded by the licensee so as to reflect away from any adjoining property and streets.
 - (f) Restaurants in commercial or planned commercial districts may provide a sidewalk café, contiguous to their restaurant facility. The following additional regulations shall also be required:
 - (i) No permanent structures or paving shall be installed.
 - (ii) Outdoor tables, chairs, furniture and decorative items shall be of uniform design and shall be removed from public property November 1st through March 31st.
 - (iii) Restaurant service equipment shall not be permitted outdoors.
 - (iv) An unobstructed pedestrian walkway shall be maintained on the public sidewalk between the tables, umbrellas, and the vehicle traffic way.
 - (v) The seating shall not obstruct any entry or exit way of the building or adjacent buildings.
 - (vi) Adequate parking shall exist for the increased restaurant use. A determination of inadequate parking shall be grounds for denial of the permit.
 - (vii) Other allowable uses. A sidewalk café may incorporate potted street plants or street furniture, provided that the required pedestrian path is maintained in the area.
8. Amusement parks of one hundred (100) acres or more are exempt from the requirements of this Article as they pertain to location of sidewalk cafes on private sidewalks.

**CITY OF EUREKA
APPLICATION FOR SIDEWALK CAFÉ**

Name of Applicant Home Phone

Home Address of Applicant

Business Name

Business Address of Applicant (Number, Street, P.O. Box, State, Zip) Business Phone

Federal ID Number

Missouri State Sales Tax Number

Local Liquor License Number

County Liquor License Number

State Liquor License Number

To be filed with: City Clerk
City of Eureka
P.O. Box 125
Eureka, MO 63025

Number of Patrons Designed to Accommodate

Hours of Operation

Signature of Applicant, or Authorized Person

Printed Name

For a sidewalk café to be located on a private sidewalk, the property owner's signature shall be required below:

Name and Address of Property Owner Phone

Signature of Property Owner

***Please attach proof of liability insurance and the site plan.**