



City of Cleveland

Frank G. Jackson, Mayor

Mayor's Office of Capital Projects
Division of Engineering and Construction
601 Lakeside Avenue, Room 518
Cleveland, Ohio 44114-1067
216/664-2381 Fax: 216/664-2289
www.cleveland-oh.gov

Re: Outdoor Restaurant Permits

Dear Business Owner:

This letter is to inform you that placement of an outdoor restaurant within the public right-of-way requires a temporary occupancy permit. For your convenience, we have enclosed a temporary occupancy permit application and guide.

The review of the outdoor restaurant area and equipment to be used may require review by the City of Cleveland, Streetscape Committee. Please contact Michael Bosak of the City Planning Commission at 664-3802 to schedule a meeting.

If you have any questions regarding the permit process or associated rules and regulations, please contact Greg Esber, Section Chief, Plats and Surveys Section at 216-664-2460.

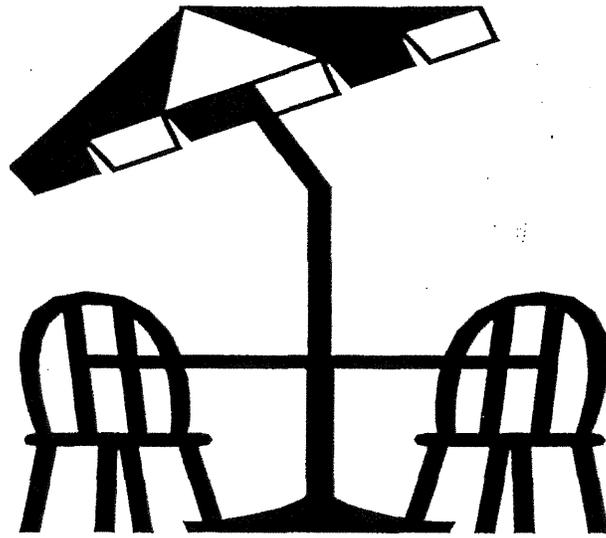
Sincerely

A handwritten signature in blue ink that reads "R. Switalski".

Richard J. Switalski, P.E.
Administration Bureau Manager
Division of Engineering &
Construction

RJS/GJE/mdk

CC: Matthew L. Spronz, P.E., PMP - Director MOCAP
John Petkac, Superintendent, Bureau of Sidewalks
Greg Esber, Section Chief, Plats and Surveys
Michael Bosak, City Planning Commission
File



Outdoor Restaurant Occupancy Permit Guide and Application

City of Cleveland
Mayor's Office of Capital Projects
Division of Engineering and Construction

C.O. Chapters 513 and 241.22

CITY OF CLEVELAND
TEMPORARY OCCUPANCY PERMIT FOR OUTDOOR RESTAURANT USE

Applicant Name (Contact) _____ Email address _____

Applicant address _____ Phone _____

Restaurant Name _____

Federal ID - or - Social Security Number _____ Ward Number _____

Restaurant Address _____ Cleveland, Ohio, 441 _____ Business Phone _____

Describe area to be used (size) _____

Number of Tables and Chairs? (Tables) _____ (Chairs) _____ Will pedestrian diverters or other obstructions be used? Yes _____ No _____

If yes, please describe _____

Describe type of food and beverage to be served. _____

Attach photos, drawings, food service operation license, copies of Liquor Permit (if applicable) and a copy of the required Insurance Document (see attached).

If alcohol is to be served, enclose a copy of your Valid State of Ohio Permit.

The State of Ohio requires enclosures, and these must be reviewed by the City Planning Commission.

Permit Fee Restaurant: (New) \$200.00 _____ (Renewal) \$100.00 _____ Original Account 408390

FOR OFFICE USE ONLY

Fee Paid: Yes _____ No _____	Councilperson: Yes _____ No _____
Photo: Yes _____ No _____	Sidewalks: Yes _____ No _____
Permits: Yes _____ No _____	Health: Yes _____ No _____
Insurance: Yes _____ No _____	Safety: Yes _____ No _____

Planning/Landmarks Review Required Yes _____ No _____ Comments _____

A Temporary Occupancy Permit for Outdoor Restaurant Usage is hereby approved pursuant to Section 513 of the Codified Ordinances of the City of Cleveland, Ohio.

 Director of the Mayor's Office of Capital Projects

 Date

I, (We,) _____ own the business establishment immediately adjacent to the proposed area to be occupied by an outdoor restaurant.

