

## 3.14 Checklist

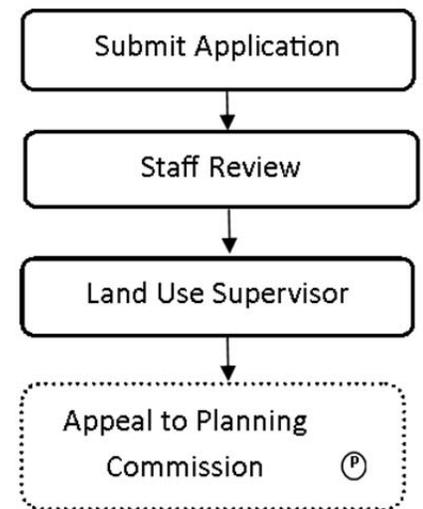
### Sidewalk Use Permit

A sidewalk use permit applies if you would like to use a portion of a public sidewalk for a café, eating area, bicycle rack, temporary display, or other purpose that does not involve the permanent vacation of any part of the street. See UDC Section 50-37.12 for more information.

#### Starting the Application Process

- Submit your application materials to the One Stop Shop, Room 210 City Hall. Your application must include the following:
  - Application Cover Sheet (see [Appendix](#))
  - Required fee
  - A map or diagram showing the proposed use area, and nearby drive aisles, loading zones, fire lanes, parking lots, building entrances, street trees, and street furniture
  - Sidewalk Use Agreement (see [Appendix](#))
  - Certificate of Insurance meeting requirements are specified in Sidewalk Use Agreement

#### Sidewalk Use Permit



**(P)** Indicates Public Hearing Required

#### Land Use Supervisor Decision

The Land Use Supervisor will review the application and make a decision to adopt, adopt with modifications, or deny the application.

If approved, you will receive an Action Letter documenting approval.

**Sidewalk Use Permits remain in effect for one year.** To continue use of the sidewalk after that year, you will need to submit another application.

*Please note: Any sidewalk use involving alcohol may require a new liquor license or an expansion of the existing liquor license. Please call the City Clerk at 730-5500.*

## SIDEWALK USE PERMIT AGREEMENT

\_\_\_\_\_, applicant for a Sidewalk Use Permit at \_\_\_\_\_ (“Applicant”) accepts the following terms and conditions applicable to the Sidewalk Use Permit:

1. Applicant agrees to keep the sidewalk and street within 20 feet of the proposed use or structure free from any litter generated by the use or activity.
2. Applicant, by the exercise of its right granted by this permit, agrees to indemnify, and save harmless the city of Duluth and its officers, agents, employees and servants, from any and all liens, claims, suits, demands, liability, judgments, costs, damages and expenses, including attorney’s fees, which may accrue against or be charged to or may be recovered from the city by reason of or account of or in any way related to the negligent actions, excluding gross negligence or intentional torts, of the city or its officers, agents, employees and servants while engaged in the performance of their official duties and resulting in damage to the improvements and amenities authorized by this permit.
3. Applicant, by the exercise of its right granted by this permit, agrees to defend, indemnify, and save harmless the city of Duluth and its officers, agents, employees and servants, from any and all liens, claims, suits, demands, liability, judgments, costs, damages and expenses, including attorney’s fees, which may accrue against or be charged to or may be recovered from the city by reason of or the use authorized pursuant this permit by any person(s) including Applicant, its employees, agents, volunteers, or invitees. Upon ten (10) days written notice, Applicant will appear and defend all claims and lawsuits against the city growing out of any action with respect to which Applicant is required to indemnify the city.
4. Applicant agrees to provide liability insurance meeting the following minimum amounts of insurance from insurance companies authorized to do business in the state of Minnesota:
  - (a) Public Liability with limits not less than **\$1,500,000** Single Limit shall be in a company approved by the city of Duluth; and shall provide for the following: Liability for Premises and Operations.
  - (b) The city of Duluth shall be named as **Additional Insured** under the Public Liability and Excess/Umbrella Liability\* policy, naming itself and the city of Duluth. Permittee shall provide a Certificate of Insurance evidencing such coverage with 30-days notice of cancellation, non-renewal or material change provisions included. The city of Duluth does not represent or guarantee that these types or limits of coverage are adequate to protect the Permittee’s interests and liabilities.

