

SIDEWALK CAFE PERMIT APPLICATION

CITY OF MOUNTAIN BROOK, ALABAMA

Date of Application _____

Establishment/Business Information

Restaurant Owner's Name: _____

Restaurant/Business Name: _____

Address of premises for proposed sidewalk cafe:

Restaurant Business Address (*if different from above*): _____

Restaurant Owner's Phone: _____

Restaurant Owner's Email: _____

City of Mountain Brook Business License #: _____

Date Issued: _____

Property Owner Information (*if different from above*)

Property Owner's Name: _____

Property Owner's Business Address:

Property Owner's Phone: _____

Property Owner's Email: _____

Required Attachments

1. Dimensioned drawing of proposed location of sidewalk cafe operation in relation to the subject premises (and any adjoining business where evening sidewalk café is to be provided); indicating maximum number and location of tables, chairs and accessories. (See attached sample diagram; does not have to be done by a professional, but should be legible and clearly indicate sidewalk width and a minimum of 5 feet between proposed furnishings and the curb, as well as indicating that no furnishings are proposed in front of any exit doors (neither that of the subject food establishment nor any adjoining establishment).
2. Hold Harmless Agreement, signed and dated by both the owner of the restaurant and the owner of the property.
3. Written description of proposed operations of outdoor services, sanitation, monitoring and responsibilities.
4. Photographs of premises/sidewalk under consideration.

Submittal of Application and Attachments

Submissions should be electronic, and may be emailed to: Dana Hazen at hazend@mtnbrook.org

Copy Tammy Reid at reidt@mtnbrook.org on email submissions.

Fee: none

Revocation of Permits

All permits issued for sidewalk cafes shall be subject to revocation in whole or in part by the City Clerk:

- a) Whenever he shall consider it necessary or advisable that the sidewalk area covered by the permits, or any portion thereof, be vacated in order that the same may be used for a public purpose, or because of the need for construction or maintenance on or below such sidewalk.
- b) Whenever he finds a permittee has failed or neglected to comply with any of the specific conditions permitted, including number of tables and chairs and accessories and their location, or any of the conditions outlined in the operations plan of services, sanitation, monitoring schedule and responsibilities.
- c) Whenever he finds there to be a danger to the public health, safety, or welfare as a result of continuation of the permitted activity.