And that I, (We,) are also known as _____ ("Permittee"), and shall save and hold harmless the City of Cleveland, its Officers, Employees, and Assigns, and shall indemnify the City of Cleveland, its Officers, Employees, and Assigns for any and all claims or damage to property, or injury to any person or persons which may be occasioned by any activity carried on under the terms of the Permit.

Permittee shall furnish and maintain such Public Liability Insurance, Food Products Liability Insurance, and Property Damage Insurance, as will protect the Permittee and the City of Cleveland from all claims for damage to property or bodily injury, including death to one or more persons, which may arise from operations under this Permit or in connection therewith.

Such Insurance shall provide coverage in the amount of not less than One Million Dollars (\$1,000,000) on account of an incident involving injuries, including death to one or more persons, and Property Damage Insurance in the amount of not less than One Million Dollars (\$1,000,000), or a combined single limit of One Million Dollars (\$1,000,000) provided, however, that this insurance requirement shall not be construed to limit Permittee's indemnification obligations to the above required limits of insurance.

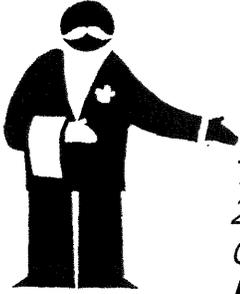
Such Insurance shall also name the City of Cleveland as an Additional Insured, including its Officers, Employees, and Assigns, and shall further provide that the Policy shall not terminate or be cancelled prior to the expiration date of this Permit without thirty (30) calendar days' written notice to the Director of the Mayor's Office of capital Projects.

(Signature) _____

(Printed Name) _____

(Title) _____

(Date) _____



Outdoor Restaurant Permits

The issuance of this permit is subject to Codified Ordinance Chapters 513 and 241.22 and any regulations established by the Director of Mayor's Office of Capital Projects.

Note: The Director of City Planning Commission must approve this application.

APPLICATION FOR PERMITS:

Application shall include, but not be limited to, the following information: (see insert).

1. Name, Phone number and address of applicant.
2. Detailed plans drawn to scale: showing the locations, number and arrangement of tables, chairs, and other structures.
3. The location of the pedestrian diverters planned to demarcate the occupied area.
4. The location of the entrance to the establishment.
5. The locations of the fire exits for fire escapes.
6. The nature and location of any existing sidewalk obstructions and the dimensions of the proposed area. (Photographs of the site are required).

THE ISSUANCE OF A PERMIT SHALL BE SUBJECT TO THE FOLLOWING REQUIREMENTS

1. Seasonal outdoor restaurants located in the public right-of-way shall occupy only area immediately adjacent to the business making the application, except in locations where plaza area have been developed for such use.
2. Restaurant Structures, Furniture and Equipment shall be constructed so that they may be removed at anytime.
3. Outdoor restaurants shall not obstruct emergency exits or fire standpipes.
4. Outdoor restaurants shall not occupy any portion of the roadway or within two (2) feet of the curb.
5. Outdoor restaurants shall not be permitted within six (6) feet of any fire hydrant, within five (5) feet of any driveway, within three (3) feet of any sidewalk handicap ramp, or within that portion of the sidewalk parallel to an area designated for parking, for handicapped parking, or commercial loading and unloading.
6. Six (6) feet of clear unobstructed walk must remain open at all times. In some areas circumstances may require a larger clear unobstructed walks of up to ten (10) feet. Prior to the issuance of a permit to occupy the sidewalk within the public right-of-way, the sidewalks shall meet the requirements of the Codified Ordinances of the City of Cleveland, Section 505.
7. Anchoring methods and materials shall be submitted for review and approval by the Director of Mayor's Office of Capital Projects prior to the issuance of any permit.

NOTE: APPLICATIONS WITH INCOMPLETE DRAWINGS WILL NOT BE PROCESSED.



REQUIREMENTS AND CONDITIONS OF PERMIT

- **The outdoor restaurant shall be placed only on the location set forth in the permit.**

\$200.00 Application Fee (\$100.00 Renewal Fee) must be paid. (Check made out to the City of Cleveland)

- Restaurant Furniture shall not be placed, and food service shall not begin until the application for the permit has been approved.
- Permits may be revoked for non-compliance with City Codified Ordinances or State law; and Permits may be suspended for such time and duration as the City of Cleveland deems necessary.
- Permittees shall maintain all required health licenses.
- Permittees and their Agents shall be responsible for maintaining all outdoor restaurant structures and associated equipment in good repair and free of corrosion and litter.
- Permittees shall not cook food in the outdoor restaurant.
- Permittees shall not place signs in the outdoor restaurant.
- All enclosures, tables, chairs and associated equipment shall be removed from the right-of-way during the off-season.
- Permittees shall provide insurance of not less than \$1,000,000.00 in accordance with section 513.03 (j) of the Codified Ordinances of the City of Cleveland.
- The permits allows for operation between April 1st and March 31st of the following year with hours of operation from 6:00 a.m. to 12 midnight in the Central Business District and 6:00 a.m. to 11:00 p.m. in all other districts.

