

**City of Detroit Lakes
Temporary Expansion Permit**

Business Name: _____

Address: _____

Desired Expanded Premise: _____ (width) by _____ (length)

Desired Time Period: _____ (mm/dd/yy) to _____ (mm/dd/yy)

Purpose for which the expansion is sought (Include activities including projected attendance, food and beverage service, security plans, parking, and hours of operation):

The application must also include a diagram of the Expanded Premises in which the temporary expansion activity is to occur. This area must be compact and contiguous to the permanently licensed premises, and be surrounded by physical enclosure devices if required by City Council.

- The diagram shall indicate how the area will be physically enclosed
- The location of tables, chairs, food and beverage stations, and any other important features.

The City Council may allow for the issuance of a temporary expansion of premises license ("Temporary Expansion Permit" or "Permit") to a licensee with a valid and pre-existing on-sale intoxicating liquor license. The Temporary Expansion Permit is subject to these requirements:

1. The Permit applicant shall provide the information above. Information provided must be complete, sufficient and acceptable to the City Administrator. Such other information as the City Council or City Administrator may deem necessary.
2. The premises may only be expanded to an area that is compact and contiguous to the permanently licensed premises, and in a sidewalk café, on a part of the public way immediately adjoining the licensed premises ("Expanded Premises").
3. The Temporary Expansion Permit does not allow outdoor music or other outdoor entertainment or noise amplification.
4. The City Council may, from time to time, restrict the sale and consumption of alcoholic beverages pursuant to a Temporary Expansion Permit to certain hours after notice to the Permit holder.
5. The Permit shall specify the area in which the Temporary Expansion Permit may be operated provided that no sale or service shall be permitted in any portion of the street

designated for vehicular travel and sufficient sidewalk space shall remain open at all times for pedestrian traffic as required by the City Administrator.

6. Issuance of the Permit shall not be construed as authorizing any permanent installation to be placed in the public way.
7. The Permit does not authorize a sidewalk cafe in violation of state law.
8. No authorized Permit is effective until the applicant has filed with the City Administrator evidence of the following insurance in force:
 - a. insurance required by Minnesota Statutes Chapter 340A.509;
 - b. general public liability and property damage insurance with respect to the Expanded Premises in which the limits of public liability for bodily injury, death, and property damage, shall be not less than **\$1.5 million** combined single limit. The insurance policy shall name the City and any additional person, firms or entities designated by it, as additional insureds, and shall contain a clause providing that the insurer will not cancel or change the insurance without first giving the City at least 10 days prior written notice. The insurance shall be issued by a responsible company qualified to do business in Minnesota, approved by the City, and a copy of the policy or a certificate of insurance shall be delivered to and approved by the City Administrator before the Permit is effective.
9. The Permit holder shall provide proper containers for the collection of waste and trash and shall be responsible for keeping the outdoor area clean of garbage, trash, or litter associated with the operation of the permitted business and shall be responsible for clean up and/or repair of the sidewalk caused by the use of the area.
10. The Permit holder's products, tables, chairs, equipment and other property if located within the City sidewalk or Right of Way:
 - a. shall be located so that a minimum of 4-foot wide unobstructed sidewalk is provided for passage of pedestrians, or the minimum required by the City building code or the Americans with Disabilities Act, whichever requirement is more restrictive. *(Please note: The colored, stamped area on Washington Ave corridor cannot be included when figuring the 5-foot unobstructed sidewalk needed for the passage of pedestrians.);*
 - b. shall not block regulatory signs, crosswalks, intersections, fire hydrants, handicap loading zones, or other public structures or facilities;
 - c. shall be sufficiently lit during times of low light in order to provide for safe pedestrian passage alongside the areas and shall not impede, endanger or interfere with pedestrian or vehicular traffic;

- d. shall be stable and not easily tipped and shall not include sharp edges, protrusions, or other features that may be hazardous to the public;
 - e. shall not shall remain in the Expanded Premises when the temporary expansion is not open and being operated;
 - f. shall be moved inside the adjoining building during inclement weather; and
 - g. shall be immediately removed from the Temporary Expansion Premises at any time that the Permit is suspended, revoked or expires.
11. The Permit holder's staff, agents and employees shall not operate or provide services outside of the Expansion Premises.
12. The granting of a permit shall in no way be considered a relinquishment by the City of that portion of said public right of way, or be of any force or effect beyond the time herein provided. Additional conditions may be imposed from time to time to protect the health, safety or welfare of the public or to protect nearby property owners from hardship or damage or to protect other public interests as determined by the City Administrator or Police Chief.
13. No Temporary Expansion Permit shall be valid at any time that the insurance required herein is not maintained and evidence of its continuance filed with the City Administrator.
14. Suspension and revocation. This Temporary Expansion Permit may be cancelled, suspended or revoked at any time by the City Council for such period as the council shall determine for violation of these restrictions, or any code or law, or for nuisance resulting from the Temporary Expansion Permit.
15. Upon the conviction of the Permit holder or the holder's agent, servant or employee for the violation of any City ordinance or state law in connection with the ownership, maintenance, or operation of the sidewalk café or the sale or service of beer or liquor, this Permit shall automatically become suspended, which suspension shall continue until the council has acted thereon.

I will comply with the temporary expansion permit requirements, the Governor's Executive Orders and the Minnesota Department of Employment and Economic Development requirements:

Signature

Date: _____