



CITY OF TYBEE ISLAND  
**SIDEWALK CAFÉ OR MERCHANDISE DISPLAY  
 PERMIT APPLICATION**

*FOR OFFICE USE ONLY*  
 Date \_\_\_\_\_  
 New \_\_\_\_\_  
 Renewal \_\_\_\_\_  
 License # \_\_\_\_\_

Business Name			
Location of Business			
Mailing Address of Business			
Name of Applicant			
Relationship of Applicant to Owner <i>(same, employee, agent, etc.)</i>			
Mailing Address of Applicant			
Phone Numbers of Applicant:	Business	Home	Mobile
Name of Owner of Business			
Phone Numbers of Owner:	Business	Home	Mobile

Application is for:     Sidewalk Café     Merchandise Display  
SIDEWALK CAFÉ OR MERCHANDISE DISPLAY OPERATION PLAN

1. Total square feet of public right-of-way to be used: \_\_\_\_\_  
 Exact length and width of public right-of way to be used: \_\_\_\_\_  
 Street address: \_\_\_\_\_
2. Proposed seating capacity of Sidewalk Café: \_\_\_\_\_
3. Hours of Operation of Sidewalk Café or Merchandise Display *(be specific and exact)*  
 Sunday: \_\_\_\_\_ until \_\_\_\_\_; \_\_\_\_\_ until \_\_\_\_\_  
 Monday: \_\_\_\_\_ until \_\_\_\_\_; \_\_\_\_\_ until \_\_\_\_\_  
 Tuesday: \_\_\_\_\_ until \_\_\_\_\_; \_\_\_\_\_ until \_\_\_\_\_  
 Wednesday: \_\_\_\_\_ until \_\_\_\_\_; \_\_\_\_\_ until \_\_\_\_\_  
 Thursday: \_\_\_\_\_ until \_\_\_\_\_; \_\_\_\_\_ until \_\_\_\_\_  
 Friday: \_\_\_\_\_ until \_\_\_\_\_; \_\_\_\_\_ until \_\_\_\_\_  
 Saturday: \_\_\_\_\_ until \_\_\_\_\_; \_\_\_\_\_ until \_\_\_\_\_

INFORMATION REQUIRED WITH APPLICATION

- Certificate of Insurance
- Measured and scaled drawing of proposed Sidewalk Café or Merchandise Display
- Two photographs of the sidewalk area
- Photographs or specifications of all proposed sidewalk elements
- Notarized Affidavit *(see following page)*

Applicant's Signature \_\_\_\_\_ Date \_\_\_\_\_

Printed Name \_\_\_\_\_

Received \_\_\_\_\_ by \_\_\_\_\_

ROUTING	APPROVE OR DENY	BY	DATE	FEE
City Manager				Accessory Use Fee \$0.00
Zoning Administrator				An application may require one month or more to process.
Building Official				

403 Butler Avenue, P.O. Box 2749, Tybee Island, Georgia 31328-2749  
 (912) 786-4573    FAX (912) 786-9539  
[www.cityoftybee.org](http://www.cityoftybee.org)

# AFFIDAVIT

I, \_\_\_\_\_, acting in the capacity of \_\_\_\_\_,  
(owner, employee, etc.)

on behalf of the establishment known as \_\_\_\_\_ located at

\_\_\_\_\_, Tybee Island, Georgia, attest to the following:

- That I have reviewed this application and all entries are correct and accurate to the best of my knowledge.
- That there are no omissions of fact or items located on the sidewalk where the Sidewalk Café or Merchandise Display is proposed that would prohibit the Zoning Administrator from issuing a Sidewalk Café or Merchandise Display Permit.
- That no violation(s) of Georgia Law, Federal Law, Local Ordinance, or any Rule or Regulation of the State Revenue Commissioner, or any Rule or Regulation of the City or County have been adjudicated against my business within the last 12 months preceding the date of the application, or,
- That the following violation(s) of Georgia Law, Federal Law, Local Ordinance, or Rule or Regulation of the State Revenue Commissioner, or Rule or Regulation of the City or County have been adjudicated against my business within the 12 months preceding the date of the application:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- That I have read the Policies and Procedures and will abide by said Policies and Procedures at all times during the term of the Sidewalk Café or Merchandise Display Permit.

