

Sidewalk Alcohol Sales Application

City of Pierre ~ Finance Office
222 E Dakota Ave
Pierre, SD 57501



Applicant Qualifications: Any holder of an on-sale alcohol beverage license may apply for a sidewalk sales permit for the sale and consumption of alcoholic beverages which the licensee is authorized to sell on a sidewalk or walkway subject to a public right-of-way abutting a licensed premise.

Name of Business:	
Type of Business:	
Business Owner Name:	
Business Address:	
Business Phone Number:	
Email Address:	
Contact Person:	
Contact Person Title:	
Contact Phone Number:	
Tax Identification Number:	
SD Sales/Excise Tax Number:	

Application Submittal Requirements:

- 1) **Fee.** A one-time application fee in the amount of \$100.00 payable to the City of Pierre.
- 2) **Site Plan.** Furnish a site plan identifying the location of tables, chairs, umbrellas, trash receptacles, heaters and barricades in compliance with the following requirements:
 - The location of the sidewalk sales area must be directly in front of the business operating the sales area, and may not extend beyond the side property lines. Tables, chairs, benches and food and beverage carts and equipment shall be located so that they do not impede, endanger or interfere with pedestrian traffic, with a minimum width of four (4) feet of unobstructed passage for pedestrian traffic on side streets.
 - No fixtures or devices on which food or beverages are sold or consumed shall be attached to the sidewalk or other public area. The property owner is responsible

for the restoration of the sidewalk or public right-of-way if any damage is caused by the sidewalk sales area. Physical barriers may not exceed four feet in height.

- Lighting for sidewalk sales area is subject to approval during the permitting process. Tabletop lighting may include candles and battery-operated fixtures.
- Physical barricades are required if alcoholic beverages are sold at the sidewalk sales area.

3) Insurance. Furnish a certificate of insurance proving commercial insurance coverage of at least \$1,000,000 for bodily injury, death, disability, and property damage liability. The City of Pierre shall be named as an additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the operation of a sidewalk sales area. In the event that the insurance is cancelled, the permit holder has 24 hours to reinstate the insurance or the permit shall be revoked. The permit holder shall immediately notify the city finance officer if insurance under this provision is revoked and shall not serve or allow alcoholic beverages to be consumed until insurance is restated in accordance with this requirement.

4) Compliance Requirements. Compliance with the following programming requirements is required and signing of this application is an acceptance of these compliance requirements.

- All services provided to sidewalk patrons as well as all patron activity must occur within the designated sidewalk sales area. No alcoholic beverages may be stored or mixed in the sidewalk sales area.
- The permit holder is responsible for proper supervision of the sidewalk sales area in order to ensure the requirements of this section are met.
- Permit holders must ensure that the requirements for operation are met. These include:
 - Patrons must wear shoes and shirts at all times.
 - All sidewalk sales area must maintain at least one opening for ingress and egress at all times. All sidewalk cafes shall abide by all requirements of the currently adopted International Building Code and the American's with Disabilities Act.
- All areas within and surrounding a sidewalk sales area must be maintained in a clean, neat, and sanitary condition.
- All permit holders shall be required to abide by all federal, state, and local laws.
- The sidewalk or walkway subject to a public right-of-way shall be immediately adjacent to and abutting the licensed premises.
- Public walkways and sidewalks within the right of way of a Federal-aid eligible highway are not eligible for a permit unless approved in accordance with the applicable requirements for the receipt of Federal aid.
- The hours of authorized sale and consumption on the sidewalk or walkway subject to a public right-of-way as provided by this section shall be consistent with the hours permitted for the license held by the sidewalk sales permittee.
- A violation of any provision of Title 35 by an alcoholic beverage license holder conducting business on a sidewalk or walkway subject to a public right-of-way

pursuant to this section constitutes a violation of Title 35 as if the violation had occurred in or on the licensed premises.

- 5) Revocation. A sidewalk sales permit may be revoked for failure to maintain the standards required for the initial permit. A notice of intent to revoke a sidewalk sales permit shall be given in writing 10 days prior to actual revocation and shall specify the area or areas of continued failure to meet requirements and maintain conditions the city may have imposed. If, during that period, proof of compliance is made to the satisfaction of the city by the holder of the permit, the permit shall be continued in force.

The Applicant also certifies that all current property taxes due on its licensed premises are paid if property is owned by the Applicant.

This Application and any permit issued constitute a contract between the undersigned applicant and the City of Pierre. The undersigned applicant agrees to comply with all provisions of Chapter 10 (pertaining to Alcoholic Beverages) of the Pierre Code of Ordinances and Chapter 35 of the South Dakota Codified Laws, which pertain to the sale and consumption of alcoholic beverages. The undersigned Applicant expressly agrees that violations of the provisions of Chapter 10, or failure to comply therewith, constitutes cause for revocation or suspension of the permit issued pursuant to this Application or for refusal to renew the permit upon expiration thereof.

Applicant agrees to permit City to periodically verify the accuracy of information contained in this Application and agrees to provide information requested to verify the accuracy of the information and the Certifications contained in this Application.

I have read and fully understand the attached rules and regulations applying to the approval of this license.

Application made on this _____ day of _____, 20_____

Signature

Printed Name

Return To:
City of Pierre
Twila Hight, Finance Officer
222 E Dakota Ave
Pierre, SD 57501
605-773-7407