

CITY OF WATERLOO



Sidewalk Café Guide and Application

City Clerk's Office
715 Mulberry Street
Waterloo, IA 50703

Phone: 319-291-4323

Email: clerk@waterloo-ia.org

Website: [www.https://www.cityofwaterlooia.com](https://www.cityofwaterlooia.com)



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Sidewalk Café Guide

WELCOME

The City of Waterloo recognizes that an inviting, bustling street life is a hallmark of a great downtown. To support businesses and enhance our downtown experience, the City of Waterloo invites businesses in our Central Business District to implement a sidewalk café. A sidewalk café can boost visibility, increase customer satisfaction, and ultimately drive revenue for a business. This guide will help you understand the licensing process, clarify deadlines, and identify materials required to submit a successful application. Please read this guide prior to completing and filing a license application. It is the policy of the City of Waterloo not to discriminate on the basis of sex, race, color, national origin, religion, age, disability, sexual orientation, familial status, or gender identity.

WHAT IS A SIDEWALK CAFÉ?

A Sidewalk Café is an outdoor dining area located alongside a street or sidewalk, often set up by a restaurant or café. They typically include tables, chairs, decorative items, and barriers. Sidewalk cafés are attached to and adjacent to the establishment.

WHERE AND WHEN IS A SIDEWALK CAFÉ PERMISSIBLE?

A Sidewalk Café regulated under this ordinance shall be permitted as follows:

- Is in the Central Business District. Information regarding the Central Business District can be found below after the "Drawing Requirements" section.
- Attached and adjacent to the establishment. If not attached and adjacent to the establishment, the perimeter of the café shall be within five (5) feet of the façade of the establishment.
- Where the sidewalk café's operation is primary to and a part of the operation of its adjacent establishment.
- Provided the area in which the sidewalk café is located extends no farther along the sidewalk's length than the actual sidewalk frontage of the establishment. The sidewalk café may extend into the frontage of a neighboring establishment with written permission from the neighboring deed holder and lessee of such deed holder. Such permission must be obtained annually and provided to the city at the time of filing an application.

REQUIRED ACTIONS OF APPLICANT

All Applicants must do the following:

- Read the material in this guide.
- Complete the application.
- Provide proof of valid food service license(s) from the state and/or county health departments if selling/handling food and/or beverages for human consumption.
- Provide certificate of insurance and sign an indemnification agreement as required in Section 3-4H-9 of the ordinance.
- Provide a drawing of the proposed sidewalk café and adjacent property as described below.
- Provide photographs, drawings, or manufacturer's brochures fully describing the appearance of all proposed tables, chairs, umbrellas, or other objects relating to the sidewalk café.

- Provide a plan for the maintenance and cleaning of the sidewalk café area; the tables and chairs located within the sidewalk café area; and the disposal of any trash or debris generated from the operation and use of the sidewalk café by the public and patrons of the permittee.
- Initiate a liquor license premise update for new applications if selling alcohol.
- Obtain written permission from the neighboring deedholder if seeking to extend the sidewalk café past the façade of your establishment.
- Include a non-refundable application fee of fifty dollars (\$50.00).

CERTIFICATE OF INSURANCE

All permittees shall provide proof of and maintain current commercial general liability insurance having a minimum combined single limit of one million dollars (\$1,000,000) and worker's compensation coverage of no less than the statutory requirement. A certificate of insurance shall be delivered to the city clerk prior to issuance of a permit. The certificate of insurance shall list the City of Waterloo and its elected and appointed officials, officers, employees, and agents as named additional insureds on a primary and non-contributory basis, including a waiver of subrogation in favor of city, against any liabilities that may arise in connection with the operation of the sidewalk café.

Apart from and separate from any insurance required under this section, the permittee shall agree in writing to indemnify, defend, and hold the City of Waterloo and its assignees and employees harmless from all losses, damages, injuries, claims, demands and expenses in any manner resulting from or arising out of the permitted operation of the sidewalk café.

Permittees holding a liquor license shall be required to provide proof of dram shop insurance covering the permitted sidewalk café area.

FOOD ESTABLISHMENT LICENSE

A food establishment license is available by contacting the Black Hawk County Health Department at 319-291-2413 or by visiting their website <https://www.co.black-hawk.ia.us/279/Food-Inspections>. Black Hawk County asks that these applications be submitted at least thirty (30) days prior to the anticipated opening date.

