



City of Coeur d'Alene

Municipal Services
Department

City Hall, 710 E. Mullan Avenue
Coeur d'Alene, Idaho 83814
(208)769-2229 or Fax (208)769-2237
ksetters@cdaid.org

OUTDOOR EATING FACILITY ENCROACHMENT APPLICATION

Valid March 17 – Nov 1 Annually

New applications or renewals with changes will be submitted to City Council for approval.
The application must be received in the Customer Service Center a minimum of seven (7) days prior to a City Council meeting
(first and third Tuesday of each month). Payments are due with the application.

Please mark the appropriate seating location below:

[ ] Seating on Private Property

[ ] Seating on Public Right of Way

\*Encroachment Permit and additional insurance required

Name of Eating Establishment: \_\_\_\_\_

Applicant's Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Cell Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Physical Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Completed Application [ ] New [ ] Renewal
Change in ownership or type of use? [ ] No [ ] Yes
Please specify

Do you hold a current State of Idaho
Kootenai County and City of CDA alcohol license? [ ] No [ ] Yes

If yes, on your State of Idaho alcohol license
do you have a restaurant designation? [ ] No [ ] Yes

Is anyone under the age of 21 allowed in the area inside
your establishment where alcohol is served? [ ] No [ ] Yes

What hours/days is the full menu available? Start \_\_\_\_\_ End \_\_\_\_\_ Days \_\_\_\_\_

Please supply a proposed site/seating plan, which is subject to approval and includes the following:

- [ ] Show table sizes and chair placement, distance from building (side street 24" tables maximum).
[ ] Show distance to any tree, grate, bench, light post, bicycle rack, news rack, etc.
[ ] What is width of sidewalk from property line to curb?
[ ] Please show location of refuse receptacle and disposal of cigarette remains.
[ ] If within the City sidewalk or City property, provide a Certificate of Liability Insurance naming the City as
additional insured (\$1,000,000).
[ ] If within the City sidewalk or City property, complete a signed encroachment application.

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**FEES**

Number of Seats x \$22.13 per seat (Sewer Cap Fee) \_\_\_\_\_ = \$ \_\_\_\_\_  
**\*Fee required if not previously included in your original sewer rate seat count.**

If located on sidewalk or City property, the encroachment fee is \$125.00. + \$ \_\_\_\_\_

**TOTAL DUE** \$ \_\_\_\_\_

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If this is new or a renewal of permit with any changes to site plan or ownership, submit documentation. Please include the following, if within City sidewalk or City-owned property :

- \_\_\_\_\_ If serving alcohol, submit a site plan indicating proposed location of posts, type of barrier between posts, measurements from posts, and barriers to any obstacles including curbs, trees, grates, benches, etc.
  - \_\_\_\_\_ Mark sidewalk for placement of posts and have the City team inspect and approve markings prior to installation
  - \_\_\_\_\_ Have sidewalk cored and posts installed with caps for winter, at owners expense, after obtaining City Council approval (*see attached policy*)
  - \_\_\_\_\_ Signs installed at exits
- 

I have read the outdoor eating policy, and agree to abide by the regulations of the City. Further, I understand that no alcohol may be served at outdoor eating tables placed on City property after 10 p.m.

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date

**Internal Use Only**

**Reviewed and approved on:** \_\_\_\_\_ **By:** \_\_\_\_\_

**Issued By:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Conditions:** \_\_\_\_\_

**Denied due to:** \_\_\_\_\_

**Date:** \_\_\_\_\_

CITY OF COEUR D'ALENE  
710 E. Mullan Avenue  
Coeur d'Alene, ID 83814-3958  
(208) 769-2229

HOLD HARMLESS AGREEMENT

I (WE) (APPLICANT) \_\_\_\_\_

IN CONSIDERATION FOR AN OUTDOOR EATING PERMIT LOCATED AT

(ADDRESS) \_\_\_\_\_

HEREBY AGREES TO SAVE AN HOLD THE CITY OF COEUR D'ALENE HARMLESS FROM ALL CLAIMS FOR PROPERTY DAMAGE, BODILY OR PERSONAL INJURY, DEATH, OR OTHER LOSS OR DAMAGE RESULTING FROM THE ACTIONS OR OMISSIONS OF

APPLICANT: \_\_\_\_\_

DOING BUSINESS AS: \_\_\_\_\_

HIS/HER AGENTS, EMPLOYEES, OR ASSIGNS, IN THE OPERATION, MAINTENANCE, OR PERFORMANCE OF THIS OUTDOOR EATING PERMIT ON CITY PROPERTY OR PUBLIC RIGHT-OF-WAY IN THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO.

