



## City of Ypsilanti Building Department

**Non-refundable fee:  
\$75**

One South Huron • Ypsilanti, MI 48197  
Phone: (734) 482-1025 • Fax: (734) 482-7444  
www.cityofypsilanti.com

Date: \_\_\_\_\_

### OUTDOOR CAFÉ in the RIGHT-OF-WAY APPLICATION §94-193

**Applicant**

Contact Name		
Business Name		
Address		
City	State	Zip
Phone / Fax	E-Mail	

**All are required with application submittal. Check the following as completed. If not applicable, please write "N/A" or "not applicable." Incomplete applications will not be accepted.**

	Submit this completed application with the fee to the Ypsilanti Building Department for review and evaluation.			
	Attach sketch of planned location, including dimensions and seating. <b>The location must allow for a five-foot wide unobstructed path of travel for pedestrians, not block any entrances, exits, or windows of adjacent buildings, and not block any other public fixtures such as fire hydrants or parking meters.</b>			
	Attach current Certificate of Insurance, naming City of Ypsilanti as additional insured for commercial liability coverage in an amount of not less than \$1,000,000 general aggregate.			
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Insurance carrier name:</td> <td style="width: 25%;">Policy Number</td> <td style="width: 25%;">Expiration Date</td> </tr> </table>	Insurance carrier name:	Policy Number	Expiration Date
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	Authorization from the state Liquor Control Commission for sidewalk café serving alcoholic beverages, if such will be served.			
	Signed Licensing Agreement and Sidewalk Café Permit Conditions			

**Signature**

I hereby attest that the above information is accurate and I am authorized to make this application. I and those I represent agree to indemnify and hold harmless the City of Ypsilanti, its officers, and employees, from any loss, liability, or damage, including expenses and costs, for bodily or personal injury, and for property damage sustained by any person as a result of the installation, use, and/or maintenance of an outdoor café within the right-of-way within the City, including loss of or damage to the café itself.	
Signature:	Date:
Print Name:	

This Fact Sheet is not a substitute for a close reading of the ordinance, which is available on the City's website. It is intended to address general or common questions. All relevant permit applications are available from the Building Department at City Hall, or on the City's website, [www.cityofypsilanti.com](http://www.cityofypsilanti.com). Completed applications and any required fees should be submitted to the Building Department. For further information, contact the Building Department at 734-482-1025.

**Sidewalk cafés are areas on a public sidewalk adjacent to a restaurant used as an additional service area for that restaurant.**

**Permits Required:** Outdoor Café License  
MLCC approval may be necessary  
MDOT approval may be necessary  
Business must have a current Certificate of Occupancy and Business License

**Other Requirements:**

- **Completed permit application and application fee**
- **Site sketch showing location and dimensions of proposed seating area.**
  - Business must be located in the Center Zoning District (C);
  - Seating area must be adjacent to the principal business which provides indoor seating.
  - Seating area may only be used for drinking and dining; no storage, preparation of food or vending machines are permitted. They are not to be used as "smoking areas" nor as outdoor performance areas.
  - Seating area must be separated from remainder of the public right-of-way by means of a minimum three-foot high obscuring greenbelt, wall or other architectural feature.
  - A five-foot-wide clear walkway space must be provided for passers-by. The measurement shall be made from the front of curb to the outer limits of the outdoor seating area, or from the building to the inner limits of the outdoor seating area.
  - Seating area must be at least 50 feet from property zoned R1;
  - Seating area must be kept clean and free of litter at all times.
  - Seating area may only be in place from April to October; once the café is closed for the season, all chairs, tables, barriers, and etc. shall be removed.
- **Current Certificate of Insurance, naming City of Ypsilanti as additional insured for commercial liability coverage in an amount of not less than \$1,000,000 general aggregate.**
- **If serving alcohol, you must be licensed Michigan Liquor Control Commission (MLCC) to do so.**
  - For more information, please call the MLCC at 1-866-813-0011;
  - Local police investigation and approval is required. Police inspection will be arranged by the MLCC.
- **If operating on a trunkline, you must acquire a Michigan Department of Transportation Permit.**
  - Trunklines within the City:
    - Washtenaw: Western City boundary to Hamilton
    - W. Cross: Washtenaw to N. Huron
    - Hamilton: Washtenaw to southern City boundary
    - Huron: W. Cross to southern City boundary
    - Michigan: Hamilton to eastern City boundary
    - Ecorse: All
  - **This permit can be applied for online at [mi.gov/business](http://mi.gov/business). Please contact the Building Department if you have questions about instructions and required attachments.**
- **A completed Sidewalk Café Licensing Agreement**

**If you have questions, please contact  
the City of Ypsilanti Building Department at (734) 482-1025.**

## **LICENSING AGREEMENT SIDEWALK CAFÉ LICENSE**

The City of Ypsilanti hereby licenses \_\_\_\_\_, doing business as " \_\_\_\_\_ " at \_\_\_\_\_, Ypsilanti, MI (hereafter LICENSEE) to operate a sidewalk café pursuant to the Ypsilanti City Zoning Ordinance, under the following terms and conditions which are agreed upon and accepted by the LICENSEE.

1. The area licensed shall be, pursuant to the sketch attached hereto and made a part hereof, being a space of approximately \_\_\_\_\_ square feet on the city sidewalk on the \_\_\_\_\_ side of \_\_\_\_\_ adjacent to the \_\_\_\_\_ building.
2. The LICENSEE agrees to take responsibility for all maintenance required of all areas occupied by the outdoor seating area.
3. The LICENSEE agrees that the licensed area shall be kept clean and free from all litter and debris during the term of this License.
4. Clear passage of ingress and egress from the building to the street must be maintained at all times.
5. For the duration of this agreement there must exist a clear walkway space for pedestrians travelling along the public right-of-way of not less than five feet in width.
6. Hours of Operation. The sidewalk café may be in operation at all times that \_\_\_\_\_ is open.
7. The LICENSEE agrees that they understand and will abide by Chapter 42, Division 4: Noise, specifically Section 42-100 of the City of Ypsilanti Code of Ordinances.
8. The licensed area shall not be used for the storage or maintenance of any person property of any kind whatsoever except tables, chairs and umbrellas to be used in the business. At such time as the Café is closed or not being used those items shall be stored and secured as to prevent being blown or thrown about. Items which cannot be property secured shall be removed from the Café area when the Café is not in operation.
9. Operation of License. This License shall be valid during the months of April, May, June, July, August, September, and October only and shall not be valid during the months of November, December, January, February, and March. All barriers, furnishings, and personal property shall be removed from the licensed area during the non-operational months.

10. Indemnify and Hold Harmless. The LICENSEE hereby indemnifies and agrees to hold the City of Ypsilanti and all of its officers, agents, employees, boards, commissions, and volunteers harmless from any claim, damage, or liability that may ensue because of the operation of the sidewalk café or the use of the licensed premises by the LICENSEE.
11. Insurance. The LICENSEE shall obtain and maintain, at its sole and separate cost, insurance naming the City of Ypsilanti as a named primary insured for commercial general liability coverage in an amount of not less than \$1,000,000 general aggregate. Insurance shall be approved by the City Attorney and issued by a company authorized to do business in the State of Michigan and having a Best Insurance Rating of A or better.
12. Compliance with all Ordinances. The LICENSEE agrees to comply with all state, federal, and local laws, rules, and regulations.
13. Police Orders. The LICENSEE agrees to obey and be bound by all lawful police orders issued during the term of this License.
14. Expiration. This License will expire on October 31, 2022.

This License is dated \_\_\_\_\_ 2022.

ISSUED BY:

\_\_\_\_\_  
 Frances McMullan, City Manager  
 City of Ypsilanti

Terms and conditions of the above licensee agree to.

NAME OF BUSINESS

BY: \_\_\_\_\_

Ypsilanti, MI

APPROVED AS TO FORM:

\_\_\_\_\_  
 John M. Barr  
 City Attorney

## SIDEWALK CAFÉ PERMIT CONDITIONS

1. The permittee will provide the Michigan Department of Transportation (MDOT) with a legal description identifying that portion of the proposed sidewalk café that will be within the Trunkline right-of-way within 30 days of a permit being issued.
2. A clear area of seven and one-quarter feet (7.25 feet) as measured from the back of the existing curbing along the Trunkline shall be established for pedestrian traffic and to facilitate maintenance activities.
3. The permittee shall not trim trees, hang signs on the existing lamp posts, or otherwise modify the public property within the right-of-way.
4. No fencing of any type shall be used to isolate tables and chairs for the sidewalk café.
5. The sidewalk café permit will expire on October 31<sup>st</sup> of the year the permit is issued. The permittee must request in writing to renew their permit. The permittee may be required to complete all the necessary documents and submit a permit fee for a new year at the time of the renewal.
6. The permittee has read and understands the Requirements for Issuing a Sidewalk Café Permit and will meet the requirements as noted.
7. The Department of Transportation reserves the right to require removal of all or any portion of the sidewalk café placed on Trunkline right-of-way by this permit as needed for highway maintenance or construction purposes without replacement or reimbursement of any costs incurred by the permittee or any other party. The permittee will defend, indemnify, and hold harmless the Department from any claims whatsoever resulting from the construction, maintenance or removal of the sidewalk café authorized by this permit.
8. The applicant must meet all Governmental Agencies' requirements and ordinances.

I, \_\_\_\_\_ have read and agree to comply with the Permit Conditions for Sidewalk Cafes.

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Signature

Date