



**CITY OF MT. PLEASANT
OUTDOOR DINING POLICY
Adopted September 13, 2021**

PURPOSE

The *Outdoor Dining Policy* is designed to allow businesses the ability to utilize sidewalks, streets, alleyways and private property for temporary outdoor dining purposes, and to promote and protect the public health, safety, and general welfare of the community. These general goals include, among others, the following specific purposes:

1. To provide an additional way for eateries, diners, restaurants, coffee shops, etc. within the Principal Shopping District / Central Business District and other areas of the City to expand their operations.
2. To promote sidewalks, streets and alleyways as useful and properly planned visual amenities.
3. To provide adequate space for pedestrians and drivers on the streets, alleyways and sidewalks adjacent to outdoor dining and to insure access to adjacent businesses.

PROCESS FOR APPLICATIONS

Application for an Outdoor Dining License can be found at www.mt-pleasant.org/downtown. All necessary images/sketches, and insurance information must be included with the application to begin the review process. Completed applications can be emailed to Michelle Sponseller at msponseller@mt-pleasant.org or mailed/dropped off to the Downtown Development office at City Hall (320 West Broadway) in the drop-box located in the City Hall parking lot.

Prior to approval, City staff shall inspect the proposed area and prepare a report listing any damaged public sidewalk, street or alleyway in the area, any potential hazards that need to be corrected prior to issuance of the license including, but not limited to, location of trees and low-hanging branches, wires, guide wires, sign locations and height, tree gates, planters, bike racks, etc., that could serve as a hazard to pedestrians.

LOCATION

Applications to license public sidewalks, or parking spaces for outdoor dining may be issued within any City right-of-way. The City will also issue permits for the establishment of temporary outdoor dining areas on private properties associated with a legally existing restaurant, Class I restaurant, bar, nightclub, or tavern as defined by the Mt. Pleasant Zoning Ordinance.

NOTICE OF VIOLATION; FAILURE TO COMPLY

Upon a finding by a City staff member that an applicant has violated any provisions of this policy, the Downtown Development Director shall give notice to the applicant to correct said violation. Upon failure to immediately correct said violation, the City Commission may revoke the applicant's license to operate the outdoor dining license. Upon the revocation of such license, the applicant shall be entitled to a hearing before the governing body within 30 days, upon notice thereof, provided that a hearing is

requested by the applicant, in writing, within five days of revocation of the license.

All conditions are to be met by applicants, unless waived by the City Commission.

GENERAL TERMS - LAYOUT, MAINTENANCE, AND HOURS OF OPERATION

Outdoor dining offers a unique opportunity for cities and downtowns to improve the public realm and create spaces for pedestrians to socialize and linger. Though modest in size, outdoor dining platforms and spaces are significant in their representation of prioritizing people over automobiles. However, outdoor dining platforms and spaces could also result in a cluttered and unattractive appearance and create obstructions for pedestrians and vehicles. The following guidelines were developed to support the efforts of our business community and keep it attractive and safe.

Outdoor dining is allowed subject to the following guidelines:

1. The owner of the business shall be responsible for compliance with all city, state and federal ordinances and codes. Please note that structures exempt from a building permit due to their size must still comply with all ordinances and codes. Questions on applicable building and fire codes can be directed to the Building Official at (989) 779-5301.
2. Dining spaces and/or platform on public property shall be located in front of the applicant's business frontage. Utilization of parking spaces is up to three spaces provided those spaces shared with abutting businesses are agreed on.
3. The use of barrier-free parking spaces, corresponding ramps and accessible paths is prohibited for the purpose of outdoor dining.
4. All structures used for outdoor dining must have appropriate flame spread rating of class I or class A, similar to a tent structure. Structures must be anchored to a base and/or patio. Structures cannot be anchored into street or sidewalk.
5. Illumination at night is suggested in the spring/summer/fall season and mandatory during the winter season. Illumination source may not use city utilities. No open flame can be used in the structures.
6. Outdoor dining shall not block any required fire lanes, impede access to any public sewer manholes, or encroach upon required queueing or stacking for an operational drive-through or drive-up service window.
7. Private property alterations to accommodate outdoor business operations shall be of a temporary nature unless all required City approvals for permanent site improvements are obtained prior to such alterations being made.
8. All dining units should be inspected by the fire department and building official and have a certificate of compliance from the building official before public use.
9. ADA Accessibility/Universal Design

Universal Design (UD) is a strategy for making products, environments, operational systems, and services welcoming and usable to the most diverse range of people possible. Its key principles are simplicity, flexibility and efficiency.

Originally developed in response to the needs of the aging population and people with disabilities, UD has much broader applicability than ADA. It increases ease of access to products, places and services for multiple, diverse populations. Using UD means taking into account the broad range of abilities, ages, reading levels, learning styles, languages and cultures in their customer base.