RESTRICTIONS ON SMOKING AND ALCOHOLIC BEVERAGES

A business operating a sidewalk café must follow and enforce the following prohibitions or restrictions:

- Smoking or using an electronic smoking device at a sidewalk café may be permitted in accordance with the Iowa Smoke-Free Air Act.
- Alcoholic beverages may be served at a sidewalk café if the business has a valid liquor license with the state. If alcoholic beverages are served, the following requirements must be met:
 - o Patron entrance to and egress from the sidewalk Café shall be controlled by operators of the establishment, who shall continuously monitor the sidewalk café during times alcoholic beverages are being sold or consumed, and
 - o No alcoholic beverages may be sold or served to patrons later than 2:00 a.m. No person shall consume alcoholic beverages on the sidewalk café after 2:00 a.m.
 - o No person shall be permitted to consume any alcoholic beverages within the sidewalk café that were not purchased on the premises, and
- Operators shall ensure that no person loiters in the clear path of pedestrian travel. Patrons may be in possession of an alcoholic beverage in the clear path of pedestrian travel only for the purpose of moving to the sidewalk café from the establishment or vice versa.

SIDEWALK CAFÉ REGULATIONS FOR OPERATION AND CONSTRUCTION

The following regulations for operation and construction shall apply to all sidewalk cafés:

1. **DATE AND TIME OF OPERATION:** A sidewalk café may only operate from April 1 to November 1. Sidewalk cafés shall not operate or allow patrons to congregate in the sidewalk café between the hours of 2:00

a.m. and 6:00 a.m. daily. If a sidewalk café is not in operation for the entire period, the annual permit fee shall not be prorated or refunded.

2. **LOCATION:** All sidewalk cafés may be located on a public right-of-way in the Central Business District. Such area shall be immediately adjacent and attached to the establishment of which it is a part and provide a minimum of (5) five feet of public right-of-way available for pedestrian traffic.
3. **PERIMETER:** Sidewalk cafés shall be aesthetically separated on three sides. This separation does not need to be of solid material but must provide an aesthetically pleasing separation from surrounding uses as determined by the city and Main Street Design Review Board. No portion of any object placed within the sidewalk café boundary shall extend onto adjacent pedestrian sidewalk, without first obtaining approval from the city.
4. **ACCESSIBILITY:** The permittee shall have a continuing obligation of compliance with the Americans with Disabilities Act, as the same may be amended from time to time. Sidewalk cafés shall be accessible from the permitted premises to which it is attached and shall not obstruct pedestrian accessibility on the public sidewalk around the sidewalk café.
5. **OCCUPANCY:** Sidewalk Café occupancy shall be determined by the Fire Marshal, in accordance with the International Fire Code.
6. **LIGHTING:** A sidewalk café shall be adequately lit by use of non-obtrusive lighting, which shall not be directed toward any residential use, or the public street. Electrical extension cords shall be safely secured in a manner that mitigates tripping or other hazards.
7. **AMPLIFIED SOUND EQUIPMENT:** Amplified sound equipment may be permitted in accordance with the city noise ordinance.
8. **DESIGN CHANGES:** Any change to the perimeter of the sidewalk café during the duration of the permit is subject to the approval of city departments and Main Street Design Review Board.
9. **INSPECTIONS:** The city shall inspect sidewalk cafés at least once per year outside of the application process at the same time inspection of the adjacent permitted establishment occurs. The city may, at its discretion, inspect a sidewalk café at any other time as deemed necessary to ensure compliance with city ordinances. Sidewalk cafés shall comply with appropriate building, housing, and fire codes and with all other applicable state and city statutes.
10. **DAMAGE TO PUBLIC PROPERTY:** Permittee shall be required to replace or mitigate entirely at permittee's expense, any damage to the public right-of-way, including existing trees, plantings, etc., resulting from construction, installation, placement, operation, maintenance, or removal of sidewalk café. If the permittee fails to make such repairs when directed by the city, the city may make repairs and the cost thereof shall be assessed against the adjacent property.
11. **TABLE, CHAIR, AND UMBRELLA MATERIALS:** Awnings, umbrellas and other decorative material accessory to the sidewalk café shall be fire retardant, pressure treated or manufactured of fire resistive material. Tables, seating, umbrellas, and any other items accessory to the sidewalk café shall be of quality design and lasting materials, and workmanship both to ensure the safety and convenience of the users and to be compatible with the uses in the immediate vicinity of the sidewalk café.
12. **MAINTENANCE:** Tables, chairs, umbrellas, and any objects necessary to the sidewalk café shall be maintained in a clean and attractive appearance, shall be always in good state of repair and shall be maintained in accordance with the approved maintenance plan. The sidewalk café shall be maintained in a neat and orderly appearance at all times and the area shall be cleared of all debris on a periodic basis during the day, and again at the close of each business day in compliance with the approved maintenance plan.
13. Any sidewalk café with a permanent fence installed prior to the effective date of this section that does not conform to the requirements of this Article shall be permitted to remain in place. If the permanent fencing of the sidewalk café is removed, any such replacement shall comply with this Article.

