

# OUTDOOR DINING INFORMATION PACKET

## 2022-23

**An Outdoor Dining agreement is required for all food establishments that wish to sell food and/or alcohol on City property adjacent to the establishment.**

Outdoor Dining applications are available at the City website at <http://www.cityofithaca.org/174/Commons#Dining>

### **Operational Guidelines:**

- A. Outdoor dining agreements will be issued based upon the following operational guidelines detailed in the City of Ithaca Municipal Code §157:
- 1) The dining area shall not block fire lanes or impede pedestrian traffic flow. The dining area shall not extend beyond the Applicant's storefront. The area may not extend out from the building more than 7 feet on the Primary Commons and as marked by the City on the Secondary Commons. **Any signage must be contained within the marked outdoor dining area.**
  - 2) If alcohol is served, the dining area shall be contiguous to the establishment and physically defined (i.e. stanchions, barriers, etc.). Establishments serving alcohol require approval from Common Council. (Check with the City for the deadline to submit requests for the next Common Council meeting.)
  - 3) Furniture and fixtures, as well as any means used to define the dining area, will be allowed only during approved outdoor dining hours and must be located within the defined outdoor dining space.
  - 4) The merchant shall be completely responsible for all aspects of the area including cleanliness, ensuring all furniture and fixtures are within the defined dining space, and stain removal, using the maintenance guidelines (Attachment B herein) established by the Department of Public Works.
  - 5) The City cleans/sweeps all sidewalks downtown beginning at 7:00 a.m. daily. If tables and chairs are placed outside prior to that work being completed, it will be the responsibility of the business to clean and sweep their sidewalk and outdoor dining area.
  - 6) The Annual Outdoor Dining Permit shall run from April 1 through March 31; A Seasonal Permit may be requested for April 1 through October 31.
  - 7) Applications must be submitted to the Office of the Superintendent of Public Works and approved annually. No extension of an Outdoor Dining Agreement will be permitted without expressed written permission from the Superintendent of Public Works.

### **Violations and Terminations**

- 1) The City may terminate this agreement at any time without cause, in which case the applicant shall be reimbursed for the period of time which would be remaining on the agreement if the agreement were not terminated before expiration.
- 2) Any business who violates the guidelines regarding the placement of outdoor dining furniture and fixtures shall receive a written warning letter for the first violation from the Office of the Superintendent of Public Works. The business shall be liable for a penalty of \$250 for the second violation in a 12 month period, \$500 for the third violation in a 12 month period, and \$1,000 for the fourth and subsequent violations in a 12 month period. In lieu of a \$1,000 fine, the business may agree to a temporary permit revocation of seven (7) consecutive days within a

month from when the violation is served. **Violations of these guidelines and City Code §157 could be a basis for denying any future outdoor dining applications.**

**Outdoor Smoking Regulations:**

- A. The City of Ithaca Municipal Code §280-4 entitled, “Smoking, Outdoor” prohibits outdoor smoking in certain public places, including the following outdoor areas where persons cannot readily escape nearby second-hand smoke:
- Within any outdoor dining area (whether covered or not) located on city-owned property, including the Ithaca Commons, as follows:
    - a. Within any seating area for outdoor dining and/or drinking associated with a bar or restaurant that is on city property and subject to a city license and that is in use for that purpose; and
    - b. Within any seating area for outdoor dining and/or drinking established or maintained by the City or its agent, and that is in use for that purpose.

**Required Documentation:**

- A. Applications for outdoor dining agreements with required documentation and corresponding fees shall be received and considered by the Office of the Superintendent of Public Works. Fees include, but may not be limited to application fee and use fee. The fees have been established in accordance with Chapter 170 of the City of Ithaca Municipal Code entitled “Use of Real City Property.”
- B. The following documentation is required and must be submitted with the application form and appropriate fees. **Incomplete applications will not be accepted.**
- 1) The Application Fee for outdoor dining permits, as established by the Board of Public Works, are as follows:
    - a. \$100 for a new outdoor dining operator, defined as one that has not had a permit in the past 3 years
    - b. \$50 for a returning outdoor dining operator
  - 2) A “Use Fee” will be assessed based upon the square footage of the dining area that will be used. Fees are payable to the City of Ithaca by cash or check at the time the completed Outdoor Dining Application and required paperwork are submitted to the Office of the Superintendent of Public Works.
  - 3) General Liability Insurance in the amount of at least \$1,000,000 naming the **City of Ithaca as ADDITIONALLY INSURED** (not just as certificate holder).
  - 4) Liquor Liability Insurance in the amount of at least \$1,000,000 naming the **City of Ithaca as ADDITIONALLY INSURED** (not just as certificate holder) is required if alcohol is to be served. The serving of alcohol for outdoor dining also requires Common Council approval.
  - 5) Proof of Workers’ Compensation Insurance. New York State forms C105.2 and U-26.3 are acceptable proofs of coverage. Contact New York State Workers’ Compensation Board at 1-866-802-3604 or visit their website at [www.wcb.state.ny.us](http://www.wcb.state.ny.us) with questions.
  - 6) Proof of Disability Insurance on New York State Form #DB120.1.

- 7) Sketch of the proposed outdoor dining area, with dimensions showing the total length and width of the dining area. Show the storefront, curb, dining area, and other important items (i.e. trees, fire hydrants, etc.).

**Periodic Review/Inspections:**

- A. Outdoor dining areas are subject to periodic reviews by City of Ithaca staff, including Department of Public Works, Police and Community Service Officers. A final inspection of the dining area shall be completed by a City employee at the end of the permit period.
- B. The City reserves the right to require a security deposit in future years if the outdoor dining area is not maintained free of trash, litter, grease and stains.