

# City of Charlotte

## Administrative policy regulating the establishment of outdoor cafés in the Central Business District

- 1.) Operators must obtain a permit from the city and from the Michigan Department of Transportation before establishing an outdoor café. This rule does not apply to those café's located outside the MDOT Right of Way. Café's intending to sell alcohol must adhere to applicable Liquor Control Commission guidelines.
- 2.) Operators must submit their proposal for an outdoor café to the City Manager, who will evaluate the proposal for adherence to this administrative policy. The operator must submit a sketch drawing of the café proposal to the city manager's office. At a minimum, the sketch should include the location of the café, and also the location of its planned barrier (if applicable), tables and waste receptacle, as well as a statement indicated the intended hours of operation..
- 3.) Once the operator has received approval from the manager, signed a copy of this policy, completed the Michigan Department of Transportation application, they will be provided a certified copy of the necessary local resolution which must accompany the MDOT application. If the City Manager denies the outdoor dining permit request, the operator may appeal this decision to the City of Charlotte City Council.
- 4.) Once the operator has completed the above steps and received the MDOT permit, the city will inspect the café to assure compliance with the application materials and issue a local permit allowing the operation of an outdoor café.
- 5.) Operators must abide by the following rules with regard to the outdoor café:
  - Café' shall not block the entrance to any building.
  - Café shall not unreasonably interfere with the view of access to or use of adjacent properties.
  - Café shall not interfere with street cleaning or snow removal activities.
  - Café must maintain seven feet of unobstructed sidewalk, per MDOT guidelines.
  - Café shall not cause damage to the street or to sidewalks, trees, benches, landscaping or other objects lawfully located therein.
  - Café shall not cause a violation of any state or local laws.
  - Café shall not be used principally for off-premises advertising.
  - Café shall not be attached to or reduce the effectiveness of or access to any utility pole, sign or other traffic control device.
  - Cafe shall be enclosed by a suitable barrier in keeping with state Liquor Control Commission guidelines, with approval by the Chief of Police (see attached photos for example of appropriate barriers and café design). This requirement shall be left to the City Manager's discretion for those café's not selling alcohol.
  - Café shall include adequate trash receptacles.
  - Café shall be in a location immediately adjacent to the operator's regular place of business, i.e. no locating 'down the street' or in front of another business without the written permission of that property owner. If permission is obtained, please provide a copy of that with the submitted sketch drawing.
  - Operator will demonstrate adequate liability insurance coverage for the period of the permit; in an amount solely at the city's discretion. By signing this policy statement, the operator indemnifies and holds harmless the city from all claims or

damages incident to the establishment and operation of a sidewalk or outdoor café.

- Operator understands that the local café permit is subject to immediate revocation or suspension by the city for any violation of this policy statement. Should the operator wish to dispute a revocation, an appeal may be made to the city council.
- The sale of alcoholic beverages may be permitted in the outdoor café subject to any and all applicable state regulations, including those of the Michigan Department of Transportation and state Liquor Control Commission.
- Café operators intending to sell alcoholic beverages must include a plan for monitoring sales outside their normal place of business, to ensure that alcohol is not being served or transferred to minors. A vigilant host/hostess and attentive wait staff should be sufficient. The service area should be well defined and enclosed as described above, and sales must be limited to that area.
- The primary purpose of any café shall be dining, not alcohol sales. Alcohol only service is prohibited, and no alcohol sales shall be permitted before noon of any day.
- All café's shall limit their hours of operation to between 8 a.m. and 10 p.m.
- Local ordinances regulating disorderly conduct, noise and public behavior remain in effect. Any violations of these ordinances should be reported to the City of Charlotte Police Department.
- For reasons of crowd control and public safety, no café shall be in place on the morning of the annual Frontier Days Parade.

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Operator Signature

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Date