\_\_\_\_\_  
NAME OF BUSINESS

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
TITLE



# CITY OF COEUR D'ALENE Encroachment Permit Application

**If you are doing any construction or excavation work in the City right-of-way, or connecting to the City water or sewer, you must obtain an encroachment permit. Without all of the requested information (as it pertains to your project) your permit cannot be processed.**

**Job Address** N S E W \_\_\_\_\_ ST AVE DR RD P LN Cir Ct Wy Lp

**Project Start Date** \_\_\_\_\_ **End Date** \_\_\_\_\_

**Type of Work**  Approach  Curb  Sidewalk  Street Cut  Sewer Connection  Centennial Trail  Prairie Trail  Swale

**Obstructions**  Street/Alley  Sidewalk  Sidewalk Seating  A-Frame Signs

**Insurance:** Any work or encroachment in City right of way requires you to furnish the City with a Certificate of Liability Insurance naming the City of Coeur d' Alene as an additional insured. The liability minimum is \$500,000 combined aggregate policy for each occurrence. For outdoor eating the minimum is \$1,000,000. Please have the certificate written with an annual expiration date of 12/31. The cancellation (endeavor) clause must be amended to read 30 days written notice to the above named certificate holder and the remainder of the clause crossed off.

**When the proposed work involves full or partial street closures, utility work, or street/alley cut, a site plan with a description of work and a detailed traffic control plan must be submitted with the application.** The plan must conform to the MUTCD and show all required signs, barricades, cones, flaggers, detours, etc. and appropriate dimensions and wording (i.e. "Detour", "Road Closed Ahead", etc.)

**Owner:** \_\_\_\_\_ **Contact Person** \_\_\_\_\_ **Phone** \_\_\_\_\_ **Fax** \_\_\_\_\_

**Address(C/S/Z):** \_\_\_\_\_ **E-mail** \_\_\_\_\_

**Contractor:** \_\_\_\_\_ **Contact Person** \_\_\_\_\_ **Phone** \_\_\_\_\_ **Fax** \_\_\_\_\_

**Address (C/S/Z):** \_\_\_\_\_ **E-mail** \_\_\_\_\_

**Idaho Contractor Registration No.** \_\_\_\_\_ **Expiration date (m/d/y):** \_\_\_\_\_

**City of Coeur d Alene Drain Layers No.** \_\_\_\_\_ **Expiration date (m/d/y):** \_\_\_\_\_

**State of Idaho Licensed Plumber No.** \_\_\_\_\_ **Expiration date (m/d/y):** \_\_\_\_\_

**\*\* Please contact Municipal Services for application, fees, requirements and/or questions on Drain Layers licensing at 769-2229. \*\***  
*(Drain Layers must have an Original Bond \$2000, payable to the City, on file with Municipal Services in addition to the Liability Policy requirements and be a State of Idaho Registered Contractor)*

All work must be inspected by a city inspector. All flatwork must be inspected prior to placement of concrete but after the forms are set. Please schedule all inspections through the inspection line by calling 769-2391 at least 24 hours **prior** to when the inspection is needed. It is the responsibility of the contractor to notify Emergency Services, Schools, and Waste Management of ANY street or alley closures or traffic delays.

**Owner/Authorized Agent** \_\_\_\_\_ **Date** \_\_\_\_\_

## POLICY

**POLICY:** FOOD AND ALCOHOLIC BEVERAGE SERVICE AREAS ON PUBLIC SIDEWALKS.

**PURPOSE:** TO ESTABLISH CRITERIA FOR ISSUING ENCROACHMENT PERMITS FOR THE PURPOSE OF ALLOWING THE SERVICE OF FOOD AND/OR ALCOHOLIC BEVERAGES FOR CONSUMPTION ON PUBLIC SIDEWALKS.

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### **Purpose Statement:**

The purpose of this policy is to establish the process for issuing annual encroachment permits allowing the service of food and alcoholic beverages for consumption on public sidewalks adjacent to restaurants within city limits. This policy also establishes the guidelines that must be followed by the licensed facility in order to retain the permit. No alcoholic beverages may be sold, served, or consumed at the outdoor eating facility except as may be authorized pursuant to this policy.

### **Application:**

In order to be complete, the application must contain the following information or be accompanied by the following attachments:

1. An indication that that the applicant is seeking a food only or a food and alcohol permit. To qualify for a food and alcohol permit the eating establishment must meet the definition of eating establishment contained at M.C. 5.08.0165.
2. If a food and alcohol permit is sought, a copy of the subject eating establishment's liquor licenses (including beer and/or wine) must be provided. Provided however that the applicant may apply for a City liquor license at the same time.
3. A drawing or other visual depiction of the type, layout and number of tables, chairs and the stanchion and barrier system and signage to be used in the encroachment area, if applicable, as well as the width of the sidewalk along the frontage of the eating establishment and all pathway obstructions in the sidewalk across the frontage. For the purpose of this policy, obstructions include but are not be limited to light poles, building facades, trees, tree grates, umbrellas, chairs/benches, tables, partitions, or other street furniture.
4. The appropriate fee as set by resolution of the City Council.