Date: \_\_\_\_\_

Notarized Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Signed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

STATE OF: \_\_\_\_\_

COUNTY OF: \_\_\_\_\_

(SEAL)

\_\_\_\_\_  
SIGNATURE OF NOTARY PUBLIC

My Commission expires: \_\_\_\_\_

**INDEMNIFICATION AGREEMENT  
(RELEASE AND HOLD HARMLESS AGREEMENT)**

This Release and Hold Harmless Agreement is made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, by \_\_\_\_\_ (“OWNER”) for the benefit of the City Tybee Island, Georgia, (“City”).

**WHEREAS**, the OWNER is the owner(s) or lessee(s) of the property located at \_\_\_\_\_, Tybee Island, Georgia; and

**WHEREAS**, the OWNER has applied for a Sidewalk Café/Merchandise Display Permit for the sidewalk area abutting the property described above pursuant to City Codes, ordinances, and policies and is required thereby to indemnify, defend and hold and save the City harmless for its use of the public right-of-way (hereinafter collectively the “Property”); and

**WHEREAS**, the OWNER is authorized to and has obtained any necessary approvals for this Agreement.

**NOW, THEREFORE**, in consideration of the City allowing the OWNER to use the public right-of-way for its sidewalk café, the OWNER agrees as follows:

1. The above recitals are true, and correct and are incorporated herein by reference,
2. The OWNER agrees to indemnify and hold and save the City harmless from any and all damages, loss or liability occurring by reason of any injury of any person or property which may occur as a result of the Sidewalk Café/Merchandise Display Permit or the use of the Property by the OWNER or their family, officers, agents, representative, guests, employees, invitees, or persons contracting with either or any of them or occasioned by an act or omission, neglect, or wrongdoing of the OWNER or their family, officers, agents, representative, guests, employees, invitees, or persons contracting with either or any of them and OWNER will, at their own cost and expense, defend and protect the City against any and all such claims or demands which may be claimed to have arisen as a result of or in connection with the granting of the Sidewalk Café/Merchandise Display Permit or the use of the property by the OWNER or their family, officers, agents, representative, guests, employees, invitees, or persons contracting with either or any of them or occasioned by an act or omission, neglect, or wrongdoing of the OWNER or their family, officers, agents, representative, guests, employees, invitees, or persons contracting with either or any of them.
3. The OWNER does hereby remise, release, satisfy, quit claim, and forever discharge the City from any and all actions, claims and demands that they ever had, now has, or may have against the City as a result of the granting of the Sidewalk Café/Merchandise Display Permit or because of the use of the Property by the OWNER or their family, officers, agents, representatives, guests, employees, invitees, or persons contracting with either or any of them.
4. The OWNER will maintain liability or other insurance as required by City codes, ordinances, and policies which shall name the City as an additional insured and for which the City will be given a current certificate.
5. The terms of this Agreement shall be binding upon and inure to the benefit of the parties and their heirs, legal representative, successors and assigns.

\_\_\_\_\_ OWNER (sign)

\_\_\_\_\_ OWNER (print)

\_\_\_\_\_ OWNER (sign)

\_\_\_\_\_ OWNER (print)

STATE OF GEORGIA  
COUNTY OF CHATHAM

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, by \_\_\_\_\_ who is personally known to me or who has produced as identification and who did take an oath.

Notary Public  
My Commission Expires: \_\_\_\_\_

\_\_\_\_\_ (sign)

\_\_\_\_\_ (print)



## South End Business District Policies and Procedures

Dear South End District Business Owner:

The purpose of these policies and guidelines is to help clarify and provide standards for sidewalks in order to enhance the quality and safety of the pedestrian experience in the South End Business District and reinforce its sense of place and economic vitality. These goals are consistent with the vision outlined in the Tybee Island Master Plan, Section 1.2.11 *The Strand Downtown Historic District*. Compliance with all applicable sections of the guidelines is required at all times (e.g. insurance, permitting, etc).