REQUIREMENTS AND CONDITIONS

- The Outdoor Restaurant shall be placed only on the location set forth in the permit.
- **An Outdoor Restaurant located in the Central Business District shall not operate earlier than 6:00 a.m. nor later than 12:00 midnight. An Outdoor Restaurant located in any District other than the Central Business District shall not operate earlier than 6:00 a.m. nor later than 11:00 p.m.**
- Permittee and their agents shall obey any order of a Police Officer or other Emergency Personnel to remove their tables, chairs and other structures from the public right-of-way if necessary to avoid congestion or obstruction in an emergency.

Permittees and their agents shall be responsible for maintaining all Outdoor Restaurant structures and associated equipment in good repair, free of corrosion and in a safe, sound and non-hazardous condition.

- Permittees and their agents shall be responsible for keeping the general area around the permitted location free of litter. Permittees and their agents shall provide a suitable container for the placement of paper wrappers, and other similar items used by customers and others within the permitted area.

Permittees shall not place heaters, stoves or other flame producing devices in the Outdoor Restaurant.

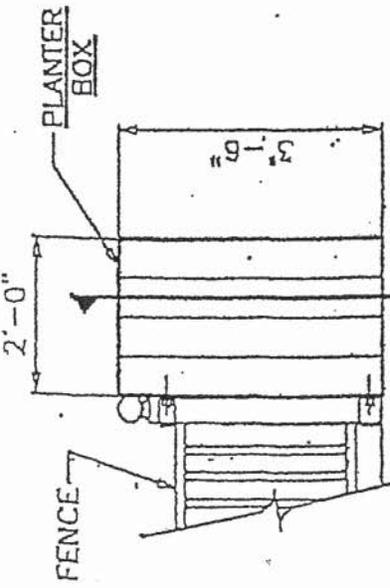
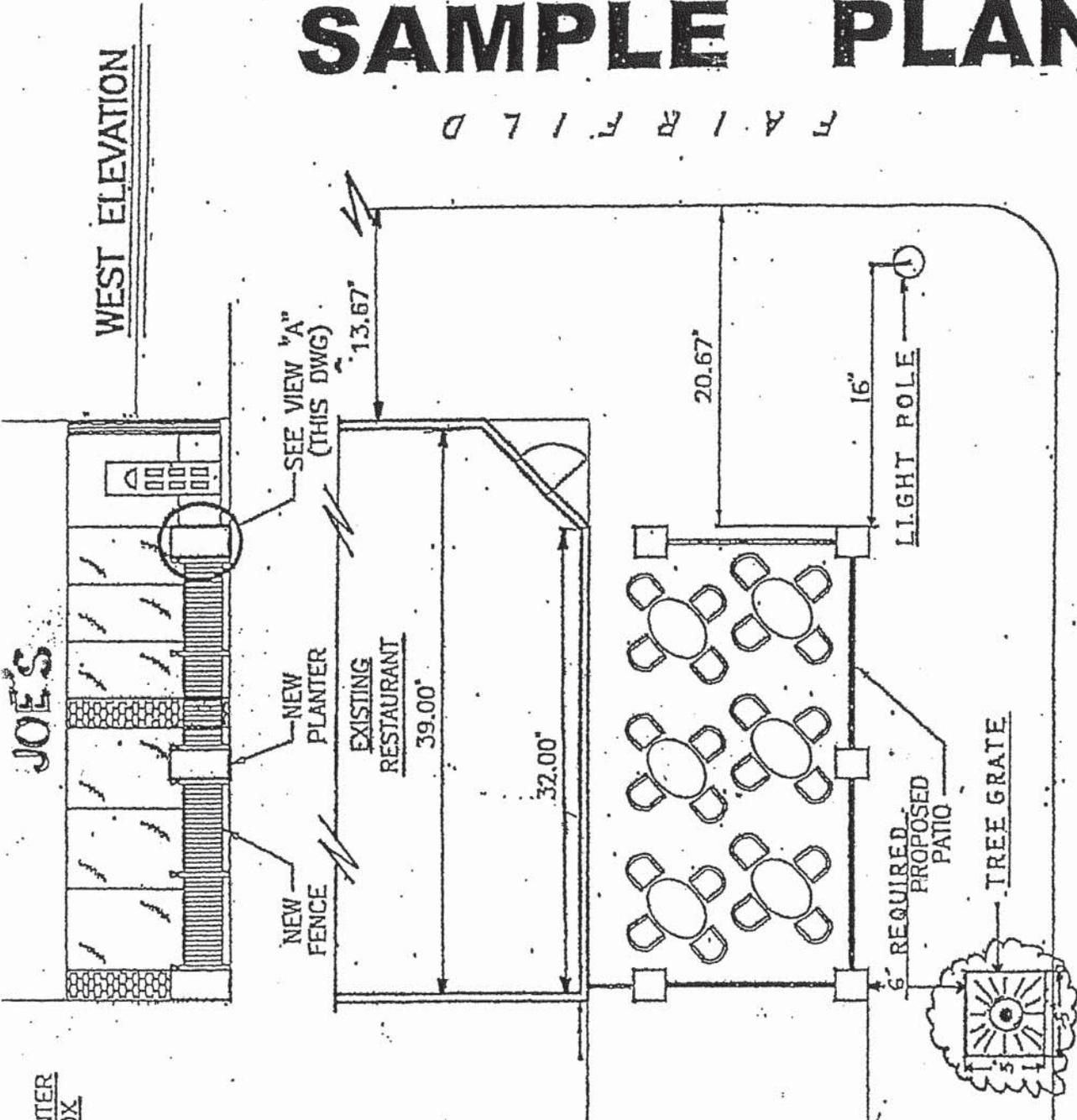
- Permittees shall not cook food in the Outdoor Restaurant.
- Permittees shall not place signs in the Outdoor Restaurant.
- Permittees shall maintain the required minimum clear unobstructed sidewalk adjacent to the Permit area which includes snow/ice removal.
- No permit shall be transferable in any manner.

