



## City of Henderson Sidewalk Dining Permit Checklist

**All of the following information is required and must be marked as indicated and submitted with a completed Sidewalk Dining Permit Application and applicable fees.**

<input type="checkbox"/>	<b>Exhibit A</b>	- Occupational License-attach a copy of the business occupational license
<input type="checkbox"/>	<b>Exhibit A-1</b>	- Alcoholic Beverage Control License(s), if applicable-attach copies of all applicable local and state alcoholic beverage licenses
<input type="checkbox"/>	<b>Exhibit B</b>	- Site Plan-scale drawing with proposed outdoor dining area dimensions clearly indicated, including total sidewalk width, unobstructed sidewalk space for pedestrian use, and placement of all tables, chairs, umbrellas, and other allowable fixtures.*
<input type="checkbox"/>	<b>Exhibit C</b>	- Furniture and Fixtures-photos, drawings or other graphic representations, including size, shape, color and type of materials, of all furniture, umbrellas and other allowable fixtures.*
<input type="checkbox"/>	<b>Exhibit D</b>	- Insurance Policies-copies of all comprehensive general liability, worker's compensation, and liquor liability, if applicable, insurance policies with evidence of premium payment relating to the Permitted sidewalk dining area.
<input type="checkbox"/>	<b>Exhibit E</b>	- Certificate of Insurance-General Liability
<input type="checkbox"/>	<b>Exhibit E-1</b>	- Certificate of Insurance-Liquor Liability, if applicable
<input type="checkbox"/>	<b>Exhibit F</b>	- Certification of Ownership from lessee's landlord, if applicable

<input type="checkbox"/>	<b>\$50.00 Annual Fee</b>	Ck#: _____	<input type="checkbox"/>	<b>Square Footage Fee</b>	Ck#: _____
		Date: _____		Date: _____	<i>Submitted upon approval of the permit plan</i>

**NOTE: Submittal of an Application is not an approval to set up a Sidewalk Dining Facility. If you have questions regarding the Application or the application process, please contact the City Manager's office at 270-831-1290 x 2202.**

*\*Required for new applicants. Not required for renewal applications with no changes from previously approved applications.*



# City of Henderson Sidewalk Dining Permit Application

**Submit application to:**  
**City Manager's Office,**  
**222 First Street,**  
**P. O. Box 716,**  
**Henderson, KY 42419**

No permit shall be issued to an applicant that is not current on obligations to the city, including, but not limited to, taxes, loans, liens, or unremediated violations of the city building or nuisance codes.

<input type="checkbox"/>	New – Application for Sidewalk Dining
<input type="checkbox"/>	Renewal – Application for Sidewalk Dining

## APPLICANT INFORMATION

Business Name:					
Location Address:					
Primary Contact:					
The Primary Contact is the person who is to be contacted regarding the application.					
Address:			Email Address:		
City:			State:	Zip Code:	
Phone: Please list the Primary Contact's phone numbers.	Day:			Cell :	
	Night:			Fax:	

## PROPERTY OWNER INFORMATION

Property owner information ( if different from above)					
Owner's Name:					
Corporation Name:					
Address:			Email Address:		
City:			State:	Zip Code:	
Phone:	Day:			Other:	

## LICENSES

<input type="checkbox"/>	A copy of the Occupational License must be submitted with this application.
<input type="checkbox"/>	If applicable, attach copies of all Alcoholic Beverage Control Licenses issued for the business

## ENCROACHMENT INFORMATION

Zoning Classification:	<input type="checkbox"/>	Riverfront 2	<input type="checkbox"/>	Central Business District
Paved Sidewalk Width Adjacent to Building (not including decorative pavers):				
Number of Outdoor Tables:			Number of Outdoor Seats:	
Proposed Hours for Outdoor Dining:				
Will Liquor be Sold?	<input type="checkbox"/>	No	<input type="checkbox"/>	Yes If Yes, appropriate Liquor Licenses and Liquor Liability Insurance must be obtained
Total Square Footage of Proposed Seating Area:				

## ENCROACHMENT SITE PLAN

One original and one copy of a map or diagram drawn to scale depicting the number, type and dimensions of tables, seating and other fixtures must be submitted with this application. The map shall illustrate the width of the sidewalk and specifically the location of all seating, tables, umbrellas, planters or other fixtures and ingress/egress points to the building. There must be a minimum of four feet of unobstructed paved sidewalk from the outer contiguous boundary of the Permitted area.

