



CITY OF SARATOGA SPRINGS
CHAPTER 136 Temporary Outdoor Dining Area Permit

Please note that you must have a valid Chapter 136 License to apply for this program.

Request for Outdoor Dining Area Use: **Property** **PRIVATE** _____ **or** **PUBLIC** _____
Application **RENEWAL** _____ **or** **NEW** _____

Location requested _____
Current Chapter 136 _____ Expiration Date _____
Current SLA License Number: _____ Expiration Date _____

1. Name of Business _____
2. Business Physical Address _____
3. Business Mailing Address _____
4. Business Web Address _____
5. Business Phone _____ Emergency Cell Phone(s) _____
6. Applicant's Name _____
7. Applicant's Home Address _____
8. Applicant's Home Phone _____ Applicant's Occupation _____
9. Applicant's Email _____ Additional Contact Email _____
10. Owner of Property _____ Property Owner's Phone _____
11. Property Owner's Address _____
12. Describe, in detail, services to be provided and the use of the proposed extended City property or otherwise:

13. Describe, in detail, and submit an accurate drawing showing the location, dimensions, and barriers of the outdoor seating area requested, location of tables, seats, aisles, entrances and exits.

16. Describe and attach in detail the safety measures you will put into place regarding the use of the identified City property in accordance with the City's "Supervision and Control Plan."
17. Do you serve alcoholic beverages? Yes ___ No ___ If yes, how many bars do you have (include main & satellite)? _____

Regulations:

- A. A temporary outdoor seating area permitted under this article shall be subject to the following regulations”
- B. The Permit Holder accepts the property for use as a temporary dining area as is, and shall maintain the area and keep it clear of debris and impediment.
- C. The permit holder shall clean up and dispose of all garbage and debris throughout the use of the allocated space and at the end of each business day.
- D. The permit holder shall immediately notify the City of any defects or deficiencies in the surface of the temporary outdoor seating area and adjacent curbs and walkways.
- E. Alcoholic beverages shall be served only during the hours allowed by the license for the eating and drinking establishment.
- F. All persons must vacate the temporary outdoor seating area no later than the close of business each evening. If so required by the terms of the permit, all furniture, barriers, utensils, and other materials and equipment used for the temporary outdoor seating area must be removed from the area or properly secured no later than the close of business each evening.
- G. No music from any source shall be played at any time.
- H. No Smoking shall be allowed at any time.

Fee Schedule:

Type of Property	Fee Type	Fee Amount
Private Property	Application	\$100
Public Property - Sidewalks	Application and Use of Property	\$500
Public Property – Sidewalks and Barriers/Blocks	Application, Use of Property, and Installation/Removal of Barriers/Blocks	\$12.00 per linear foot

The City of Saratoga Springs Insurance Requirements:

- 1. A Certificate of Insurance for Proof of commercial general liability insurance, including personal injury liability insurance, in the amount of One Million Dollars (\$1,000,000) per occurrence and Two Million Dollars (\$2,000,000) aggregate, **naming the City of Saratoga Springs as an additional insured on a primary and non-contributory basis. The City of Saratoga Springs must be listed as the certificate holder with the physical address of Dept. of Accounts – Suite 14 474 Broadway, Saratoga Springs, NY 12866.**
- 2. Proof of New York State statutory workers' compensation and employer's liability insurance for all employees, or a waiver of same as permitted by law. Proof of Disability/ Family Leave insurance for all employees, or a waiver of same as permitted by law.
- 3. A Certificate of Insurance for Liquor Legal Liability Insurance in the amount of One Million Dollars (\$1,000,000) bodily injury and property damage per each occurrence must be submitted with this application. Such insurance must contain a provision that the Commissioner of Accounts be notified if the policy is cancelled or if there has been a material change in coverage and/or conditions.. **The City of Saratoga Springs shall be included as additional insured, and listed as the Certificate Holder with the physical address of City of Saratoga Springs Dept. of Accounts – Suite 14 474 Broadway, Saratoga Springs, NY 12866.**

The Certificate naming the City of Saratoga Springs as Additional Insured solely for the issuance of permit(s) should be addressed to the attention of:

**Department of Accounts –Suite 14
City of Saratoga Springs
474 Broadway
Saratoga Springs, NY 12866
Attention: City Clerk’s Office**

The Licensee acknowledges that failure to obtain such insurance on behalf of the municipality constitutes a material breach of contract and subjects Permit Holder to liability for damages, indemnification and all other legal remedies available to the City. The Permit Holder is to provide the City with a Certificate of Insurance naming the City as Additional Insured on a Primary and Non-contributory Basis prior to the issuance of this temporary permit. The failure to object to the contents of the Certificate of Insurance or the absence of it shall not be deemed a waiver of any and all rights held by the municipality.