REMOVAL OF SIDEWALK CAFÉ

Sidewalk cafés shall be removed within five (5) business days of the expiration of the permit. If the permittee fails to remove the sidewalk café when directed by the city or within fourteen (14) days after the expiration of the permit, the city may remove the sidewalk café and the cost thereof shall be assessed against the adjacent property.

INVESTIGATION AND INSPECTIONS

Once a completed application, supporting documentation, certificate of insurance, and application fee are filed with the City Clerk's Office, the application is sent to several city departments for further investigation. Licenses will be issued to applicants that pass all inspections and investigations.

FEES AND APPLICATION SUBMISSION

An establishment filing an application for the first time may do so at any time of the year. Application and permit fees shall not be prorated. The city clerk may charge an applicant a twenty-dollar (\$20.00) fee for filing an incomplete application.

A renewal application must be filed with the city clerk's office no later than February 1st of each year. The city reserves the right to reject any application not filed in a timely manner.

ISSUANCE OF PERMIT

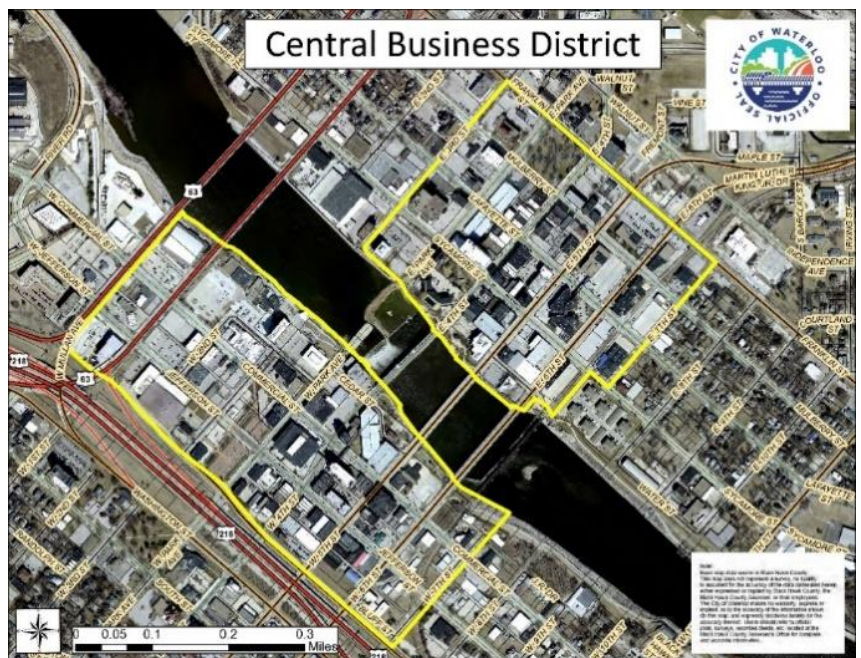
A permit may be issued when the application is approved by all city departments and the Main Street Design Review Board. A non-refundable permit fee of \$200 shall be paid at the time of issuance, effective January 1, 2025. No permit fee shall be charged for a sidewalk café in 2024.

DRAWING REQUIREMENTS

A drawing shall be provided showing the layout and dimensions of the proposed sidewalk café and adjacent property, including the structures to be located on the sidewalk café, proposed location, size and number of tables, seating, umbrellas, location of entries, location of trees, parking meters, street signs, parking spaces utilized, vehicular travel lanes, sidewalk benches, trash receptacles, landscaping, utility boxes, fire hydrants, manholes, public utility valves or covers, storm sewer grates, poles, and other sidewalk obstruction either existing or proposed within twenty-five (25) feet of the sidewalk café.

CENTRAL BUSINESS DISTRICT

The Central Business District is defined as all properties lying within the area bounded, on the northeast, by Franklin Street, on the southeast, by the Union Pacific Railroad line between 6th and 7th Streets, on the southwest, by Washington Street (Formerly Bluff Street), and on the northwest, by 3rd Street and its extension to the Cedar River, except that the two block area bounded by Washington Street, West 5th Street, Jefferson Street, and West 7th Street is not included in the Central Business District.



HOW TO SUBMIT APPLICATION

Completed applications and materials may be submitted as follows:

1. Email: clerk@waterloo-ia.org
2. Mail: City Clerk's Office, 715 Mulberry Street, Waterloo, IA 50703

Use the space below to draw layout of the sidewalk café. One may be provided on a separate sheet of paper and attached to the application. See the application guide or drawing requirements.

TERMS, CERTIFICATION, AND INDEMNITY AGREEMENT

INSURANCE CERTIFICATE: Permittee certifies that a certificate of insurance in conformance with the limits listed in the City of Waterloo Sidewalk Café Guide is hereby attached to this application.

