

# CITY OF GOLDSBORO

APPLICATION FOR THE  
OPERATION OF **SIDEWALK & OUTDOOR DINING**  
AND/OR **OUTDOOR DISPLAY** IN CONJUNCTION WITH A  
RESTAURANT OR RETAIL BUSINESS WITHIN THE  
CENTRAL BUSINESS DISTRICT

Sidewalk & Outdoor Dining **\$100 fee**

Outdoor Display **\$25 fee**

Applicant: \_\_\_\_\_

Address: \_\_\_\_\_ Telephone: \_\_\_\_\_

Restaurant/Business (Name): \_\_\_\_\_

Address: \_\_\_\_\_ Telephone: \_\_\_\_\_

Operator of Restaurant/Business: \_\_\_\_\_

Address: \_\_\_\_\_ Telephone: \_\_\_\_\_

Types of Food, Beverages or Other Products to be sold, served or displayed within  
the public right of way or public sidewalk:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Hours of Operation: \_\_\_\_\_ Restaurant/Business: \_\_\_\_\_

Sidewalk Dining/Outdoor Display: \_\_\_\_\_

Additional Information (If Necessary): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

The information contained within this application is true and correct to the best of  
my knowledge.

\_\_\_\_\_  
Date

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

# CITY OF GOLDSBORO

APPLICATION FOR THE  
OPERATION OF A **SIDEWALK CAFÉ**  
AND/OR **OUTDOOR DISPLAY** IN CONJUNCTION WITH A  
RESTAURANT OR RETAIL BUSINESS WITHIN THE  
CENTRAL BUSINESS DISTRICT

The following must be included with the attached application in order to process the request.

1. Drawing or site plan showing the section of sidewalk or pedestrian way to be used for the sidewalk café or outdoor display area, and the section to be kept clear for pedestrian use, and depicting the proposed placement of tables, chairs, barricades and other furnishings on the sidewalk or pedestrian way as per the Design Guidelines for Downtown Goldsboro Section 8 - Sidewalk & Outdoor Dining and Outdoor Display.
2. Sidewalk Café must provide evidence of adequate insurance or other form of security to hold the City and its taxpayers harmless from claims arising out of the operation of the sidewalk café. (Determined through consultation with the City Attorney.)
3. Sidewalk Café must include indemnity statement, approved by the City Attorney, whereby the restaurant operator agrees to indemnify and hold harmless the City and its officers, agents and employees from any claim arising from the operation of the sidewalk café.
4. Sidewalk Café must provide copies of all permits and licenses issued by the State or the City, including health and ABC permits and business licenses necessary for the operation of the restaurant business, or a copy of the application for the permit if no permit has been issued, including any permits or certificates issued by the City for exterior alteration or improvement to the restaurant.
5. Sidewalk Café shall provide a sworn statement describing any violation by the restaurant operator of any laws, regulations or ordinances relating to the possession, sale, consumption or transportation of intoxicating beverages or controlled substances during the five years immediately preceding the date of this permit application.
6. A fee in the amount of \$100.00 payable to the City of Goldsboro for sidewalk café or a fee in the amount of \$25.00 payable to the City of Goldsboro of outdoor display.

# CITY OF GOLDSBORO

## Chapter 118      Sidewalk Cafes

§118.01      The City Manager or his designee may issue permits for the serving of food and beverages on City sidewalks and pedestrian ways in the area of the City known as the Central Business District.

### §118.02      Definitions

1.      *Restaurant.* An establishment engaged in the business of regularly and customarily selling food, primarily to be eaten on the premises, including businesses that are referred to as restaurants, cafeterias, cafes, lunch stands, grills, snack bars, fast food businesses and other establishments such as drug stores, which have a lunch counter or other section where food or beverages are sold to be eaten on the premises.
2.      *Sidewalk:* That portion of public street between the curb line, or the lateral lines of a roadway if there is no curb, and the adjacent property line, that is intended for the use of pedestrians.
3.      *Pedestrian Way:* An improved walk or passageway intended for use by pedestrians, but not adjacent to any City street.
4.      *Restaurant Operator.* The person, firm, or corporation operating a restaurant and associated sidewalk café, the owner and manager if different from the owner of the restaurant and associated sidewalk café.

### §118.03      Application

Any restaurant desiring to operate a sidewalk café shall prepare and file an application with the City Manager or his designee which shall contain the following information:

1.      The name, address and telephone number of the restaurant desiring to operate a sidewalk cafe.
2.      The name, address and telephone number of the restaurant operator.
3.      The type of food, beverage or other products to be sold and served at the sidewalk cafe.

4. The hours of operation of the restaurant and the proposed hours of operation of the sidewalk café.
5. A drawing or site plan showing the section of sidewalk or pedestrian way to be used for the sidewalk café, and the section to be kept clear for pedestrian use, and depicting the proposed placement of tables, chairs, barricades, and other furnishings on the sidewalk or pedestrian way as per the Design Guidelines for Downtown Goldsboro.
6. Evidence of adequate insurance or other form of security to hold the City and its taxpayers harmless from claims arising out of the operation of the sidewalk café, as determined by the City Manager in consultation with the City Attorney and insurance carrier.
7. An indemnity statement, approved by the City Attorney, whereby the restaurant operator agrees to indemnify and hold harmless the City and its officers, agents and employees from any claim arising from the operation of the sidewalk café.
8. A copy of all permits and licenses issued by the State or the City, including health and ABC permits and business licenses, necessary for the operation of the restaurant business, or a copy of the application for the permit if no permit has been issued. This requirement includes any permits or certificates issued by the City for exterior alteration or improvement to the restaurant.
9. A sworn statement describing any violation by the restaurant operator of any laws, regulations or ordinances relating to the possession, sale, consumption or transportation of intoxicating beverages or controlled substances during the five (5) years immediately preceding the date of the permit application.
10. Such additional information as may be requested by the City Manager or his designee to determine compliance with this section.
11. A fee (\$100.00) as provided in the City fee schedule to cover the cost of processing and investigating the application and issuing the permit.

