



VILLAGE OF MONTGOMERY
Seasonal Outdoor Dining Area Permit

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

Location requested _____

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 Village 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, waste disposal, entrances and exits per the regulations below. Attach additional pages as necessary.

A. Describe and attach in detail the safety measures you will put into place regarding the use of the identified Village property. Attach additional pages as necessary.

Regulations:

Any temporary outdoor seating area permitted in the Village shall be subject to the following regulations per Village Code Section 79-4(B)

- The plan submitted with this application must indicate an architectural barrier, such as floral arrangements, landscaping and/or decorative fencing designed to enclose the eating area and limit the ability of litter to blow off the premises. The plan shall also include architectural barriers to litter in any other locations or situations where the Building Inspector finds that the litter would otherwise be likely to result from the temporary accessory use. All other outdoor eating areas and sidewalk cafe areas shall be delineated by a means approved by the Building Inspector.
- If the applicant is not the owner of the property at which the dining establishment is situated, the written and notarized consent of the record owner of the property shall be submitted with the application.
- An applicant proposing to establish an outdoor eating area or sidewalk cafe area shall submit to the Building Department a layout of the proposed seating areas, which shall include, but not be limited to, a depiction of all aisles, routes of ingress and egress; clearances between tables and between the seating area at the curb; the landscape plan; an illustration, rendering and/or photograph of all proposed furniture, umbrellas, signage and other furniture proposed. No picnic-style tables are permitted.
- The Building Inspector shall review each application to ensure that the proposed operation of the outdoor eating area or sidewalk cafe area will not interfere with pedestrian or vehicular traffic. Six feet of unobstructed sidewalk should be provided with the exact width being determined by the Building Inspector as he or she deems it to be appropriate to promote pedestrian or vehicular safety or the visual harmony of the neighborhood, however, in no event shall the unobstructed sidewalk be less than six (6) feet in length and three (3) feet in width.
- The Building Inspector shall require each applicant to submit a litter control plan which shall include, but not be limited to, a description of the number and location of trash receptacles for the areas and the frequency with which the tables, surrounding area and adjacent public and private properties will be policed for litter, which must be at least twice daily.
- The Building Inspector shall establish the hours of operation for each outdoor eating area or sidewalk cafe area which utilizes the right-of-way. In establishing the hours, the Building Inspector shall take into consideration the nature of the restaurant or retail food establishment at issue, the character of the neighborhood adjacent to the premises, and the character and nature of other uses in the vicinity of the premises at varying times of day.
- The seating contained in an outdoor eating area, outdoor dining area or sidewalk cafe area shall not be counted in determining any parking space requirement for a retail food establishment or restaurant use. The seating contained in an outdoor eating area, outdoor dining area, or sidewalk cafe shall be counted as part of the existing seating limitations for the subject parcel. In no event shall the seating contained in an outdoor eating area, outdoor dining area, or sidewalk cafe which utilizes public right-of-way areas result in increased overall seating with respect to the parcel or use.
- All outdoor eating areas and sidewalk cafe areas must be properly maintained at all times, including complying with the litter control plan, complying with all applicable laws, rules, regulations and codes, properly securing and/or removing tables, chairs and other items during times of inclement weather and high wind; further, at no time shall chairs, tables or other items be stacked in the area.

- The permit holder shall immediately notify the Village of any defects or deficiencies in the surface of the temporary outdoor seating area and adjacent curbs and walkways.
- 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.

Fee Schedule:

Type of Property	Fee Type	Fee Amount
Private Property	Application	\$100.00
Public Property - Sidewalks	Application and Use of Property	\$200.00
Public Property – Sidewalks and Barriers/Blocks	Application, Use of Property, and Installation/Removal of Barriers/Blocks	\$10.00 per linear foot

The Village of Montgomery 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 Village of Montgomery as an additional insured on a primary and non-contributory basis. The Village of Montgomery must be listed as the certificate holder with the physical address of 133 Clinton Street, Montgomery, New York 12549**
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.

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

**Village of Montgomery
133 Clinton Street
Montgomery, New York 12549
Attention: Village 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 Village. The Permit Holder is to provide the Village with a Certificate of Insurance naming the Village 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 Village of Montgomery, its Agents and Employees (hereinafter referred to as "Village "), 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 laws, including, but not limited to, Village Code Chapter 79 in its entirety, 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 ORANGE)

On the _____ day of _____ of 2024, 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

For Office Use Only:

Application Approved:

Village Building Inspector **Date**

Application Denied:

Village Building Inspector **Date**

Reason for Denial:
