



**ENCROACHMENT PERMIT APPLICATION FOR OUTDOOR CAFES**

Pursuant to Chapter 122: “Outdoor Cafes,” of the City of Camden’s Code of Ordinances, §122.4(A) provides that: It shall be unlawful for any person to create, establish, operate, maintain or otherwise be engaged in the business of running an outdoor café, or to place any items upon the sidewalks or public property, in the city unless he shall hold a currently valid permit issued under the terms of this ordinance.

**Applicant Information**

\_\_\_\_\_  
Business Name

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

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

\_\_\_\_\_  
Applicant Name (first, middle, last)

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Email Address

**Property Owner (if different from Applicant or Business)**

\_\_\_\_\_  
Business Name

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

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

\_\_\_\_\_  
Owner Name (first, middle, last)

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Email Address

**Emergency Contact**

\_\_\_\_\_  
Emergency Contact and Title

\_\_\_\_\_  
Telephone Number

- 
1. Business License Information:
    - a. Business License Number: \_\_\_\_\_
    - b. Business Classification: \_\_\_\_\_
  
  2. Ownership:       Sole Proprietorship,  Partnership,  Corporation;  Other
  
  3. ABC License:    Yes ; No       License No. \_\_\_\_\_    License Type: \_\_\_\_\_
  
  4. Insurance Information:
    - a. Company:           \_\_\_\_\_
    - b. Phone:             \_\_\_\_\_
    - c. Policy:             \_\_\_\_\_
    - d. Expiration Date:   \_\_\_\_\_
  
  5. Encroachment Requests:   New ; Renewal 
    - a.  Tables:             Number \_\_\_\_\_           Size \_\_\_\_\_” x \_\_\_\_\_”
    - b.  Chairs:             Number \_\_\_\_\_
    - c.  Umbrellas:           Number \_\_\_\_\_           Height \_\_\_\_\_”
    - d.  Other:             Number \_\_\_\_\_
    - e.  Café extends in front of adjoining/adjacent business
    - f.  Adjacent property owner’s letter of permission is included

6. Statement indemnifying, agreeing to defend and otherwise hold-harmless the City:

The undersigned, as further acknowledged by the initials below, in consideration of this application and the possible issuance of the encroachment permit, do hereby agree to indemnify, defend and hold harmless the City of Camden, South Carolina, its agents and assigns, from and for any loss that results either directly or indirectly from the issuance of the encroachment permit or the operation of the outdoor café, including any encroachments in the public right of way associated therewith.

[\_\_\_\_]; [\_\_\_\_] – Initials of Undersigned

7. Your application will not be processed unless the following items are attached:

A sketch of the proposed outdoor cafe, drawn to scale or with dimensions showing the existing public area, private property and layout of the encroachment.

A Certificate of Insurance listing the City of Camden as additional insured for at least \$1,000,000. The insurance shall list the City as additional insured, and shall provide that the policy shall not be terminated or cancelled prior to its expiration date without 30 days advanced written notice to the City.

A copy of the health permit.

A copy of the ABC license (if beer and wine are expected to be served in the outdoor café).

A copy of the Business License issued by the City.

Copies of photographs, drawings or brochures showing and describing the proposed encroachments.

Written consent of landlord (if applicable).

Payment of the sum of \$25.00 (checks made payable to the City of Camden).

To the best of my knowledge, I certify and agree that all the statements and information provided in the application are true and accurate. Additionally, I agree to the indemnity provisions in Section 6 of this application. If approved, I understand that the encroachment permit is a temporary license which can be denied, suspended or revoked for any conduct which is contrary to the provisions of this section or if business is conducted in such a manner as to create a public nuisance, or to constitute a danger to the operator's or the public's health, safety, or welfare. No property right is created by any permit issued hereunder and any decision of the City or its agents related to this permit shall be final.

**I UNDERSTAND THIS APPLICATION WILL BE RETURNED IF IT IS NOT FULLY COMPLETED, INCLUDING ALL ITEMS IN SECTION SEVEN (7) ABOVE.**

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Business Owner

\_\_\_\_\_  
Date

Please sign and return to:

**City Planner, City of Camden, PO Box 7002, Camden, SC 29020 or bring completed application to City Hall, 1000 Lyttleton St, Camden, SC 29020.** If you have any questions please call (803) 432-2421, or email [putnam@camdensc.org](mailto:putnam@camdensc.org).



## **Rules and Regulations Governing Outdoor Cafe Application and Permit**

### **GENERALLY**

These Rules and Regulations (these “Rules”) have been promulgated pursuant to Chapter 122 “Outdoor Cafes,” of the City of Camden’s Code of Ordinances (the “Ordinance”).

In order to receive a permit for an outdoor café on a sidewalk, the applicant must demonstrate that the provisions of these Rules will be met. Documentation demonstrating that the provisions of these Rules will be complied with must accompany the application in order to receive a permit. An outdoor café permit will not be issued to a permittee until the City of Camden has conducted a site inspection of the proposed outdoor café and all outdoor café elements placed therein to ensure that the outdoor café and all of the included elements are in compliance with the approved permit and that the permittee is in compliance with all other requirements of the Ordinance and these Rules.

1. Each permit shall be effective for one year, beginning July 1 and ending June 30. Permits issued after July 1 of any year shall be valid from the date of issuance through the next occurring June 30. Permits may be renewed annually by the City. No fees shall be prorated or refunded for any reason.
2. Outdoor cafes shall not operate earlier than 7:00 AM nor later than 11:00 PM, unless the hours of the establishment are more restricted by operation of law or otherwise, in which case, the establishment’s more restrictive hours shall control.
3. All outdoor café employees shall be subject to and comply with all applicable requirements and standards for a retail food establishment.
  - a. Patrons must wear shoes and shirts at all times.
  - b. All outdoor cafés must have an opening for ingress and egress at all times.
  - c. All outdoor cafés must adhere to the size, design, and any other specifications approved by the City at all times. Strict adherence to required design requirements, as set forth herein, is mandatory.
  - d. Strict adherence to hours of operation, approved layout of all components of the outdoor café, and clear space for pedestrians is mandatory.

e. Smoking is prohibited in all encroachment areas. Smoking is permitted at least ten (10) feet away from the encroachment areas.

4. Permittees shall be mindful of the rights of pedestrians traveling past their outdoor café at all times during the operation of the sidewalk café. Complaints regarding outdoor cafés will be investigated by the City and violations of the Ordinance or these Rules will result in citations being issued to the permittee and/or revocation of permittee's encroachment permit.

5. All areas within and surrounding the outdoor café must be maintained in a clean, neat and sanitary condition and shall be policed routinely by permittee to ensure removal of all wrappings, litter, debris and food therefrom. Sidewalks within and adjacent to the outdoor café must be washed down and cleaned on a daily basis. The permittee shall not wash garbage cans or any other container, or other personal property of any nature on the sidewalks. All cleaning must be performed in accordance with applicable federal and state regulations.

6. No permittee shall permit the sounding of any device on the sidewalk or surrounding public property which produces a loud noise, or use or operate any loudspeaker, public address system, radio, television, sound amplifier or similar device. This prohibition includes live or recorded music.

7. No tables or chairs or any parts of the business shall be attached, chained or in any manner affixed to any tree, post, sign or other fixtures, curb or sidewalk within or near the permitted area in a manner which causes or threatens to cause injury to any person or damage to public or private properties. Tables and chairs may be kept in the permitted area overnight at the permittee's risk.

8. Any permittee or his or her employees, agents or contractors who violate or resist enforcement of any provision of the Ordinance and/or these Rules may be subject to immediate permit revocation by the City and/or shall be subject to a fine of not less than that set forth in the City's Code of Ordinances, provided that each day that such violation continues shall be deemed a separate and distinct offense. These fines shall be in addition to any expenses incurred for restoration or repair of the public right-of-way, which shall be the responsibility of the permittee.

THE ISSUANCE OF AN OUTDOOR CAFÉ PERMIT IS A PRIVILEGE GRANTED BY THE CITY OF CAMDEN. THE CITY OF CAMDEN REQUIRES COMPLIANCE WITH THE ORDINANCE AND THESE RULES IN ORDER TO MAINTAIN THE PERMIT. CITY STAFF WILL MONITOR THE OPERATION OF OUTDOOR CAFÉS AND ARE EMPOWERED TO ISSUE CITATIONS FOR VIOLATIONS OF THE ORDINANCE OR THESE RULES.

8. Each permittee shall be required to maintain a current business license issued by the City of Camden.

9. No permittee shall sublicense or assign its encroachment permit or its access to the encroachment area separately to non-occupants of the premises.

10. Each permittee must secure permission of the landlord where the building is not owned by the business owner.
11. Outdoor cafés shall not interfere with any utilities or other facilities such as telephone poles, fire hydrants, signs, or benches located on the sidewalk or public right of way.
12. No vending machines, carts, or objects for sale of goods shall be permitted in an outdoor café.
13. Permittee shall be required to abide by all federal, state and local laws, rules and regulations applicable to the operation of an outdoor café in the City of Camden.

### **FEES**

In addition to the permit application fee, if a permit is issued, permittee shall be required to pay an annual permit fee of \$25.00 to the City of Camden.

### **DESIGN REQUIREMENTS**

No permittee shall place any items, tables, or chairs on any portion of the encroachment area other than directly in front of his existing place of business without the written consent of adjacent landowners and businesses, as well as the City. In no event shall such items be placed in the landscaped areas or extend beyond the authorized twenty-five (25) feet from each side of the applicant's business.

No permittee shall block or restrict the sidewalk to less than five feet in width, or block ingress or egress to or from any building. In areas of congested pedestrian activity, the administrator is authorized to require a wider pedestrian path, as circumstances dictate. Also, no items shall be placed so as to block any driveway, crosswalk, bus stop, counter service window or block visibility within an intersection.

No objects shall be placed around the perimeter of an area occupied by tables and chairs which would have the effect of forming a physical barrier or visual barrier. Any fence or barrier used to denote the area of the outdoor café must not exceed three feet in height and shall not be affixed to the sidewalk.

Tables, chairs, umbrellas, awnings, barriers, and any other object associated with an outdoor café shall be of quality design, materials and workmanship both to ensure the safety and convenience of users to enhance the visual and aesthetic quality of the urban environment. All elements of the outdoor café shall be submitted and reviewed as a part of the application process. Permanent structures in the outdoor café are not permitted. The permittee, in addition to indemnifying the City for all direct and indirect costs and liability associated with such encroachment permit, shall be responsible for the restoration of the sidewalk or public right of way if any damage is caused

as a result of the issuance of the outdoor café permit. Such damages may be initially mitigated by the damage deposit discussed above.

### **INSURANCE REQUIRED**

Each permittee of an outdoor café shall furnish a certificate of insurance evidencing commercial general liability insurance with limits of not less than \$300,000 per person, \$600,000 per occurrence, \$1,000,000 in the aggregate combined single limit, for bodily injury, personal injury, and property damage liability. The insurance shall provide for 30 days prior written notice to be given to the City of Camden if coverage is substantially changed, canceled or otherwise not-renewed.

The City of Camden shall be named as an additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the operation of an outdoor café and the permittee, as agreed and acknowledged in the permit application (the permit, if issued), shall indemnify, defend, and hold the City harmless from any loss that results directly or indirectly from the permit issuance or the operation of the outdoor café.

In addition, if beer and wine will be served at the outdoor café, the permittee shall provide proof of liquor liability insurance for the outdoor café, with limits of not less than \$1,000,000 in such type as shall be acceptable to the City.

Each permittee shall maintain the insurance coverage required under this section during the period the permit has been issued. The certificate(s) of insurance shall be presented to the City of Camden prior to the issuance of any encroachment permit. Failure of the permittee to maintain the insurance required shall result in the revocation of the outdoor café permit.

**AFFIDAVIT OF APPLICATION**

I/WE, \_\_\_\_\_ & \_\_\_\_\_, ACTING IN THE CAPACITY OF APPLICANT AND BUSINESS OWNER, ON BEHALF OF THE ESTABLISHMENT KNOWN AS \_\_\_\_\_ LOCATED AT \_\_\_\_\_, ATTEST TO THE FOLLOWING:

THAT I HAVE REVIEWED THIS APPLICATION AND ALL ENTRIES ARE CORRECT AND ACCURATE TO THE BEST OF MY KNOWLEDGE. THERE ARE NO OMISSIONS OF FACT OR ITEMS LOCATED ON THE SIDEWALK WHERE THE OUTDOOR CAFÉ IS ENCROACHMENT PERMIT. THERE EXISTS NO VIOLATIONS OF THE CITY'S CODE OF ORDINANCES THAT HAVE BEEN ADJUDICATED AGAINST MY RETAIL FOOD ESTABLISHMENT WITHIN THE LAST 12 MONTHS PRECEDING THE DATE OF THE APPLICATION.

THAT I HAVE READ THE RULES AND REGULATIONS AND WILL ABIDE BY SAID RULES AND REGULATIONS AT ALL TIMES DURING THE TERM OF THE ENCROACHMENT PERMIT.

\_\_\_\_\_  
**Signature of Applicant**

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

\_\_\_\_\_  
**Signature of Business Owner**

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

SWORN to me this \_\_\_\_\_  
day of \_\_\_\_\_, 2018:

\_\_\_\_\_  
Notary Public for South Carolina  
My Commission Expires: \_\_\_\_\_