5. The appropriate per seat sewer cap fee.
6. A liability insurance policy, acceptable to the City Attorney, naming the City as an additional insured in the amount of \$500,000 for property damage or bodily or personal injury or death or loss as a result of any one occurrence or accident regardless of the number of person injured or the number of claimants. The policy must remain in effect for the term of the permit and provide for specific notification to the City in the event that the policy is cancelled.

All applications shall be submitted to the City Clerk who will, upon compliance with this policy and other applicable laws and standards, issue the appropriate permit, which shall expire on December 31<sup>st</sup> of each year.

**Design and Layout Standards:**

1. The encroachment area must be designed to ensure a continuous 42" wide clear passage for pedestrians at a minimum and to ensure that the sidewalk meets ADA standards for accessible routes. In addition, the layout of the encroachment area must ensure that the tables, chairs and any other furniture or structure placed in the encroachment area does not interfere with other sidewalk furnishings or with the ability of a person to exit a vehicle parked at the curb.
2. Outdoor eating facilities located at intersections may not place tables or other vision obstructions within the vision triangle as defined by M.C. 12.36.425.
3. The encroachment area may not extend beyond the side walls of the principal eating facility perpendicular to the street.

**Food and Alcohol Permit Additional Design Requirements:**

4. Approved semi-permanent partitions of the type depicted in this policy must be utilized to enclose the encroachment area. The stanchions must be affixed to the sidewalk by core drilling and placing a socket and cap fixture into the sidewalk with the top of the socket installed flush with the sidewalk. The stanchions must be 3' tall and 1.5 to 2" in diameter and the socket depth must be at least 4". The stanchions may be spaced no more than 7' apart. An approved all weather material rope or light weight chain barrier must be securely attached to each stanchion and the building façade so as to enclose the encroachment area. The barrier must be attached in taut manner so as to maintain a rigid perimeter. The stanchion and barriers must be locked or secured in such a manner that will prevent them from being detached or removed without the assistance of the

establishment's staff. When the stanchions are removed from the socket, a socket fixture cap must be installed and maintained in a level, secure manner.

5. A sign no smaller than nine inches (9") by twelve inches (12") must be posted at a height of five feet (5') at each exit from the encroachment area. The sign must read: "It is unlawful to consume on these premises any alcoholic beverage not purchased here or to remove any open container of alcohol from the sidewalk eating area."

### **Conditions of Approval**

#### **All permit holders:**

The permit, if granted by the City, is conditioned on the permittee maintaining the encroachment area in the manner depicted in the application. In addition, the permittee must:

1. Take all necessary steps to prevent patrons, and/or employees from encroaching into the required clear passage area.
2. Maintain the encroachment area and surrounding areas in a clean and sanitary manner, including, but not limited to, maintaining appropriate trash receptacles on restaurant property as well as sweeping the full right-of-way on a daily basis. The permittee must also immediately clean any spills, food debris, broken glass and other trash which may accumulate on the sidewalk.
3. Promptly comply with all requests of a duly authorized representative of the City regarding removal of stanchions, street furniture or glassware in the event the City determines that the use of stanchions, street furniture or glassware creates a public safety hazard.
4. Comply with all other local, state, or federal laws, ordinances, and regulations, including but not limited to health rules, laws pertaining to the sale and consumption of alcoholic beverages, and fire code regulations.

#### **Additional Conditions for Food and Alcohol Permit Holders:**

5. Prohibit the sale or consumption of alcoholic beverages in the encroachment area between the hours of 11:00 p.m. and 10:00 a.m.
6. Take all necessary steps to prevent patrons from leaving the encroachment area with an alcoholic beverage.



7. Beverages may be poured from bottles into glass or plastic ware by employees of the restaurant provided that empty bottles are promptly removed. Wine, when purchased by the bottle, may be placed at the table or the wine may be transferred to a carafe. However, any unused portion to be removed from the premises must be packaged in a manner to prevent public consumption or an open container violation.
8. Not use glassware during the following events or other public events that the City determines creates a public safety hazard due to overcrowding, congestion or other public safety concerns. In the event that the City determines that glassware may not be used the City will endeavor to provide as much notice as is reasonably possible given the then existing circumstances.
  - a. Car d'Alene.
  - b. 4<sup>th</sup> of July.

**Denial and Revocation of Permits:**

The process of revocation and the grounds therefore shall be governed by the encroachment permit. The City reserves the right to deny new permits to eating establishments for any reason that would justify revocation of a permit.

**Typical Stanchion and Socket:**