The City will establish permanent marks in the sidewalk to delineate the boundaries of the permit

## DETAILED FURNITURE INFORMATION

Photos, drawings or other graphic representation, including color and material, of all furniture, umbrellas and other fixtures must be submitted with this application.

## INSURANCE POLICIES

Attach copies of all comprehensive general liability and liquor liability, if applicable, insurance policies with evidence of premium payment. The applicant shall deliver to the city at least ten days prior to the expiration of such policy, evidence that it has been renewed. All policies of insurance carried hereunder shall provide that they cannot be canceled without giving at least ten days prior written notice to the City and shall be written by insurance companies licensed by the commonwealth of Kentucky and reasonably satisfactory to the city. Insurance carried by a business in connection with this section shall contain a clause waiving any claim by the insurance company for subrogation against the city.

## GENERAL LIABILITY CERTIFICATE OF INSURANCE

Attach a copy of a Certificate of Insurance\* with the City of Henderson named as additional insured. The business shall obtain and maintain comprehensive general liability insurance, protecting against all claims for personal injury, death or property damage occurring upon, in or about the premises resulting from the use of occupancy thereof, with a minimum of \$1,000,000.00 (one million dollars) in coverage and limits acceptable to the city for the entire term of the Sidewalk Dining Permit.

## LIQUOR LIABILITY CERTIFICATE OF INSURANCE

If Alcohol is Served

Attach a copy of a Certificate of Insurance\* with the City of Henderson named as additional insured. The business shall obtain and maintain liquor liability insurance, with a minimum of \$1,000,000.00 (one million dollars) in coverage and limits acceptable to the city for the entire term of the Sidewalk Dining Permit.

## CERTIFICATIONS

Applicant certifies ownership of the property abutting the sidewalk;

OR

Certification of ownership from the lessee's landlord must be submitted.

Applicant certifies that defects in the sidewalk will be reported to the Public Works department in a timely manner.

The business certifies that the right-of-way on which tables and seating are placed, including sidewalks and abutting curbs and gutters, will be cleaned of all litter and debris each night after outdoor service is finished.

The business shall maintain the encroached premises in an orderly fashion, including requiring that all persons within the business premises behave in an orderly fashion and not generate excessive noise.

This requirement shall be strictly enforced.

The business certifies that it shall operate sidewalk dining not earlier than 7:00 a.m. and that all operations in outdoor dining must cease and be vacated by 10:00 p.m. Sunday through Thursday and 11:00 p.m. Friday and Saturday..

**ADDITIONAL CERTIFICATIONS**

<input type="checkbox"/>	Business shall ensure that no part of the right-of-way, sidewalk or curb is damaged by their outdoor seating, including prevention of stains on sidewalks and curbs caused by the seating. Business shall refrain from using any harsh or damaging chemicals to clean any stamped concrete sidewalks or surfaces upon which tables or seating is placed. Business further agrees that any damage caused to the right-of-way, sidewalk or curb by the business seating will be repaired or repair costs reimbursed by the business.
<input type="checkbox"/>	The business shall maintain the right-of-way used for outdoor dining during the winter months (November through March), including cleaning the paved surface, and shall ensure that all seating is removed from the sidewalk during these months when not in use.
<input type="checkbox"/>	The business certifies that no alcoholic beverages shall be served or consumed on the public sidewalk, unless the portion of the public sidewalk where the permitted tables and seating are located is included in the "Encroached premises" for a business liquor by the drink restaurant, tavern, or dining facility as approved by the City Alcoholic Beverage Control Administrator and the state Department of Alcoholic Beverage Control or otherwise allowed by law and the Encroachment holder enters into a separate Encroachment agreement with the city.

**FEES**

<b>Annual Application Fee*:</b>	\$50.00									
<b>Square Foot Fee**:</b>	Sq. Ft.:	X	\$0.50	=						
<b>Total Fees:</b>	(Permit not issued until all fees are paid)									
*Submit non-refundable application fee with the Application Packet										
**Submit Square Foot Fee once notified of Site Plan approval										

**REQUIRED SIGNATURE AND NOTARY**

**Hold Harmless and Indemnification Provision:** In consideration of this permit, the Applicant hereby agrees that it shall indemnify, hold harmless and defend the City of Henderson, including its elected and appointed employees, agents, and successors in interest from all and against claims (including but not limited to the foregoing, workers' compensation and death claims), damages, demand for subrogation, losses, and/or expenses, including attorneys' fees arising out of or resulting directly or indirectly from the Applicant's (or the Applicant's employees, customers, or agents, including subcontractor's) use of the Encroachment provided that such claim damage, loss or expense is 1) attributable to personal injury, bodily injury, sickness, death or injury to or destruction of property including the loss of use resulting therefrom or breach of contract and 2) not caused by the willful act or misconduct or gross negligence of the City of Henderson, its elected and appointed officials and employees acting within the scope of their employment. This Hold Harmless and Indemnification Clause shall in no way be limited by any financial responsibility or insurance requirements and shall survive the termination of this encroachment Application.