§118.04 Issuance of Permit

No permit for the operation of a sidewalk cafe may be issued unless the application is complete and unless the following requirements are met:

1. The sidewalk café must be associated with an operating restaurant such that it is under the same management and shares the same food preparation facilities, restroom facilities and other customer convenience facilities as the restaurant. The sidewalk café must be operated under the same name as the restaurant and may not be open or be operated at any time when the restaurant is not open for business.
2. The operation of the sidewalk café must be clearly incidental to the associated restaurant business. The seating capacity of the sidewalk café may not constitute more than fifty percent (50%) of the total seating capacity of the associated restaurant.
3. The placement of tables, chairs or other furnishings as shown in the drawing submitted with the site plan must meet the space requirements of the Design Guidelines for Downtown Goldsboro Section 8.2 Sidewalk Dining-Outdoor Seating.
4. The restaurant seeking to operate the sidewalk café must front on and open onto the sidewalk or pedestrian way proposed for the sidewalk café. The placement of tables, chairs and other furnishings may not extend beyond the sidewalk or pedestrian way frontage of the associated restaurant. The tables must be contained within visible barricades as specified in Section 8.2 Sidewalk Dining-Outdoor Seating of the Design Guidelines for Downtown Goldsboro.
5. The tables, chairs and other furnishings used in the sidewalk café shall be of a type that is easily movable and constructed of materials as specified in Section 8.2 Sidewalk Dining-Outdoor Seating of the Design Guidelines for Downtown Goldsboro.
6. Except as elsewhere permitted, the operation or furnishing of the sidewalk café shall involve no permanent alteration to or encroachment upon any street, sidewalk or pedestrian way or to the exterior of the associated restaurant.
7. There shall be adequate lighting available in the area of the café for the safety of the patrons and public use of the sidewalk. If adequate public lighting is not available, the restaurant must provide additional lighting.

§118.05 Alcoholic Beverages. Notwithstanding the provisions of Chapter 115 of the City Code, alcoholic beverages may be served at sidewalk cafes provided the following requirements are met.

1. The sidewalk café shall be part of a standard restaurant as that term is defined in the City Code, and shall otherwise be

authorized, permitted or licensed under State laws and the City Code to serve and sell alcoholic beverages for on-premise consumption.

2. The portion of the sidewalk café where alcohol is or may be served shall be enclosed by clearly visible barricades and shall not have more than two (2) points of ingress and egress.
3. The sidewalk café must be included as part of the premises for which an ABC permit is issued pursuant to G.S. 18B-1001 for the purpose of applying and enforcing State laws regarding the sale and consumption of alcoholic beverages.
4. Signs shall be posted, visible at all exit points from the sidewalk café, that it is unlawful to remove alcoholic beverages in open or unsealed containers from the premises.
5. The restaurant operator shall not have violated any law, regulation or ordinance relating to the possession, sale, transportation or consumption of intoxicating beverages or controlled substances for the three (3) years preceding the commencement of the sale of alcoholic beverages at the sidewalk café.

#### §118.06 Denial

A permit may be denied if it is found that the granting of the permit would not be in the public interest. Any applicant denied a permit to operate a sidewalk café shall receive a written statement outlining the grounds on which the denial is based. The applicant may appeal the denial of the permit to the City Council within fifteen (15) working days after the date of the written denial and the City Council may take such corrective action as it shall find necessary. The findings and determination of the City Council shall be final.

#### §118.07 Permit Revocation

The City Manager may revoke a permit issued pursuant to this section if he finds that the restaurant operator has:

1. Deliberately misrepresented or provided false information in the permit application.
2. Violated any provision of City or County Health Department regulations.

3. Violated any law, regulation, or ordinance regarding the possession, sale, transportation or consumption of intoxicating beverages or controlled substances.
4. Operated the sidewalk cafe in such a manner as to create a public nuisance or to constitute a hazard to the public health, safety or welfare; specifically including failure to keep the sidewalk care area clean and free of refuse.
5. Failed to maintain any health, business or other permit or license required by law for the operation of a restaurant business. Before the revocation of a permit, the City Manager or his designee shall notify the permit holder of the intent to revoke the permit and the reasons therefore and shall afford the permit holder a reasonable opportunity to appear and be heard on the question of such revocation. After the hearing, the City Manager, or his designee, shall notify the permit holder in writing of his decision and the reasons therefor. A decision of the City Manager to revoke a permit may be appealed to the City Council in accordance with the provisions of Section 118.06.

§117.08 Reservation of Rights

The City reserves the right to require any sidewalk café established pursuant to this section to cease part or all of its operation in order to allow for construction, maintenance, or repair of any street, sidewalk, utility or public building by the City, its agents or employees or by any other governmental entity or public utility; and to allow for use of the street or sidewalk in connection with parades, civic festival, and other events of a temporary nature as permitted by the City.

§117.09 Term, Transfer, Renewal, etc.

Permits issued in accordance with the provisions of this section shall:

1. Be issued for the period beginning July 1 and expiring June 30 of each year.
2. Permits must be renewed yearly at no charge for outdoor dining/sidewalk café.