



**City of Ypsilanti
Building Department**

**Non-refundable fee:
\$75**

One South Huron • Ypsilanti, MI 48197
Phone: (734) 482-1025 • Fax: (734) 482-7444
www.cityofypsilanti.com

Date: _____

OUTDOOR CAFÉ in the RIGHT-OF-WAY APPLICATION
§94-193

Applicant

Contact Name		
Business Name		
Address		
City	State	Zip
Phone / Fax		E-Mail

All are required with application submittal. Check the following as completed. If not applicable, please write "N/A" or "not applicable." Incomplete applications will not be accepted.

	Submit this completed application with the fee to the Ypsilanti Building Department for review and evaluation.		
	Attach sketch of planned location, including dimensions and seating. The location must allow for a five-foot wide unobstructed path of travel for pedestrians, not block any entrances, exits, or windows of adjacent buildings, and not block any other public fixtures such as fire hydrants or parking meters.		
	Attach current Certificate of Insurance, naming City of Ypsilanti as additional insured for commercial liability coverage in an amount of not less than \$1,000,000 general aggregate.		
	Insurance carrier name:	Policy Number	Expiration Date
	Approval of Michigan Department of Transportation (MDOT), if café will be located on a State trunkline. Contact MDOT's Permits Division at 810-225-2620 for more information. More information about MDOT can be found at michigan.gov/mdot.	Trunklines	
		Washtenaw:	Western City boundary to Hamilton
		W. Cross:	Washtenaw to N. Huron
		Hamilton:	Washtenaw to southern City boundary
		Huron:	W. Cross to southern City boundary
		Michigan:	Hamilton to eastern City boundary
		Ecorse:	All
	Authorization from the state Liquor Control Commission for sidewalk café serving alcoholic beverages, if such will be served.		
	Signed Licensing Agreement and Sidewalk Café Permit Conditions		

Signature

I hereby attest that the above information is accurate and I am authorized to make this application. I and those I represent agree to indemnify and hold harmless the City of Ypsilanti, its officers, and employees, from any loss, liability, or damage, including expenses and costs, for bodily or personal injury, and for property damage sustained by any person as a result of the installation, use, and/or maintenance of an outdoor café within the right-of-way within the City, including loss of or damage to the café itself.	
Signature:	Date:
Print Name:	

This Fact Sheet is not a substitute for a close reading of the ordinance, which is available on the City's website. It is intended to address general or common questions. All relevant permit applications are available from the Building Department at City Hall, or on the City's website, www.cityofypsilanti.com. Completed applications and any required fees should be submitted to the Building Department. For further information, contact the Building Department at 734-482-1025.

Sidewalk cafés are areas on a public sidewalk adjacent to a restaurant used as an additional service area for that restaurant.

Permits Required: Outdoor Café License
MLCC approval may be necessary
MDOT approval may be necessary
Business must have a current Certificate of Occupancy and Business License

Other Requirements:

- **Completed permit application and application fee**
- **Site sketch showing location and dimensions of proposed seating area.**
 - Business must be located in the Center Zoning District (C);
 - Seating area must be adjacent to the principal business which provides indoor seating.
 - Seating area may only be used for drinking and dining; no storage, preparation of food or vending machines are permitted. They are not to be used as "smoking areas" nor as outdoor performance areas.
 - Seating area must be separated from remainder of the public right-of-way by means of a minimum three-foot high obscuring greenbelt, wall or other architectural feature.
 - A five-foot-wide clear walkway space must be provided for passers-by. The measurement shall be made from the front of curb to the outer limits of the outdoor seating area, or from the building to the inner limits of the outdoor seating area.
 - Seating area must be at least 50 feet from property zoned R1;
 - Seating area must be kept clean and free of litter at all times.
 - Seating area may only be in place from April to October; once the café is closed for the season, all chairs, tables, barriers, and etc. shall be removed.
- **Current Certificate of Insurance, naming City of Ypsilanti as additional insured for commercial liability coverage in an amount of not less than \$1,000,000 general aggregate.**
- **If serving alcohol, you must be licensed Michigan Liquor Control Commission (MLCC) to do so.**
 - For more information, please call the MLCC at 1-866-813-0011;
 - Local police investigation and approval is required. Police inspection will be arranged by the MLCC.
- **If operating on a trunkline, you must acquire a Michigan Department of Transportation Permit.**
 - Trunklines within the City:
 - Washtenaw: Western City boundary to Hamilton
 - W. Cross: Washtenaw to N. Huron
 - Hamilton: Washtenaw to southern City boundary
 - Huron: W. Cross to southern City boundary
 - Michigan: Hamilton to eastern City boundary
 - Ecorse: All
 - **This permit can be applied for online at mi.gov/business. Please contact the Building Department if you have questions about instructions and required attachments.**
- **A completed Sidewalk Café Licensing Agreement**

**If you have questions, please contact
the City of Ypsilanti Building Department at (734) 482-1025.**

LICENSING AGREEMENT SIDEWALK CAFÉ LICENSE

The City of Ypsilanti hereby licenses _____, doing business as " _____ " at _____, Ypsilanti, MI (hereafter LICENSEE) to operate a sidewalk café pursuant to the Ypsilanti City Zoning Ordinance, under the following terms and conditions which are agreed upon and accepted by the LICENSEE.

