



APPLICATION FOR SIDEWALK DINING LICENSE

LICENSE FEE: \$25.00 APPLICATION DATE: _____

BUSINESS NAME: _____

BUSINESS ADDRESS: _____ CITY: _____ STATE: _____ ZIP: _____

BUSINESS PHONE NUMBER: _____

RESPONSIBLE PERSON: _____

RESPONSIBLE PERSON ADDRESS: _____ CITY: _____ STATE: _____ ZIP: _____

RESPONSIBLE PERSON PHONE NUMBER: _____

PLEASE SUBMIT THE FOLLOWING REQUIRED DOCUMENTS WITH YOUR APPLICATION:

PERMISSION OF PROPERTY OWNER:

WRITTEN PERMISSION FROM THE RECORD AND EQUITABLE OWNER FOR THE APPLICANT FOOD SERVICE ESTABLISHMENT FOR THE TERM OF THIS LICENSE MUST BE ATTACHED.

KANSAS FOOD SERVICE ESTABLISHMENT LICENSE:

A COPY OF THE CURRENT KANSS FOOD SERVICE ESTABLISHMENT LICENSE FOR THE ABOVE NAMED BUSINESS MUST BE ATTACHED.

SITE PLANS:

IF REQUESTED, MUST BE ATTACHED.

CERTIFICATE OF INSURANCE:

A COPY OF THE BUSINESS'S CERTIFICATE OF LIABILITY INSURANCE MUST BE SUBMITTED WITH THE APPLICATION.

I HEREBY CERTIFY THAT THE STATEMENTS CONTAINED IN THIS APPLICATION ARE TRUE AND CORRECT AND THAT ALL BUSINESS OPERATIONS CONDUCTED UNDER SUCH LICENSE WILL BE IN COMPLIANCE WITH THE CODE OF ORDINANCES OF THE CITY OF GREAT BEND, KANSAS.

SIGNATURE OF APPLICANT _____

--CITY OFFICE USE ONLY--

APPROVED / DENIED

LICENSE #: _____ ISSUED: _____ EXPIRES: _____

CITY CLERK SIGNATURE: _____

CHAPTER 5.86. - SIDEWALK DINING LICENSE

Sec. 5.86.010. - Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Food service establishment means a business which possesses a valid food establishment license pursuant to K.S.A. 36-501 et seq., whose owners seeks to use a portion of the city-owned sidewalk for dining purposes.

Licensee means the owner of a food service establishment that obtains its sidewalk dining license pursuant to this chapter.

Sidewalk means the city-owned right-of-way or easement that adjoins the property line with the food service establishment.

Sec. 5.86.020. - License application; conditions and requirements of waiver of sidewalk use prohibition

- Upon application of the owners of a food establishment to the city clerk, the city council may issue a license granting a conditional waiver from the prohibition of use of sidewalks for private purposes, pursuant to the following conditions and requirements:
 1. The proposed sidewalk dining use shall be pursuant to written permission of the record and equitable owner for the applicant food service establishment.
 2. The use of the sidewalk shall be in conformance with the zoning regulations for the food service establishment. The use shall be limited to the sale, possession and consumption of food and beverages as a part of the business of the food service establishment. The city, in licensing, shall execute an agreement for the use of the sidewalk that shall include all conditions of this chapter and such other conditions as the city council may require.
 3. The licensee shall possess a valid state food service establishment license.
 4. The proposed use shall maintain a minimum distance of six feet in width of unobstructed sidewalk between the food service sidewalk use and the street curb or plantings, whichever is closer for the public use. Site plans, if requested, shall contain such other conditions and restrictions on the use of the sidewalk as the city council determines appropriate for the use.
 5. The city may require the removal of any fixtures placed on the sidewalk pursuant to this chapter including the immediate removal of any fixtures pursuant to city public works or utility needs or removal during certain seasonal time periods (e.g., winter months). Licensee shall be solely responsible for any costs incurred in the removal of the fixtures to return the sidewalk to the city pavement standards. Upon the expiration of a license granted pursuant to this chapter, the licensee shall cease the use of the sidewalk for business purposes and shall have 14 days to remove any fixtures placed on the sidewalk.
 6. The applicant shall annually pay any fee for the use of the sidewalk set out in the master fee schedule established in accordance with [section 3.00.010](#). The initial fee shall be paid at the time of the license application and the renewal fee shall be paid annually by June 1. The fee shall be considered as a lease payment for commercial use of a sidewalk.
 7. The license granted pursuant to this chapter may be revoked or suspended by the city council, after written notification to the licensee of an intent to revoke or suspend and of the conducting of a public hearing. Such notification shall be mailed to the licensee at least ten days prior to a public hearing on the proposed revocation and suspension. Notwithstanding this provision, the city may immediately suspend the license for the use of the sidewalk for a period not to exceed 14 days, if either the city council or the city administrator determines that such emergency license suspension best protects the public health, safety and welfare. Immediately upon the emergency suspension, the licensee shall be notified in writing of the time and place of the city council hearing on a further suspension or revocation of the license.