These policies and guidelines address the following:

- Sidewalk Cafes and Merchandise Display
- Signboards (Sandwich Boards)
- Trash/Refuse Collection

It is the intent of the City of Tybee Island that these policies promote the safety of residents and visitors while simultaneously helping support the growth and expansion of local businesses.

This policy is administered through the Planning and Economic Development office of the City of Tybee Island. We are available to assist you with any questions you may have regarding this policy and the application process.

Sincerely,

Planning and Economic Development Department



## SOUTH END POLICIES AND PROCEDURES

In order to remain consistent with the City of Tybee Island's objective of developing attractive pedestrian thoroughways and outdoor dining spaces, including the furniture, objects, structures, and décor associated therewith, in as much that applicants desiring to use public space for semi-private use as outdoor cafes are enhancing the private interests of their enterprise as well as that of the City, the following standards shall apply to establishments seeking permission to erect sidewalks signs, display merchandise, or provide outdoor dining in the form of sidewalk cafes throughout the South End Business District.

### I. PURPOSE

The primary purpose of public rights-of-way is the free and unobstructed right of travel. The City recognizes that outside table service by restaurants and the display of merchandise by retailers can be of significant benefit to the general public so long as such use is not inconsistent with the underlying dedication for the public right-of-way, does not impede travel, and does not interfere with public safety or the rights of adjoining property owners. Therefore, temporary use of the public right-of-way to operate a sidewalk café or display merchandise may be approved by the Planning and Economic Development Director.

The purpose of this policy is to:

- A. Provide for pedestrian and vehicular safety and convenience
- B. Restrict unreasonable interference with the flow of pedestrian or vehicular traffic including egress into or egress from any residence, place of business, other building or from the street to the sidewalk by persons existing or entering parking or standing vehicles
- C. Provide reasonable access for the use and maintenance of poles, posts, handicap ramps, traffic signs or signals, hydrants, mailboxes and access to locations used for public transportation purposes
- D. Not interfere with the operations of adjacent businesses
- E. Encourage active street level activity to enhance the experience of visitors to the District
- F. Preserve and enhance the character of the South End Business District

### II. APPROVAL REQUIRED

It shall be unlawful for any person to place furniture on, or provide outside table services on the public right-of-way in the City without first obtaining a permit. Permits are issued to approved projects at **NO COST** to the business. Any person desiring a permit shall file an application with the City, supplying such information in connection with the proposed temporary use as may be required by the City.

### III. APPLICATION FOR TEMPORARY USE APPROVAL

- A. The issuing authority shall be the Planning and Economic Development Director.
- B. Applications: The applicant shall file with the Planning and Economic Development Director a written application for a sidewalk café or merchandise display permit. The application shall contain the following information:
  - a. The name, address, and telephone number of the applicant who is the owner and/or principal in charge of the restaurant or retail business.

- b. The name, address, and telephone number of a responsible person whom the City may notify or contact at any time concerning the applicant's requested temporary use.
  - c. The applicant shall provide a scaled drawing of the temporary use location. The drawing shall indicate the following:
    - i. The proposed layout, materials and design
    - ii. The relationship of the proposed temporary use to the curb, obstacles, existing building, and buildings on either side
 The applicant shall not change or increase the approved materials/layout without written authorization from the Planning and Economic Development Director.
- C. Action on Applications. The City shall:
- a. Process application, ensure site sufficiency and issue permits. The Planning and Economic Development Director may approve all conforming applications.

In the event that an application is not approved, businesses are strongly encouraged to work with staff to revise the application to arrive at a plan that complies with the policies and procedures and all applicable City codes.

#### IV. FINDINGS

- A. No permit may be issued until the application is approved by the Planning and Economic Development Director and all of the findings are met.
  - a. The proposed temporary use meets the standards of this policy.
  - b. The proposed temporary use does not unduly interfere with the use of the public right-of-way by adjoining property owners and tenants.
  - c. The public use of the sidewalk, including but not limited to pedestrian and business services, loading zones and benches, is not restricted.
  - d. The proposed temporary use is complementary to and not inconsistent with the underlying public right-of-way.
  - e. The proposed temporary use is compatible with the use and enjoyment of surrounding uses.
  - f. The proposed temporary use does not impede travel on the public walkway or create a hazard to the safety or health of passersby.
  - g. The proposed temporary use does not unlawfully alter the associated use of the abutting property.
  - h. Building entryways are not obstructed.
  - i. All ADA provisions are met.

#### V. OUTSIDE TABLE SERVICE STANDARDS

- A. All permits issued pursuant to the terms of this policy shall conform to these standards, and no permit may be issued which does not so conform.

##### B. Space and Elements

A sidewalk café or sidewalk display of merchandise shall only be permitted on a sidewalk with a minimum width of ten feet (10') from the property line to face of curb. The area designated for the display or sidewalk café shall be considered an extension of the franchise; therefore, the location must be directly in front of the franchise.

Businesses fronting sidewalks more than ten feet (10') wide are encouraged to consider cafes as a possible extension of their business. Sidewalk cafes on sidewalks narrower than ten feet (10') will be considered on a case by case basis with an emphasis on public safety by the Planning and Economic Development Director.

A sidewalk café or outdoor display of merchandise may extend from the face of the building toward the curb, assuring that a clear pedestrian path of four feet (4') minimum is maintained at all times. In areas of higher pedestrian traffic or activity or in conditions that

suggest the need for additional clearance, a clear pedestrian path greater than four feet may be required. This area shall be free of any obstructions such as trees, parking meters, utility poles and the like in order to allow adequate pedestrian movement.

Where the City has installed a permanent structure such as a parking meter, planter, light pole or other device, the permittee of the sidewalk café or sidewalk merchandise display shall make accommodation for the required clearance for pedestrian passage. Permittees shall be mindful of the rights of pedestrians traveling past their sidewalk café or sidewalk merchandise displays at all times during operation. Complaints will be investigated by the City and violations of the ordinance or the rules and regulations promulgated will result in citations being issued to the permittee and/or revocation of permittee's sidewalk café or sidewalk merchandise display permit.

The sidewalk café or merchandise display area may not impinge on any required clear distances for maneuvering around entrances or exits. The outdoor dining area and sidewalk merchandise display area shall be accessible to disabled patrons and employees, and buildings adjacent to these areas shall maintain building egress as defined by the current building code.

When a sidewalk café or sidewalk merchandise display is located at a street corner, vision clearance requirements shall be in accordance with the Land Development Code of Tybee Island Section 3-050. When a sidewalk café is adjacent to an alley or driveway, these regulations may also be applied. These requirements may be modified at the discretion of the Planning and Economic Development Director in locations where unusual circumstances exist and where public safety could be jeopardized.

C. Furniture, objects, structures and décor

Tables, chairs, umbrellas, awnings, barriers, and any other object associated with a sidewalk café or sidewalk display of merchandise ("Sidewalk Elements") shall be of quality design, materials and workmanship both to ensure the safety and convenience of users and to enhance the visual and aesthetic quality of the urban environment. All Sidewalk Elements shall be reviewed by the Planning and Economic Development Director as part of the sidewalk café / sidewalk merchandise display permitting process. In reviewing Sidewalk Elements, the Planning and Economic Development Director shall consider their character and appropriateness of design including but not limited to scale, texture, materials, color and relation of the Sidewalk Elements to the adjacent establishments, to features of structures in the immediate surroundings, as well as to the streetscape and adjacent neighborhood(s), if applicable.

Tables and chairs for sidewalk dining shall be placed in the area designated for sidewalk dining only. Appropriate density of tables and chairs is to be reviewed by the Planning and Economic Development Director and may be affected by specific conditions of the location. Table sizes should be kept to a minimum so as not to cause crowding, a disturbance, or nuisance.

Tables, shelves or other displays shall be in places designated for sidewalk display of merchandise. Appropriate density of tables, shelves, racks or other displays is to be reviewed by the Planning and Economic Development Director and may be affected by specific conditions of the location. Displays should be kept to a minimum so as not to cause crowding, a disturbance or nuisance.

Permanent structures in sidewalk cafes or sidewalk merchandise displays are not permitted. All furniture, umbrellas or other Sidewalk Elements shall not be attached permanently to the sidewalk or public right-of-way. The permittee 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 sidewalk café permit.