At a minimum all outdoor dining locations must meet American with Disabilities Act (ADA) standards and encourage UD whenever possible.

Due to each potential outdoor dining location (sidewalk or dining deck) having site challenges with the existing infrastructure elements (ex. crown of road, tree wells, light poles, etc.) and building code requirements (ex. load per sq ft, support, limited thickness in materials, etc.) we have provided options for business owners to reach ADA, recognizing that one design option cannot fit all situations.

The following are recommended strategies for implementing ADA standards with regards to outdoor dining on sidewalks and/or decks:

Sidewalk Dining:

- a. Shall be located so as to provide the pedestrian access required by the American with Disabilities Act. An unobstructed, walkway of 60" shall be maintained at all times.

Dining Decks Options:

- a. Dining platforms/patios should be flush with the curb and should not have more than a ½ inch gap from the curb; or
 - b. Incorporate an ADA compliant ramp as part of the dining deck design; or
 - c. Use of an accessibility ramp to allow access from the sidewalk to the dining area.
 - i. Where ADA ramps and/or other resources are used, signage indicating their availability will be posted clearly so patrons can see it.
10. Umbrellas or shade structures can be used on public sidewalks if vertical clearance is greater than 80 inches, so as to not cause a hazard to blind or visually impaired persons.
11. Tables, chairs, umbrellas and any other objects used shall be of quality design, materials, and workmanship both to ensure the safety and convenience of users and to enhance the visual and aesthetic quality of the urban environment.
12. The licensed area, perimeter of the seating area and abutting public sidewalk shall be kept clean, attractive and free of all litter, snow and debris, and must allow for the safe and easy flow of pedestrian traffic and city street sweeper. Cord covers are required for the entire width of the sidewalk when cables are used to eliminate tripping hazards and provide unobstructed sidewalk access. In addition, it is the responsibility of the license holder to inspect the licensed area and report any deterioration or other hazard(s) to the Director of Public Works.
13. License of public right-of-way shall not be permitted if the proposed dining area results in sight obstructions for vehicles or pedestrians or result in the obstruction

of normal traffic flow. Any outdoor lighting shall be arranged in such a manner so as not to create a hazard for vehicular traffic or a nuisance to residential land uses in the area.

14. No advertising signage shall be present on or in the outdoor seating area.
15. The licensed area shall be limited to portions of right-of-way abutting the property owned, leased, or rented by the applicant unless given approval by adjacent property and business owners.
16. Hours of operation for licensees on public property shall be limited to between 7:00am and 12:00am. The City may impose additional limitations on the hours of operations on public or private property if necessary to maintain the health, safety and welfare of the community.
17. The location of outdoor dining where alcohol is served shall be subject to the requirements of the Michigan Department of Licensing and Regulatory Affairs (LARA). The operator of any outdoor dining space or patio shall take whatever steps are necessary to procure the appropriate license from the M.L.C.C. and shall comply with all other laws and regulations concerning the serving of alcoholic beverages in the State of Michigan. The City may place conditions on such approvals, including but not limited to limitations on the days and times of sales and consumption and access control measures such as temporary fencing to prevent alcohol served on-site from being consumed off-site and access to alcohol by individuals under the age of 21.

INSURANCE REQUIREMENTS

1. For new applicants or existing applicants with changes: Scaled drawing (not less than 1" = 20') or photos of the property in question and each abutting property. Show all proposed sidewalk utilization including proposed merchandise display and existing conditions, including light poles, street signs, planters, trees, etc. Those applying for renewal with no changes are not required to provide this information.
2. Proof of Insurance:
 - a. Employer's Liability and Workers Compensation
 - b. General Liability (occurrence basis only) with the following coverage inclusions:
 - Broad Form General Liability Endorsement or equivalent if not included in the policy proper.
 - Contractual Liability
 - Products and Completed Operations
 - City of Mt. Pleasant named as "Additional Insured"
 - c. Limits of liability shall not be less than \$1,000,000 per occurrence and/or aggregate for personal injury, bodily injury and property.
3. Hold Harmless
 - a. To the fullest extent permitted by law, the licensee agrees to defend, pay in behalf of, and hold harmless the City of Mt. Pleasant, its elected and appointed officials, employees and volunteers, and others working in behalf

of the City of Mt. Pleasant against any and all claims, demands, suits, losses, including all costs connected therewith, for any damages which may be asserted, claimed or recovered against or from the City of Mt. Pleasant, its elected and appointed officials, employees, volunteers or others working on behalf of the City of Mt. Pleasant, by reason of personal injury, including bodily injury and death; and/or property damage, including loss of use therefore which arises out of or is in any way connected or associated with this contract.

VISUAL EXAMPLES OF OUTDOOR DINING OPTIONS:

