

Village of Sussex

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Application for Outdoor Establishment Permit or Outdoor Merchandise Display & Sales Permit

The permit shall be valid from April 15 through September 30 unless the Village Board approves alternative dates.

PERMIT FEE: \$100.00

An outdoor establishment plan is required with the original permit application. (See attached page for a list of requirements.) All plans and original applications shall be reviewed and approved by the Village Board.

RENEWAL FEE: \$75.00

The previously approved outdoor plan must remain unchanged for the permit to be renewed and the application and permit fee must be submitted prior to March 15. All renewals shall be approved by the Village Administrator.

BUSINESS INFORMATION

Name _____ Contact Name _____
Street _____ Phone _____
City _____ State _____ Zip Code _____

PROPERTY OWNER INFORMATION

Name _____ Contact Name _____
Street _____ Phone _____
City _____ State _____ Zip Code _____

PERMIT TYPE

Check One Outdoor Seating Permit Outdoor Merchandise Display & Sales

SIGNATURES

The applicant agrees to comply with Municipal Ordinances and with the conditions of the permit, understands that the issuance of the permit creates no legal liability, express or implied, on the Department or Municipality and certifies that all the above information is true and correct. *I understand that all fees are non-refundable.*

Signature of Applicant

Date

Signature of Property Owner

Date

For Office Use Only			
New	Village Board Action: Approved	Denied	Date _____
Renewal	Village Manager's Approval _____		Permit # _____
			Date _____

Outdoor establishment plan--Standards of review. The Village Board shall approve an outdoor establishment plan and application if it makes all the following findings:

- A. The proposed plan is consistent with applicable Village plans adopted for the area, if any.
- B. The proposed plan will not adversely affect existing and anticipated development in the vicinity and will promote the harmonious development of the area.
- C. The nature, configuration, location, density, and manner of operation of any outdoor use proposed by the plan will not significantly and adversely interfere with the use and enjoyment of other properties in the vicinity of the subject property.
- D. The proposed plan will not create any significantly adverse traffic impacts, traffic safety hazards, pedestrian-vehicle conflicts, or pedestrian safety hazards.
- E. The proposed plan will not create any significantly adverse parking impacts as a result of employee or patron parking demands.
- F. The proposed plan will not create any significantly adverse impacts on neighboring properties as a result of:
 - 1. The accumulation of garbage, trash or other waste.
 - 2. Noise created by operation of the outdoor use or by employees or visitors entering or exiting the building or area.
 - 3. Light and glare.
 - 4. Odors and noxious fumes.
- G. The proposed plan will not be detrimental to the public health, safety, or general welfare.
- H. The proposed plan will not obstruct pedestrian traffic or impede building ingress/egress.

In approving an outdoor establishment plan, the Village Board may impose such conditions, as it deems appropriate to protect the public health, safety and general welfare.

Operating Requirements

Outdoor dining and seating. All outdoor establishment permit holders for dining and seating uses shall follow the operating requirements below:

- A. Unless otherwise stipulated in the outdoor establishment plan, outdoor activities shall not commence before April 15 of any given year and shall be removed by September 30 of the same year.
- B. All table umbrellas must be free of advertising and must be anchored to a moveable base.
- C. All businesses with outdoor dining furniture are responsible for securing the items after closing.
- D. All debris created from the seating must be removed from the sidewalk and placed inside the establishment at the end of the day.
- E. At no time shall the tables and chairs block or impair pedestrian movement. Location of the established outside eating area should provide a safe access for customers and there shall be an adequate buffer between parking lots and drive aisles.
- F. The owners and operators of the establishment shall hold the Village of Sussex harmless against any and all claims for injury arising out of the outdoor seating on a form approved by the Village Attorney.
- G. No additional signage shall be displayed beyond the signage that is approved for the indoor portion of the establishment.
- H. No outdoor establishment shall be located on any area designated for parking of motor vehicles.
- I. An outdoor establishment shall only be allowed to sell alcoholic beverages in the outdoor dining and seating area under the following conditions:
 - 1. The licensee requests and the Village Board approve the expansion of the site of the alcoholic beverage license to include the outdoor dining and seating area.
 - 2. The outdoor establishment has a valid class B alcoholic beverage license and said license is followed in all regards.
 - 3. The area for the dining and seating is separated from the public area by a fence or similar structure to create a clear distinction between where alcohol may be present and where it may not be.
 - 4. Any alcoholic beverages must be brought out to the outdoor dining and seating area and served directly to the customer by the outdoor establishment's employees. The serving requirement may be waived by the Village Board if the following is met:
 - a. The designated area is deemed appropriate in scale and size to prevent access to alcoholic beverages by minors.
 - b. The establishment requesting a waiver has no prior incidents or concerns from the public.
 - c. The "no employee service" requirement may be revoked at any time if any problems shall arise.
 - 5. The Village Board may establish other conditions to ensure that public safety and welfare is maintained.

Outdoor merchandise display and sales. All outdoor establishment permit holders for Outdoor merchandise display and sales shall follow the operating requirements below:

- A. Unless otherwise stipulated in the outdoor establishment plan, outdoor activities shall not commence before April 15 of any given year and shall be removed by September 30 the same year.
- B. No merchandise shall be stored on areas other than those depicted on the plan.
- C. Merchandise shall not be stored immediately adjacent to any street, parking lot, or other area traveled by motor vehicles unless separated by a fence, wall, and four-foot pedestrian walkway.
- D. At no time shall display areas or merchandise block or impair pedestrian movement on sidewalks. A pedestrian walkway, a minimum of four feet in width, shall be provided between any merchandise or display and any street, parking lot, or other areas traveled by motor vehicles.
- E. No outdoor establishment shall be located on any area designated for parking of motor vehicles.
- F. The owners and operators of the establishment shall hold the Village of Sussex harmless against any and all claims for injury arising out of the outdoor sales in a form approved by the Village Attorney.
- G. No additional signage shall be displayed beyond the signage that is approved for the indoor portion of the establishment.
- H. No alcoholic beverages may be displayed or sold in conjunction with the outdoor display and sales use of the outdoor establishment permit.