All Sidewalk Elements shall be approved as part of the permit approval process. Sidewalk Elements for sidewalk cafés shall be promptly stacked/set aside immediately after the sidewalk café discontinues its daily operation, and must be secured in such a manner as to prevent their use immediately after the permittee discontinues its daily operations. Sidewalk Elements for sidewalk merchandise display shall be promptly stacked/set aside immediately after the business discontinues its daily operations. Businesses are strongly encouraged to store Sidewalk Elements indoors.

D. Overhead Structures

Umbrellas and any type of temporary overhead structure may be utilized if approved by the Planning and Economic Development Director as part of the sidewalk café/sidewalk merchandise display permitting process. The use of overhead structures over the outdoor dining areas/display areas and removable umbrellas may be permitted provided they do not interfere with street trees. No umbrella canopy shall be less than seven feet (7') above the sidewalk.

Awnings, either permanent or temporary, may be utilized if approved by the Planning and Economic Development Director as part of the sidewalk café/sidewalk merchandise display permitting process. Awnings shall have no support posts located within the public right-of-way, and no portion of an awning shall be less than eight feet (8') above the sidewalk. A building permit must be obtained prior to the installation of an awning and is subject to all applicable sections of the Code of the City of Tybee Island.

Canopies, awnings and umbrellas must be weather resistant and firmly installed to withstand typical weather conditions. These units must be rolled up and secured with the sidewalk café is closed, or they must be dismantled.

E. Lighting

Lighting for sidewalk cafés/sidewalk merchandise displays may be utilized if approved by the Planning and Economic Development Director as part of the permitting process. Any such lighting shall complement the existing building and sidewalk café/sidewalk merchandise display design and shall not cause a glare to passing pedestrians or vehicles. All lighting must meet Dark Skies standards and be turtle friendly. Additional lighting may be attached to the permittee's adjacent establishment provided permittee obtains all necessary approvals and permits for such lighting from the City of Tybee Island, if applicable.

F. Outdoor Heaters

Outdoor heaters may be utilized upon the approval of the Planning and Economic Development Director as part of the permitting process.

G. Vending machines prohibited

No person, corporation, association or company shall maintain, keep, offer or furnish for use of the business customers or general public a coin-operated mechanical vending machine for dispensing soft drinks or food articles, without having first procured and obtained a license therefore, from the City of Tybee Island.

Vending machines are further defined as a self-service device which upon insertion of a coin, paper currency, token, card, or key dispenses unit servings of food, either in bulk or in packages, without the necessity of replenishing the service between each vending operation. It shall also include self-service dispensers equipped for coin, paper currency, token, card or key operations and optional manual operations.

Application for a license for maintaining and keeping any coin-operated vending machine for dispensing soft drinks, candy, food, or any edible merchandise in the South End Business District of the City of Tybee Island shall be made to the Community Development Department and shall consist of a completed application including a site plan, photographs of the location and images of the proposed vending machine.

If, in the opinion of the Community Development Department, it is found that the applicant meets the following minimum requirements for a license, the license shall be issued:

1. There shall only be one vending machine per business;
2. vending machines shall only be permitted at businesses that front sidewalks that are at least 10' wide; and
3. vending machines shall only be permitted at businesses with at least 90' of building frontage on a sidewalk that is at least 10' wide.

Vending machines that are decorative and complementary to the surrounding streetscape are strongly encouraged.

- H. Merchandise may be displayed but no sales may be transacted on sidewalks. All sales transactions must occur inside the primary business.

## VI. SERVICE, USE AND OPERATIONS

- A. All sidewalk merchandise display and services provided to patrons of a sidewalk café and all patron activity (i.e., sitting dining, waiting, etc.) shall occur within the designated sidewalk café area, and shall not impinge on the required clear distance for pedestrian passage at any time.
- B. All outside table service at sidewalk cafés must end by midnight or when a full menu is no longer served, whichever is earlier. At this time, all furniture and barriers must be stacked and secured (or removed from the sidewalk) and the public walkway returned to its original condition.
- C. A sidewalk merchandise display shall not operate outside the normal hours of operation for the business for which the merchandise is being displayed.
- D. No alcoholic beverages may be stored or mixed in the sidewalk café/merchandise display area. Equipment necessary for the dispensing of any other items should be reported as part of the operation of the sidewalk café and is subject to review.
- E. No outside cooking will be permitted.
- F. Sidewalk cafes or sidewalk merchandise displays shall be prohibited from playing amplified music, whether live or recorded. No speakers, microphones, televisions or other audio or video devices shall be permitted at a sidewalk café. Special consideration may be given for special events, holidays, etc. Such consideration will be considered on a case by case basis.
- G. The franchise must provide supervision of the sidewalk café area to ensure the conduct of patrons and operations of the area are in compliance with this policy at all times.
- H. All areas within and surrounding the sidewalk café or sidewalk merchandise display area shall 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 there from. Daily sanitary cleaning of the area is required. 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. Sidewalks within and adjacent to sidewalk cafés must be cleaned on a daily basis.

I. Administrative

- a. Permits may be issued only to the operator of a business in the property abutting the sidewalk.
- b. Permits expire each year on the same date as the business license.
- c. Only those establishments in the business tax category of restaurants may operate a sidewalk café. Establishments serving alcohol must be licensed as a full service restaurant with Sunday Sales.
- d. Temporary, mobile, or free standing food service providers are not eligible under this policy.
- e. Permits are not transferable upon change in ownership or management.
- f. Use and occupation of the public right-of-way which is allowed under this policy may be temporarily suspended, without prior notice or hearing, when in the discretion of the Planning and Economic Development Director, the Director of Public Works, the Police Chief, or the Fire Chief any such use, occupation or obstruction may interfere with public safety efforts or programs, special events, street improvement activities, construction activities, cleaning efforts, or other similar activities affecting the health, welfare, or safety of the citizens of the City.
- g. Permits shall be considered temporary and nonpermanent in nature and the applicant shall have neither property interest in nor any entitlement to the granting or any continuation of any such permit.
- h. All plans and permits for outside table service approved by the City must be kept on the premises for inspection at all times the establishment is open for business.
- i. The Planning and Economic Development Director may, in his or her sole discretion, and at any time, place additional conditions upon the issuance of permits in order to ensure the protection of the public walkways and the rights of all adjoining property owners and the health, safety and general welfare of the public.

VII. INDEMNIFICATION OF CITY

- A. As a condition of issuance, the approved applicant and any person acting under or pursuant to said permit, agrees to indemnify, hold harmless, release and defend (even if the allegations are false, fraudulent, or groundless) to the maximum extent allowed by law, the Planning and Economic Development Director, the City, its City Council, and each member thereof, and its officers, employees, advisory board members and representatives, from and against any and all liability, loss, suits, claims, damages, costs, judgments and expenses (including attorney's fees and costs of litigation) which in whole or in part result from, or arise out of, or are claimed to result from or rise out of any acts, negligence, errors, or omissions (including, without limitation, professional negligence) of approved applicant, its employees, representatives, contractors, subcontractors, or agents by reason of or arising out of, or in any matter connected with, any and all acts, operations, privileges authorized, allowed or undertaken pursuant to the temporary use permit including, without limitation, any condition of property used in the operations.
- B. This indemnity agreement includes, but is not limited to, personal injury (including death at any time) and property or other damage sustained by any person or persons (including, but not limited to, companies, corporations, approved applicant and its employees or agents, and members of the general public.
- C. As a further condition of issuance of the approval, the approved applicant covenants not to sue the Planning and Economic Development Director, the City, its City Council, and each member thereof, and its officers, employees, advisory board members and representatives and shall cause its insurer to waive subrogation against the same with respect to any action,

claim, or demand in any way resulting from or connected with any and all undertakings and operations conducted pursuant to the temporary use as approved.