1. The area licensed shall be, pursuant to the sketch attached hereto and made a part hereof, being a space of approximately _____ square feet on the city sidewalk on the _____ side of _____ adjacent to the _____ building.
2. The LICENSEE agrees to take responsibility for all maintenance required of all areas occupied by the outdoor seating area.
3. The LICENSEE agrees that the licensed area shall be kept clean and free from all litter and debris during the term of this License.
4. Clear passage of ingress and egress from the building to the street must be maintained at all times.
5. For the duration of this agreement there must exist a clear walkway space for pedestrians travelling along the public right-of-way of not less than five feet in width.
6. Hours of Operation. The sidewalk café may be in operation at all times that _____ is open.
7. The LICENSEE agrees that they understand and will abide by Chapter 42, Division 4: Noise, specifically Section 42-100 of the City of Ypsilanti Code of Ordinances.
8. The licensed area shall not be used for the storage or maintenance of any person property of any kind whatsoever except tables, chairs and umbrellas to be used in the business. At such time as the Café is closed or not being used those items shall be stored and secured as to prevent being blown or thrown about. Items which cannot be property secured shall be removed from the Café area when the Café is not in operation.
9. Operation of License. This License shall be valid during the months of April, May, June, July, August, September, and October only and shall not be valid during the months of November, December, January, February, and March. All barriers, furnishings, and personal property shall be removed from the licensed area during the non-operational months.

10. Indemnify and Hold Harmless. The LICENSEE hereby indemnifies and agrees to hold the City of Ypsilanti and all of its officers, agents, employees, boards, commissions, and volunteers harmless from any claim, damage, or liability that may ensue because of the operation of the sidewalk café or the use of the licensed premises by the LICENSEE.
11. Insurance. The LICENSEE shall obtain and maintain, at its sole and separate cost, insurance naming the City of Ypsilanti as a named primary insured for commercial general liability coverage in an amount of not less than \$1,000,000 general aggregate. Insurance shall be approved by the City Attorney and issued by a company authorized to do business in the State of Michigan and having a Best Insurance Rating of A or better.
12. Compliance with all Ordinances. The LICENSEE agrees to comply with all state, federal, and local laws, rules, and regulations.
13. Police Orders. The LICENSEE agrees to obey and be bound by all lawful police orders issued during the term of this License.
14. Expiration. This License will expire on October 31, 2020.

This License is dated _____ 2020.

ISSUED BY:

 Frances McMullan, City Manager
 City of Ypsilanti

Terms and conditions of the above licensee agree to.

NAME OF BUSINESS

BY: _____

Ypsilanti, MI

APPROVED AS TO FORM:

 John M. Barr
 City Attorney

SIDEWALK CAFÉ PERMIT CONDITIONS

1. The permittee will provide the Michigan Department of Transportation (MDOT) with a legal description identifying that portion of the proposed sidewalk café that will be within the Trunkline right-of-way within 30 days of a permit being issued.
2. A clear area of seven and one-quarter feet (7.25 feet) as measured from the back of the existing curbing along the Trunkline shall be established for pedestrian traffic and to facilitate maintenance activities.
3. The permittee shall not trim trees, hang signs on the existing lamp posts, or otherwise modify the public property within the right-of-way.
4. No fencing of any type shall be used to isolate tables and chairs for the sidewalk café.
5. The sidewalk café permit will expire on October 31st of the year the permit is issued. The permittee must request in writing to renew their permit. The permittee may be required to complete all the necessary documents and submit a permit fee for a new year at the time of the renewal.
6. The permittee has read and understands the Requirements for Issuing a Sidewalk Café Permit and will meet the requirements as noted.
7. The Department of Transportation reserves the right to require removal of all or any portion of the sidewalk café placed on Trunkline right-of-way by this permit as needed for highway maintenance or construction purposes without replacement or reimbursement of any costs incurred by the permittee or any other party. The permittee will defend, indemnify, and hold harmless the Department from any claims whatsoever resulting from the construction, maintenance or removal of the sidewalk café authorized by this permit.
8. The applicant must meet all Governmental Agencies' requirements and ordinances.

I, _____ have read and agree to comply with the Permit Conditions for Sidewalk Cafes.