FEE: Permittee agrees to pay the applicable application fee at the time the application is filed with the City Clerk's Office. Permittee recognizes that failure to timely file a complete application may result in additional fees. Permittee understands that a permit fee shall not be charged in 2024.

TERM, TRANSFERABILITY, REVISIONS, AND REVOCATION: Permittee understands that a Sidewalk Café Permit is only valid for dates listed therein and shall not be transferred to another location, company, or individual. Permittee agrees that the Sidewalk Café Permit may be revoked for violating any laws of the City of Waterloo or State of Iowa.

REMOVAL: The city reserves the right to require a sidewalk café to temporarily suspend or cease operation or remove the sidewalk café for an emergency or any other reason so that the city may access public right of way. The cost to remove and clean up a sidewalk café shall be at the permittee's expense. In the event of city infrastructure causes damage to the sidewalk café, the city shall not be liable for such damage. Sidewalk cafés shall be removed within five (5) business days of the expiration of the permit. If the permittee fails to remove the sidewalk café when directed by the city or within fourteen (14) days after the expiration of the permit, the city may remove the sidewalk café and the cost thereof shall be assessed against the adjacent property.

CERTIFICATION: I certify that the information contained in the foregoing application is true and correct to the best of my knowledge and belief, that I have read, understand, and agree to abide by the rules and regulations of the proposed event under the City of Waterloo City Code, and I understand that this application is made subject to the rules and regulations established by the City Council. Applicant agrees to comply with all other requirements of city and any other applicable entity that may pertain to the vending of food or beverages. I further certify that I, on behalf of the company, organization or if an individual, myself, am

authorized to commit that organization and therefore, agree to be financially responsible for any costs and fees that may be incurred by the sidewalk café to the City of Waterloo. I understand and agree that the City of Waterloo may rescind its permission to use city property at any time should it be determined to be in the best interests of the city and its citizens.

INDEMNITY AGREEMENT: The undersigned agrees to defend, indemnify and hold harmless the City of Waterloo, its agents, officers, and employees, from and against any and all claims for injury or damages to persons or property arising out of or caused by the use of such property. The undersigned further agrees upon receipt of notice from the City of Waterloo to defend at its own expense the City of Waterloo, its agents, officers and employees from any action or proceeding against the City of Waterloo, its agents, officers or employees arising out of or caused by the use of such property. The undersigned agrees that a judgment obtained in any such action or proceeding shall be conclusive in any action by the City, its agents, officers or employees against the undersigned, when so notified as to the undersigned's cause of the injury or damage, as to the liability of the City, its agents, officers and employees to the plaintiff in the first named action, and as to the amount of the damage or injury. The City of Waterloo, its agents, officers and employees may maintain an action against the undersigned to recover the amount of the judgment together with all the expenses incurred by the City, its agents, officers and employees in the action.

I HAVE READ THIS INDEMNITY AGREEMENT, I UNDERSTAND THE EFFECT OF THIS INDEMNITY AGREEMENT, I AM AUTHORIZED TO SIGN THIS INDEMNITY AGREEMENT, AND I AM SIGNING THIS INDEMNITY AGREEMENT VOLUNTARILY.

Applicant Name: _____

Date: _____

Applicant Signature: _____

APPLICATION CHECKLIST

- ___ Is every blank on the application filled in, or have you written N/A where information does not applicable?
- ___ Have you signed and dated the indemnity agreement?
- ___ Have you provided a certificate of insurance that conforms to the requirements listed in the guide?
- ___ Have you attached an Iowa State Sales Tax Certificate to the application?
- ___ Have you attached a current Food Establishment License to the application?
- ___ Have you attached a diagram or sketch of the proposed sidewalk café showing everything listed in the Sidewalk Café Guide?
- ___ Have you included a detailed plan regarding maintenance and cleaning on the sidewalk café license area?
- ___ Have you included a \$50.00 application fee?
- ___ Have you initiated a liquor license premise update for new applications if selling alcohol?
- ___ Have you included written permission from the neighboring deedholder to extend the sidewalk café?

IMPORTANT CONTACTS

Black Hawk County Public Health

- Phone: 319-291-2413
- Website: <https://www.co.black-hawk.ia.us/279/Food-Inspections>

City Clerk's Office

- Phone: (319)-291-4323
- Email: clerk@waterloo-ia.org

Fire Department

- Phone: (319)-291-4460

Building Inspections Department

- Phone: (319)-291-4319

Police Department

- Phone: (319)-291-2515

Planning and Zoning

- Phone: (319)-291-4366

Engineering Department

- Phone: (319) 291-4312

Main Street Waterloo

- (319) 291-2038