#### VIII. LIABILITY INSURANCE

- A. Each permittee of a sidewalk café permit or sidewalk merchandise display shall furnish a certificate of insurance evidencing commercial general liability insurance with limits of not less than \$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 written notice to be given to the City of Tybee Island if coverage is substantially changed, canceled or non-renewed.
- B. The City of Tybee Island 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 café or operation of sidewalk merchandise display; and the permittee 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 sidewalk café/sidewalk merchandise display.
- C. In addition, if alcoholic beverages will be served at the sidewalk café, the permittee shall provide proof of liquor liability insurance for the sidewalk café with limits of not less than \$1,000,000 in such type as shall be acceptable to the City. Alcoholic beverages may not be displayed in sidewalk merchandise display areas.
- D. Each permittee shall maintain the insurance coverage required under this section during the permit period. The certificate(s) of insurance shall be presented to the Planning and Economic Development Director prior to the issuance of a permit under this section. Failure of the permittee to maintain the insurance required by this section shall result in the revocation of the sidewalk café permit.

**In order to receive a permit for a sidewalk café or sidewalk merchandise display on a public right-of-way, the applicant must demonstrate that the provisions of these guidelines will be met. Documentation demonstrating that the provisions of this guideline will be complied with must accompany the application in order to receive a permit. A sidewalk café permit or sidewalk merchandise display permit will not be issued to a permittee until after the Planning and Economic Development Director has conducted a site inspection of the approved sidewalk café and all Sidewalk Café Elements or sidewalk merchandise display area and all Sidewalk Display Elements placed therein to ensure that the uses and elements are in compliance with the approved permit and that the permittee is in compliance with all other requirements of the permit.**

#### IX. TERMINATION

In the event of a default or change in City policy, the Planning and Economic Development Director may notify the approved applicant in writing of a termination and specify the time within which the termination is to take place or, in the discretion of the Planning and Economic Development Director, immediately terminate the permit without prior notice. Upon delivery of notice of termination, the City shall have the right to require the immediate removal of all obstructions in the public walk way, and may perform such removal if the approved applicant fails to do so within such time as specified by the Planning and Economic Development Director. The approved applicant shall reimburse the City for any expense incurred by the City in removing any obstruction in the event it is not removed by the approved applicant within the time required by the City.

#### X. LAPSE OR REVOCATION AND REFUSAL TO ISSUE

- A. A person desiring approval for outside table service or merchandise display which has been

the subject, in part or in whole, of a prior approval which has lapsed, been revoked, or terminated shall file a new application. The Planning and Economic Development Directors may refuse to issue such approvals for outside table service or merchandise display if any applicant fails to meet any requirements for new approval, or if such person has failed or refused:

- a. To repair public improvements or other property damaged as a result of the occupancy of a public right of way; or
- b. To demonstrate readiness and willingness to comply with the terms of this policy, with the standards promulgated pursuant to this policy or with the terms of the approval.

## XI. ENFORCEMENT

A. The Planning and Economic Development Director or City Code Enforcement Officers will inspect all sidewalk cafes and sidewalk merchandise displays after permits have been issued and the café/display is in operation. Any violations of the provisions of these rules and regulations, or any deviation from approved plans or willful omissions on the application will result in citations being issued to the operator and /or revocation of permittee's permit.

- a. Any permittee or his or her employees or contractors who violate or resist enforcement of any provisions of the sidewalk café/merchandise display policy and/or these rules and regulations 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 Section 5-160 City of Tybee Island Land Development Code, 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.
- b. Notice of violation of any standards of operation shall be made verbally or in writing to the permit holder. Immediate abatement of such violation will be required by the permit holder. Verbal notices of violation shall be followed by a written notice for purposes of establishing a record of violations at the discretion of the party giving verbal notice.
- c. Violations of the terms of the permit or any provision of these standards shall be kept on file by the City. More than two violations within one year of the provisions of this policy shall constitute cause to revoke the temporary use permit.
- d. Upon termination of the permit, the applicant shall remove all personal property, furnishings, and equipment from the public right of way immediately.
- e. Enforcement of the temporary use shall be by the Planning and Economic Development Department.

THE ISSUANCE OF A SIDEWALK CAFÉ / SIDEWALK MERCHANDISE DISPLAY PERMIT IS A **PRIVILEGE** GRANTED BY THE CITY OF TYBEE ISLAND. THE CITY OF TYBEE ISLAND REQUIRES COMPLIANCE WITH ALL RULES AND REGULATIONS AS WELL AS RESPECT OF THE COMMUNITY IN WHICH THE BUSINESS IS LOCATED. THE PLANNING AND ECONOMIC DEVELOPMENT DIRECTOR AND CITY CODE ENFORCEMENT OFFICERS WILL MONITOR THE OPERATION OF SIDEWALK CAFES / SIDEWALK DISPLAY AREAS AND ARE EMPOWERED TO ISSUE CITATIONS FOR RULE AND REGULATION VIOLATIONS.