*\*An umbrella policy with a “following form” provision is acceptable if written verification is provided that the underlying policy names the city of Duluth as an additional insured.*

- (c) If a certificate of insurance is provided, the form of the certificate shall contain an unconditional requirement that the insurer notify the city without fail not less than 30 days prior to any cancellation, non-renewal or modification of the policy or coverages evidenced by said certificate and shall further provide that failure to give such notice to city will render any such change or changes in said policy or coverages ineffective as against the city.
- (d) **The use of an “Acord” form as a certificate of insurance shall be accompanied by two forms – 1) ISO Additional Insured Endorsement (CG-2010 pre-2004) and 2) Notice of Cancellation Endorsement (IL 7002) or equivalent, as approved by the Duluth City Attorney’s Office.**

- 5. Applicant agrees that the insurance required herein shall be maintained in full force and effect during the term of the permit.
- 6. Applicant agrees to provide certificates showing that Applicant is carrying the above described insurance in the specified amounts to the City prior to the issuance of the Sidewalk Use Permit and that a certificate showing continued maintenance of such insurance shall be on file with the City during the term of the permit.
- 7. That the sidewalk use permit will be in effect for the following period of use:

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Printed Name of Applicant

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Signature  
Its \_\_\_\_\_

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Date

**50-37.12 Temporary or Sidewalk Use Permit**

This section applies to temporary uses or proposals to use a portion of a public sidewalk for a café, eating area, transit shelter or bench, bicycle rack, temporary display or other purpose that does not involve the permanent vacation of any part of the street.

**A. Application**

An application for a temporary or sidewalk use permit shall be filed pursuant to Section 50-37.1.B.

**B. Procedure**

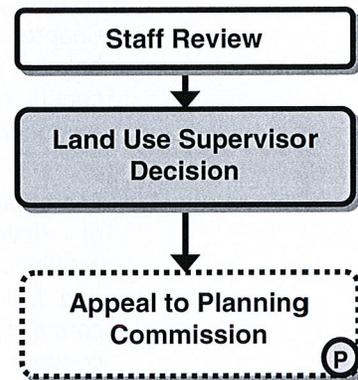
The land use supervisor shall refer the application to the city engineer for a recommendation as to whether the proposed design and location of the temporary or sidewalk use will provide for and not hinder the safety of pedestrians, bicyclists and motor vehicle drivers near the proposed use or structure. The land use supervisor shall then review and make a decision on an application based on the criteria in subsection 50-37.12.C. The land use supervisor may refer the application to any city, county or other public or quasi-public agency deemed necessary to confirm whether the criteria in subsection C have been met.

**C. Criteria**

The land use supervisor shall approve the application, or approve it with modifications, if the supervisor determines that the following criteria have been met:

1. The city engineer has confirmed that the proposed use or structure will not hinder the safety of pedestrians, bicyclists and motor vehicle drivers near the proposed use or structure;
2. The proposed use or structure will not encroach into drive aisles, loading zones, fire lanes or parking lots;
3. The proposed use or structure will not encroach into any area located directly between any operating building entrance and the street curb (other than a building entrance intended only to serve patrons of an outside eating area);
4. The proposed use or structure will be set back at least 5 ft. from the curb and at least 5 ft. from all street trees and street furniture in order to allow for the free passage of pedestrians;
5. The applicant has signed an agreement with the city (a) to keep the sidewalk and street within 20 ft. of the proposed use or structure free from any litter generated by the use or activity, (b) accepting all liability resulting from the proposed use or structure and holding the city harmless for any and all such liability, (c) providing liability insurance meeting city standards, and (d) determining the period of use.

**Temporary or Sidewalk Use Permit**



(P) Indicates Public Hearing Required