Further, Applicant agrees that it is obligated to reimburse the City of Henderson, including its elected officials, and appointed employees, and successors in interest for all attorney's fees incurred by the City to enforce the terms of this Hold Harmless Provision or to defend the City of Henderson, including its elected officials, appointed employees, and successors in interest against any claim.

**Continued to Page 4**

I do hereby certify that the information contained in this application and exhibits has been furnished by me and is true and correct. I understand that any untrue, inconsistent or misleading information shall be cause for the refusal to grant, or the revocation of, any permit to operate Sidewalk Dining in the City of Henderson. I have read and understand my obligations under appropriate City Ordinances respective to the Permit for which I am applying (ordinance attached). I further certify that if any of the foregoing information changes during the course of the Permit year, I will notify the City, in writing, within ten (10) days of such change.

**Signature**

**Title**

**Date**

**State of** \_\_\_\_\_,

**County of** \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_  
by \_\_\_\_\_, \_\_\_\_\_ (print name and  
title of officer, agent or acknowledging partner) on behalf of \_\_\_\_\_  
(name of business).

Notary Public Signature: \_\_\_\_\_ Title: \_\_\_\_\_

Print Name: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_ Serial number: \_\_\_\_\_

Seal



## City of Henderson Sidewalk Dining Permit Application

<input type="checkbox"/>	New – Application for Sidewalk Dining
<input type="checkbox"/>	Renewal – Application for Sidewalk Dining
Business Name: _____	

### OFFICE USE ONLY

Liquor Sales \_\_\_\_\_ Yes \_\_\_\_\_ No

Attached Exhibits \_\_\_\_\_ Exhibit A – Occupational License  
\_\_\_\_\_ Exhibit A-1 – Alcoholic Beverage Control Licenses, if applicable  
\_\_\_\_\_ Exhibit B – Site Plan (1 original and 1 copy)  
\_\_\_\_\_ Exhibit C – Furniture and Fixtures Plan  
\_\_\_\_\_ Exhibit D – Insurance Policies  
\_\_\_\_\_ Exhibit E – General Liability Certificate of Insurance  
\_\_\_\_\_ Exhibit E-1 – Liquor Liability Certificate of Insurance, if applicable  
\_\_\_\_\_ Exhibit F – Lessee’s Landlord Certificate of Ownership, if applicable

Annual Application Fee: \_\_\_\_\_ \$50 Annual Application Fee Date: \_\_\_\_\_ Ck#: \_\_\_\_\_

#### Code Department Site Plan Review:

\_\_\_\_\_ Exhibit B – Site Plan \_\_\_\_\_ Exhibit C – Furniture and Fixtures Plan

Review Date: \_\_\_\_\_ By: \_\_\_\_\_

\_\_\_\_\_ Approved \_\_\_\_\_ Denied \_\_\_\_\_ Conditionally Approved

#### Terms of Conditional Approval:

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By: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

#### Annual Square Foot Fee:

\_\_\_\_\_ Square Foot Fee Date: \_\_\_\_\_ Ck#: \_\_\_\_\_

Date Final Encroachment Permit Issued: \_\_\_\_\_



# CITY OF HENDERSON, KENTUCKY

## SIDEWALK DINING PERMIT

Issued to: \_\_\_\_\_ Address: \_\_\_\_\_  
(Business name) (Physical address)

Permitted Square footage: \_\_\_\_\_

Permit Period From: \_\_\_\_\_, \_\_\_\_\_, 20\_\_\_\_ to **October 31, 20\_\_\_\_**

BY THE AUTHORITY OF THE BOARD OF COMMISSIONS OF  
THE CITY OF HENDERSON, KENTUCKY

The herein named Permittee subject to the laws, rules, and  
regulations of the City of Henderson is hereby authorized  
to engage in Sidewalk Dining as herein defined.

\_\_\_\_\_  
William L. "Buzzy" Newman, Jr. City Manager

This permit does not constitute a vested right and may be revoked with thirty (30) days notice for any reason or with seven (7) days notice upon a violation. This Permit shall not be assigned or transferred to a third party without the prior written consent of the City Manager.