Sec. 5.86.030. - Insurance required; insurance indemnification

- A licensee shall carry an insurance policy issued by a company licensed to issue insurance in the state, insuring the licensee, and the city as an additionally named insured, in an amount not less than \$500,000.00 per single incident, for any liability associated with the failure of the licensee, its employees, agents, servants, invitees, and patrons to exercise due care and diligence in the use of the sidewalk.
- The agreement between the city and the licensee shall provide that the licensee agrees to at all times save and hold harmless the city from all liability, costs, damages, and expenses of any kind, for the payment of which the city may become liable to any person, firm or corporation by reason of any claim of damages arising from the failure of the licensee, its employees, agents, servants, invitees, and patrons to exercise due care and diligence in the use of the sidewalk.

Sec. 5.86.040. - Transferability of license

- The license granted pursuant to this chapter shall be nonassignable and nontransferable.

Full Code of Ordinances for CHAPTER 5.86. - SIDEWALK DINING LICENSE can be found under the Business page of the City of Great Bend website.

Chapter 5.04 – BUSINESS LICENSES GENERALLY

Sec. 5.04.140. - Expiration; notice to police chief

- Within 24 hours after any license has expired, the city clerk shall notify the police chief of such expiration, unless the same has been renewed.

Sec. 5.04.150. - Violation; penalty

- Any person who shall conduct or pursue any occupation, business, trade or profession for which a license is required by this chapter, without having obtained such license, shall be deemed to do so unlawfully, and for such violation, shall be deemed guilty of a misdemeanor and upon conviction or a plea of guilty, shall be punished for each offense by a fine in the amount set out in the master fee schedule established pursuant to for each offense. Each day that any business, occupation, trade or profession is conducted without the license shall constitute a separate offense. Any person failing, neglecting or refusing to comply with any provision of this chapter shall likewise be guilty of a misdemeanor and so punishable.
- When any firm or corporation engages in any business, trade or occupation required to be licensed without first obtaining a license as required, the manager, local agent, party in charge or any employee may be arrested and charged for such violation, and either or any member of a partnership, or the party in charge of its business, shall be equally liable and subject to the penalty herein provided.

Full Code of Ordinances for Chapter 5.04 – BUSINESS LICENSES GENERALLY can be found under the Business page of the City of Great Bend website.

THE BUSINESS LICENSE YEAR IS JULY 1 – JUNE 30.

NEW LICENSES

- **COUNCIL APPROVAL IS REQUIRED FOR A SIDEWALK DINING LICENSE.**
- **COUNCIL MEETS THE FIRST AND THIRD MONDAYS OF EACH MONTH, UNLESS IT LANDS ON A HOLIDAY THE CITY OBSERVES.**
- **NEW LICENSE APPLICATIONS MUST BE SUBMITTED NO LATER THAN NOON ON THE MONDAY OF THE WEEK PRIOR TO THE SCHEDULED COUNCIL MEETING.**
- **THE NEW LICENSE FEE RATE WILL NOT BE PRORATED BASED ON APPLICATION DATE.**

LICENSE RENEWALS

- **RENEWAL APPLICATION PACKETS ARE MAILED OUT THE LAST FRIDAY IN MARCH & DUE THE FIRST FRIDAY IN MAY.**
- **A \$15.00 LATE FEE WILL BE APPLIED TO RENEWAL APPLICATIONS RECEIVED AFTER THE FIRST FRIDAY IN MAY DEADLINE.**
- **RENEWAL APPLICATIONS ARE APPROVED BY COUNCIL THE THIRD MONDAY IN JUNE.**
- **RENEWED LICENSES ARE MAILED THE SAME WEEK THEY ARE APPROVED BY COUNCIL.**