

Application and Permit for Outdoor Display/Seating on City Property

City of East Tawas ♦ 760 Newman Street ♦ PO Box 672 ♦ East Tawas, Michigan 48730-0672
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Please print legibly

Applicant:	Property Owner:		
Business Name:	Phone:		
Phone:	Insurance Carrier:		
Address (site):	Property Code No:		
Subdivision Name:	Block:	Lot:	Zoning District:
Requested Time Period:			

Prior to consideration of granting this permit, all applications for outdoor displays and/or seating are subject to the following minimum terms and conditions. Any exceptions to these terms and conditions must be approved by the City Council.

1. The receiving of applications and granting of permits for outdoor displays and/or seating as provided herein are being conducted by the East Tawas City Council on a purely temporary and experimental basis.
2. Subject to these terms and conditions, and other conditions that may be imposed by the Council in the interests of public health, safety and welfare, outdoor displays and/or seating are allowed only upon those City-maintained sidewalks within the Central Business District.
3. Outdoor displays and/or seating will be permitted year-round. An approved permit is valid for the duration of one year and a new permit is required each year.
4. Nothing in these terms and conditions shall be deemed, interpreted or construed as a modification, alteration, abrogation or suspension of any term or provision of the City's Code of Ordinances, including, without limitation, the Zoning Ordinance.
5. No permit shall be granted with respect to any business or applicant whose premises have display area between the City-maintained sidewalk surface and the exterior of the building wall, and which meets the requirements of Article VIII, Section 44-287 of the Zoning Ordinance.
6. No outdoor display or seating area shall result in less than five (5) feet of unobstructed sidewalk width, nor shall it interfere with sidewalk maintenance, or otherwise unreasonably interfere with the use of the sidewalk for pedestrian travel. Further provided, no outdoor display or seating area, except as otherwise provided in Article VIII, Section 44-287, shall be greater than (3) three feet in width (measured from and perpendicular to the exterior building wall).
7. No outdoor display or seating area shall have a length (measured parallel with the exterior building wall) greater than fifty percent (50%) of the linear street frontage of the building where the display will be located. In the instance of an integrated group of stores (i.e., multiple business occupants in a single building), the total maximum length of all displays and seating areas shall be limited to fifty percent (50%) of the building frontage as aforesaid.
8. All outdoor displays and seating components shall be constructed of reasonably good and safe quality materials and shall be assembled in a manner which does not reasonably offend or disturb the ambiance and character of the Central Business District.
9. No outdoor display or seating shall:
 - a. be used for off-premise advertising, or in any manner require separate signage approval under the City's Zoning Ordinance;
 - b. cause or constitute a violation of any local, state or federal law, rule or regulation;
 - c. conceal or detract from the appearance of landscaping features in or adjacent to the street or sidewalk;
 - d. be attached to or reduce the effectiveness or accessibility of any utility pole, sign or traffic control device;
10. All outdoor displays and seating shall not be installed or placed earlier than 8:00 a.m. on any day during the permit period and shall be removed no later than 9:00 p.m. or the close of the applicant's business, whichever shall occur earlier.

11. Within 24 hours of the time any permit is granted and before a display is set up, the applicant must provide to the City proof of a policy of general liability insurance with coverage in the amount of no less than \$500,000 per occurrence and in the aggregate, which shall name the City, its officers and employees as additionally insured. Further, the applicant agrees that he/she will notify the City within 24 hours of any incident or occurrence to any extent involving personal injury or death, and which to any extent involved the permitted display or seating; and they further agree to release, and shall hold harmless, indemnify and defend the City, its officials and employees from and with respect to any claim, cause, action, demand or liability whatsoever, and to any extent pertaining to said display or seating.
12. In addition to the applicant, any other owner, occupant or lessee of the business premises must sign the application and agree to the terms and conditions provided.
13. Absent a specific finding of good cause by the City Council, no permit shall be issued to any applicant, or with respect to any business or premises, relative to which there has been any violation under any previously-issued permit, or relative to which there has been a display or seating activity installed or conducted without a permit required and provided hereby.
14. Under no circumstances shall any right be deemed, interpreted or construed to have vested as a result of the granting of any Permit hereunder.
15. Failure by the City to enforce any restriction, condition, covenant or agreement herein contained shall in no event and under no circumstances be deemed or construed as a waiver of the right to do so thereafter as to the same breach or as to any occurring prior or subsequent thereto. Further, no waiver of a breach of any said restriction, condition, covenant or agreement herein contained shall be deemed or construed as a waiver of any other breach of the same, or other such restrictions, conditions, covenants and agreements.

Any violation of the terms and conditions of this permit will be cause for termination of this permit and may be subject to fines under the City's Civil Infraction Ordinance.

In consideration of the granting of this permit, I agree to comply with all applicable ordinances of the City of East Tawas, and the City shall not be liable for any damages resulting therefrom. I acknowledge that I have read the terms and conditions in their entirety and accept and agree to the same.

Applicant's Signature / Printed name	Date
Additional Occupant/Owner/Lessee Signature	Date
Additional Occupant/Owner/Lessee Signature	Date
Additional Occupant/Owner/Lessee Signature	Date

Action by the City Manager: This application for outdoor displays or seating on City property is:

APPROVED

APPROVED, subject to the following additional conditions: _____

DENIED, for the following reasons, without limitation: _____

Ronald J. Leslie, City Manager	Date
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