CHURCH STREET

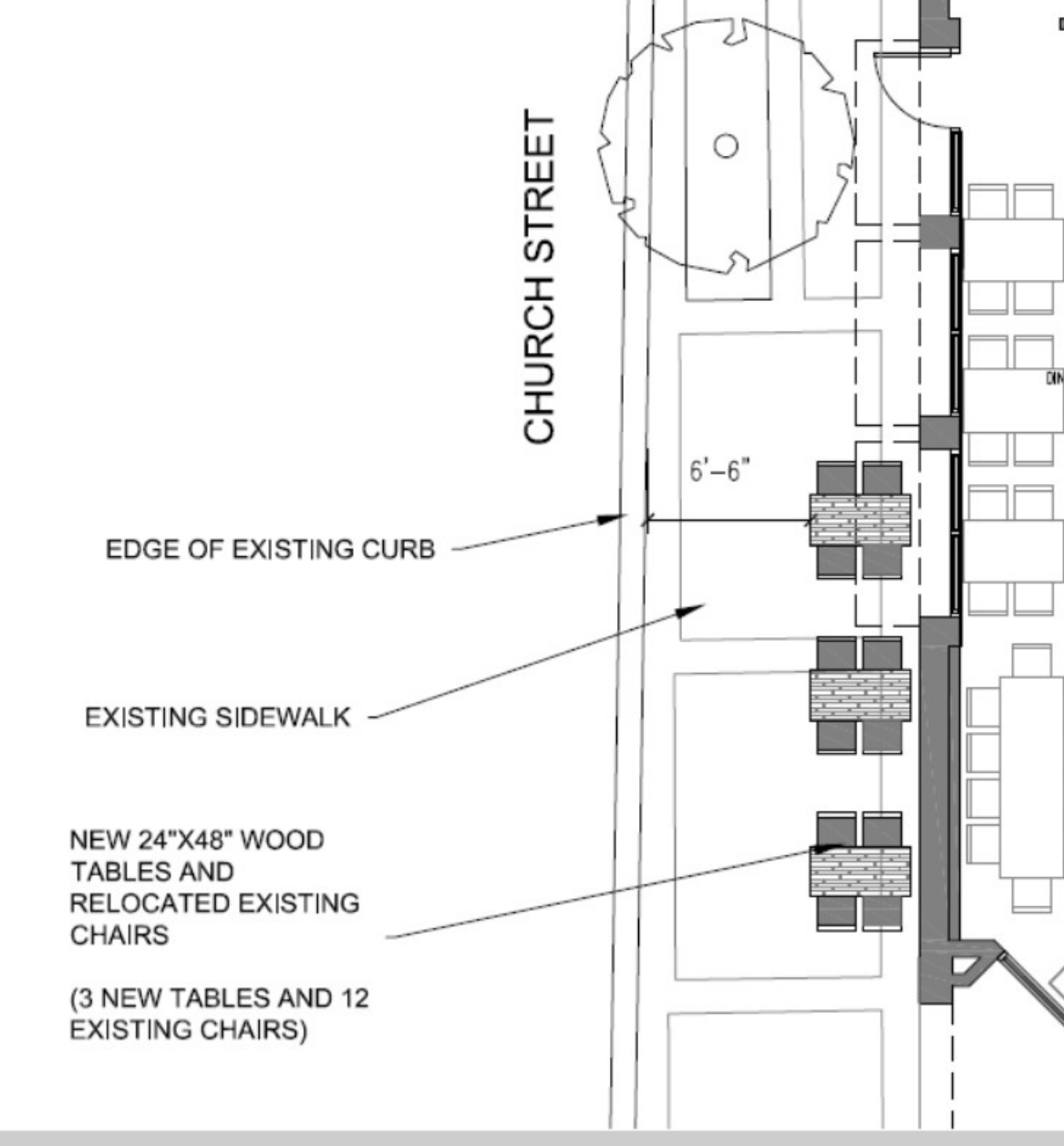
EDGE OF EXISTING CURB

EXISTING SIDEWALK

NEW 24"X48" WOOD
TABLES AND
RELOCATED EXISTING
CHAIRS

(3 NEW TABLES AND 12
EXISTING CHAIRS)

6'-6"



STATE OF ALABAMA)
JEFFERSON COUNTY)

**INDEMNIFICATION and HOLD HARMLESS AGREEMENT
Operation of Sidewalk Café in Mountain Brook, Alabama**

THIS AGREEMENT is entered into between _____
 (“Restaurant Owner”) and _____ (“Property Owner”),
 hereinafter collectively “Owners,” and the **City of Mountain Brook, Alabama**, an Alabama
 municipal corporation, hereinafter “City”, to provide for indemnification by Owners to the City
 with respect to the operation and use of a sidewalk café in the City.

WHEREAS, the City has enacted a municipal ordinance addressing the operation and use
 of sidewalk cafes and requiring a revocable permit to lawfully operate a sidewalk café within the
 Villages of the City;

NOW THEREFORE, the parties agree as follows:

1. In consideration of the agreement and permission to operate and use a sidewalk
 café in the City, Owners, their heirs, agents, successors, and assigns (herein collectively
 “Owners”) covenant and agree to indemnify, defend, save and hold harmless the City, its
 officers, agents, employees, successors, and assigns, (herein collectively “City”) from all claims,
 demands, suits, proceedings, expenses, civil and criminal penalties and fines, damages, losses,
 reasonable attorneys’ fees, and liabilities (collectively “Claims”) arising from the operation or
 use of a sidewalk café. The existence of, or inadequacy of, insurance protection and coverage
 carried by Owners, in no way limits the indemnification agreement as stated herein.

2. This indemnification shall survive the cancellation, termination, or expiration of
 the agreement to use, revocable permit, and operation use term.

DONE and ENTERED into on this the _____ day of _____, _____.

Restaurant Owner

Property Owner

ORDINANCE NO. 2067

**TEMPORARY MODIFICATION OF SIDEWALK
RESTAURANT DINING REGULATIONS**

WHEREAS, many small businesses and have suffered financially due to the business disruptions caused by government and business restrictions imposed to curtail the spread of the COVID-19 virus; and

WHEREAS, restaurants are among those small businesses facing economic challenges as those restrictions required them to cease on-premises dining; and

WHEREAS, the State of Alabama has now passed new guidelines which will permit restaurants to resume on-premises dining, albeit with appropriate safeguards; and

WHEREAS, the City, its small business community, restaurants and residents understand the importance of keeping appropriate safeguards in place so as maintain the progress that has been achieved through social distancing; and

WHEREAS, the City understands that continued productivity and economic activities are necessary to the welfare of business owners, employees, families and the entire Mountain Brook community and is committed to protecting both the economic health of its business owners and the health of the community; and

WHEREAS, one of the ways that the City believes on-premise dining can be made safer and compliant with State Health requirements is by use of outdoor dining areas, including those on sidewalks in front of dining establishments; and

WHEREAS, the City has detailed regulations and standards in place concerning the use of public sidewalks for dining operations and those regulations are designed to protect the character of the City's historic villages; and

WHEREAS, during these unprecedented times, the City finds that temporary modification of some of those standards and regulations to be appropriate and necessary to permit business operations and the economic vitality of the community to continue, as well as to protect the health and safety of patrons.