## XII. APPEALS

A. Any person aggrieved by any action of the Planning and Economic Development Director under this policy may appeal the decision to the City Manager setting forth the facts and circumstances regarding the appealed action. The City Manager shall notify the applicant, in writing, of the time and place set forth for the hearing on his or her appeal.

- B. The right to appeal from the action of the City Manager designee shall terminate upon the expiration of fifteen (15) days following the date written notification advising the applicant of the action of the Planning and Economic Development Director and of his or her right to appeal such decision.
- C. The hearing on the appeal shall be held within twenty (20) City business days of the City Manager's receipt of the appeal request.
- D. The hearing shall be presided over by the City Manager. A decision regarding said appeal shall then be issued no later than ten (10) business days following said hearing. The decision of the City Manager shall be final.

XIII. POLICY TO REGULATE TEMPORARY USES ONTO CITY-OWNED PROPERTY AND PUBLIC RIGHTS-OF-WAY

This policy supersedes any and all approvals given prior to the implementation of this policy.

*Placement of any sign or display within the public right of way requires approval by the Director of Planning and the Director of Public Works. These signs include freestanding signboards or menu boards, signs, etc., placed within the public right of way or upon public sidewalks.*

The City of Tybee Island has several very simple guidelines which we ask you to follow:

- Only one sign per business.
- Maximum height 4 feet, Maximum width 2 feet.
- Place as close as possible to the front of your store/business.
- Locate at curb line or adjacent to the building - not in the middle of the sidewalk.
- Do not leave your sign out when your business is closed.
- Remove the sign during inclement weather that may cause the sign to become an airborne hazard, and anytime the City performs maintenance.

PLEASE be courteous to your customers and neighbors:.

- Do not create an obstacle course for pedestrians - line up your sign with your neighbor's sign and other street fixtures.
- Do not obstruct parking meter access.
- Do not attach your sign to meter posts, trees, signs, etc.
- Do not block crosswalks or obstruct visibility of crosswalks.
- Do not block access to doorways.
- Do not obstruct parking spaces - the best place is at the head of an on-street parking space.

Thank you for following these guidelines.

If you have any questions or need more information, please call the Planning Department at City Hall, at (912) 786-4573.



## TRASH COLLECTION

### Trash/Refuse Collection

Roll-carts shall not be permitted in the following areas:

- Tybrisa
- The Strand from the south end of the 14<sup>th</sup> Street Parking Lot (1510 Strand, currently the Marine Science Center) to Izlar;
- Butler Avenue from the north side of 17<sup>th</sup> Street to 1511 Butler (currently the Sunrise Café).

This area shall be served by compactor units provided by the city at:

- 13 Atlantic behind 16 Tybrisa (currently the Sea & Breeze) and;
- 1604 Lovell Avenue behind 1603 Inlet (currently Chu's Convenience Mart).
- OR by private dumpsters that are screened in accordance with Sec. 22-192 of the Code of Tybee Island.

At any time, the City may expand this area to require businesses to participate in the compactor. Such amendment will be based upon capacity of the current compactors and/or the addition of compactors within the South End District.

The occupants (or owners as the case may be) of all property served by compactor units within the designated area shall pay a commercial waste collection fee and commercial waste disposal fee for compactor unit service at rates per cubic yard as specified on the fee schedule on file with the city clerk.

The following materials shall not be deposited in compactors:

- a. Appliances or other heavy metal objects.
- b. Furniture.
- c. Tires.
- d. Wooden crates.
- e. Limbs or lumber over four feet in length.
- f. Bed springs, mattresses.
- g. Construction and demolition debris.
- h. Land clearing debris.
- i. Steel drums.
- j. Dead animals.

The fee for use of the compactor shall be determined by the number of carts a business is currently using or used prior to installation of the compactors and these charges shall be on file with the city clerk.