The Licensee shall indemnify and save harmless the City of Saratoga Springs, its Agents and Employees (hereinafter referred to as “City”), from and against all claims, damages, losses and expenses (including, but not limited to, attorneys’ fees), arising out of or resulting from the licensed activity, sustained by any person or persons, provided that any such claim, damage, loss or expense is attributable to bodily injury, sickness, disease, or death, or to injury to or destruction of property caused by the tortious act or negligent act or omission of Permit Holder or its employees, its agents or subcontractors. Furthermore, the Permit Holder agrees to the terms and conditions of this temporary permit and agrees to abide by the regulations set forth therein.

I, _____, agree to comply with all applicable state and local ordinances and/or law and agree to operate this business in total compliance of those laws and ordinances.

Date _____

Signature of Applicant _____

STATE OF NEW YORK)
) ss:
COUNTY OF SARATOGA)

On the _____ day of _____ of 20____, before me, the undersigned, a Notary Public/Commissioner of Deeds in and for said State, personally appeared _____ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or persons upon behalf of which the individual(s) acted, executed the instrument.

Notary Public/Commissioner of Deeds

City of Saratoga Springs Design Guidelines for Temporary Outdoor Dining

LOCATION:

Outdoor dining space should not obscure, damage or destroy the features of the building or the streetscape. Outdoor dining design elements should stand independently of the building facade. In the event that design elements cannot stand independently, **any attachments to the facade should be made in such a manner that, if removed in the future, the building facade would not be irreparably damaged.**

MATERIALS:

In designing outdoor space, the use of artificial materials, such as plastic and vinyl, are to be avoided at all costs. **Natural materials, namely metal or wood are to be used** instead. The materials and details should be similar to, or complement, the building itself.

DEMARCATON:

1. **Railings** - If used for demarcation, railings should be made of metal (or natural wood) and should complement the building.
2. **Sectional Fencing** - Fabric Inserts, if used, should be framed out. Post and Stanchions may be used for demarcation. Solid sheet fencing is prohibited.
3. **Planters** - Potted plants and/or planters are encouraged.

SCREENING:

Potted plants and/or planters are encouraged. A green wall (lattice with plants growing through it), if used, should incorporate live plants. A square lattice pattern is preferred over a diagonal pattern. **Plastic or artificial plantings and flowers are not acceptable.**

SKIRTING/LATTICE:

In the event that an elevated platform or deck is necessary, it would require skirting to screen the space beneath the structure. If lattice is used for skirting it should be placed in a frame. A square lattice pattern is preferred over a diagonal pattern. The use of natural materials for lattice or skirting boards (wood) is encouraged. **Vinyl and plastic are not acceptable** and not in keeping with the City's historic district design standards.

FLOOR SURFACES/ FOOTING:

Resurfacing is discouraged. Existing surfaces - pavement or grass - should be maintained and incorporated into your space. If resurfacing is unavoidable, new surfaces should be made of natural materials. **Under no circumstances will surfaces be constructed of carpeting, artificial turf, vinyl or plastic.**

TABLES AND CHAIRS:

Tables and chairs must be constructed of durable materials and properly maintained. **Metal is the preferred material** and small tables are encouraged as they provide more layout flexibility. Plastic tables and picnic tables are not acceptable and not in keeping with the City's historic design standards.

UMBRELLAS:

Umbrellas should be solid in color. **Umbrellas must not contain or display any advertising except for the name and/or logo of the business.** Umbrella color and design shall coordinate with the design of the building or business and be compatible with the sidewalk cafe furniture.

BARRIERS:

The cement barriers placed by the City are not be decorated with paint other than brick red [e.g. Pantone #8C373E, RGB (140, 55, 62)] with grey/white lines simulating mortar and a traditional brick pattern.

KEY POINTS: Natural materials (metal/wood) should always be used in the City's Historic Districts. Plastic, vinyl, artificial plantings and artificial floor surfaces are not acceptable.