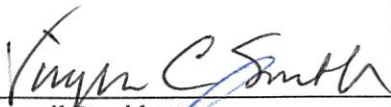
NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Mountain Brook, Alabama, pursuant to relevant provisions of the Emergency Management Agency Act of 1955, as amended, Governor Kay Ivey's State of Emergency Proclamations and the Alabama State Health Officer's Orders as follows:

1. For a period of time beginning on the date of passage of this Ordinance and ending 90 days thereafter (the "Restaurant Relief Period"), Section 46-6 of the City Code containing Sidewalk Café Regulations shall be temporarily modified so as to facilitate and expedite the ability of restaurants to utilize sidewalks for dining operations. Such modifications are as follows:
 - a) Village Design Review Committee review and approval provided for in Section 46-6 (b)(2) & (3) shall not be required.
 - b) City Council review and approval required by Section 46-6 (b)(4) shall not be required; provided, however, that city clerk shall not issue a Sidewalk Café Permit until such time as the owners of both the restaurant and the property have executed the City's Hold Harmless & Release Agreement in the form attached hereto.
 - c) New sidewalk cafés permitted pursuant to these temporary modifications and expansion of existing sidewalk cafes shall also be subject to the following in lieu

2067

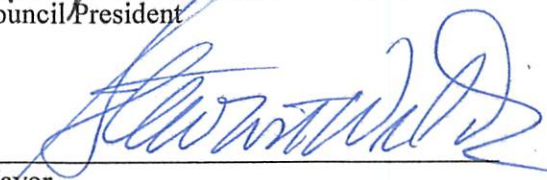
- c) New sidewalk cafés permitted pursuant to these temporary modifications and expansion of existing sidewalk cafes shall also be subject to the following in lieu of those regulations found in Sections 46-6 (c)(1) & (2):
- a. Limitations on the area permitted to be used by a sidewalk café during the Restaurant Relief Period shall be temporarily modified so as to allow the area to be expanded beyond the area directly in front of the building in which the restaurant is located, as may be approved by the City Clerk, provided that sufficient clearance for pedestrian passage is maintained pursuant to ADA requirements.
 - b. Operation of outdoor areas approved under these temporary standards shall be restricted to evening hours from 5:00 p.m. until close of business.
 - c. Tables and chairs shall be removed from the sidewalk and stored during the hours in which operation is not permitted.
 - d) Sidewalk cafes approved prior to the passage of these modification and under the existing Code provisions shall be permitted to continue to operate pursuant to and within the scope of the City Council approval for such café.
2. All other provisions of City Code Section 46-6 that are not specifically modified hereby shall remain in full force and effect.
3. The Administrative Processing Fee imposed pursuant to Section 46-6(b)(1) is hereby waived for all applications submitted pursuant to this Ordinance.
4. Repealer. All ordinances or parts of ordinances heretofore adopted by the City Council of the City of Mountain Brook, Alabama, that are inconsistent with the provisions of this ordinance are hereby expressly repealed.
5. Severability. If any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.
6. Effective Date. This ordinance shall become effective immediately upon adoption and publication as provided by law. The provisions of this ordinance shall expire ninety (90) days from the date of passage unless otherwise extended or made permanent by the City Council.

ADOPTED: This 11th day of May, 2020.



Council President

APPROVED: This 11th day of May, 2020.



Mayor

CERTIFICATION

I, Steven Boone, City Clerk of the City of Mountain Brook, Alabama, hereby certify the above to be a true and correct copy of an ordinance adopted by the City Council of the City of Mountain Brook, Alabama, as its meeting held on May 11th, 2020, as same appears in the minutes of record of said meeting, and published by posting copies thereof on May 12, 2020, at the following public places, which copies remained posted for five (5) days as required by law.

City Hall, 56 Church Street
Gilchrist Pharmacy, 2850 Cahaba Road

Overton Park, 3020 Overton Road
Cahaba River Walk, 3503 Overton Road



City Clerk