A permit is valid only when used at the location designated in the Permit.

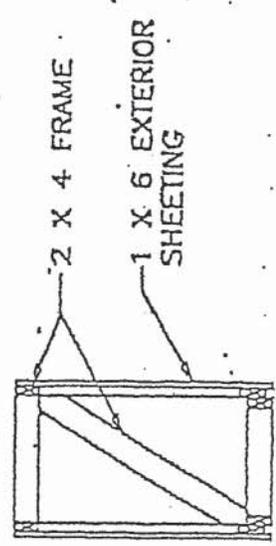
- Permits are valid commencing April 1st and ending March 31st of each calendar year.
- The window cling permit shall be visible from the sidewalk outside the fenced area.

SAMPLE PLAN

F A I R F I L D



VIEW "A"
SCALE 3/8" = 1'-0"



SECTION "A"
SCALE 3/8" = 1'-0"

W E S T 1 1 T H S T.

PLAN VIEW

SCALE 1/4" = 10'

JOE'S 1234 W. 11 ST.



SAMPLE

PLAN

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
07/09/20

PRODUCER

Name of Insurance
Insurance Division
Ave., ...
Cleveland, OH 44115-2001

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURED

Name of Restaurant
Cleveland, OH

INSURERS AFFORDING COVERAGE	NAIC #
INSURER A: Casualty Insurance Group	
INSURER B: Casualty Insurance Group	
INSURER C:	
INSURER D:	
INSURER E:	

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR	ADOL	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YYYY)	POLICY EXPIRATION DATE (MM/DD/YYYY)	LIMITS
A	X	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC		06/25/04	06/25/05	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (EA occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
		AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS				COMBINED SINGLE LIMIT (EA accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
		GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN AUTO ONLY EA ACC \$ AGG \$
		EXCESS/UMBRELLA LIABILITY <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE DEDUCTIBLE \$ RETENTION \$				EACH OCCURRENCE \$ AGGREGATE \$ \$ \$ \$
		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below OTHER				<input type="checkbox"/> WC STATU-TORY LIMITS <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

SAMPLE

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

The City of Cleveland is an Additional Insured under the above General Liability policy.

CERTIFICATE HOLDER

City of Cleveland
Mayor's Office of Capital Projects
601 Lakeside Avenue
Cleveland, OH 44114

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ~~SEND~~ 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT. ~~NO OTHER NOTICE IS REQUIRED.~~

~~XXXXXXXXXXXX~~
AUTHORIZED REPRESENTATIVE