Signature

Date



Resolution No. 2012-152
July 17, 2012

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the City regulates persons, firms and corporations who sell, offer to sell, buy, or offer to buy goods, wares, produce, fruit, vegetables or merchandise upon any public right-of-way in the City pursuant to Ypsilanti City Code Chapter 94-193; and

WHEREAS, said state trunk line highways within the city are under the jurisdiction of the Michigan Department of Transportation (hereinafter referred to as "MDOT"); and

WHEREAS, Public Act 1 of 2005 requires that certain businesses, such as sidewalk cafés, must receive a permit from MDOT to conduct such activities within the right-of-way of any state trunk line; and

WHEREAS, MDOT requires under the Act that the City pass a Resolution supporting the activities described above and committing to enforcing MDOT sidewalk café permit

NOW THEREFORE BE IT RESOLVED, by the Ypsilanti City Council, authorizing persons, firms and corporations to sell or offer for sale or display or attempt to display for sale goods, wares, produce, fruit, vegetables or merchandise upon any state trunk line highway in the City so long as said person, firm or corporation has secured a permit for such activities from MDOT and the same comply with the City of Ypsilanti code sections, set forth above.

FURTHER RESOLVED, that the City shall enforce compliance with the MDOT Sidewalk Café permit;

FURTHER RESOLVED, that the authorization, set forth above, shall remain in force and effect so long as the permitted activities do not create an unsafe situation and do not interfere with the transportation along any state trunk line highway in the City of Ypsilanti pursuant to Public Act 1 of 2005.

OFFERED BY: Council Member Murdock

SUPPORTED BY: Council Member Bodary

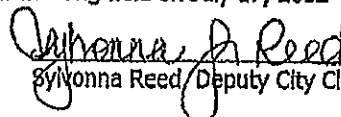
YES: 6

NO: 0

ABSENT: 1 (Robb)

VOTE: Carried

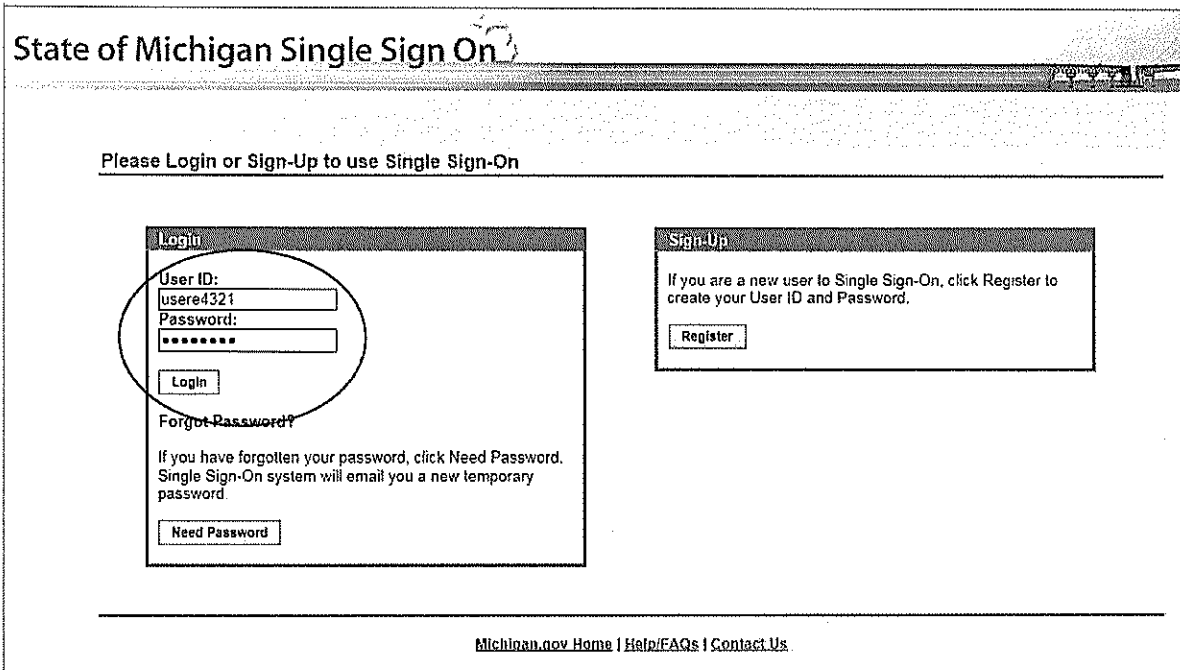
I do hereby certify that the above resolution is a true and correct copy of Resolution No. 2012-152 as passed by the Ypsilanti City Council, at their meeting held on July 17, 2012


Sylvanna Reed, Deputy City Clerk

Business/Individual User Transferring from One Stop to MPG

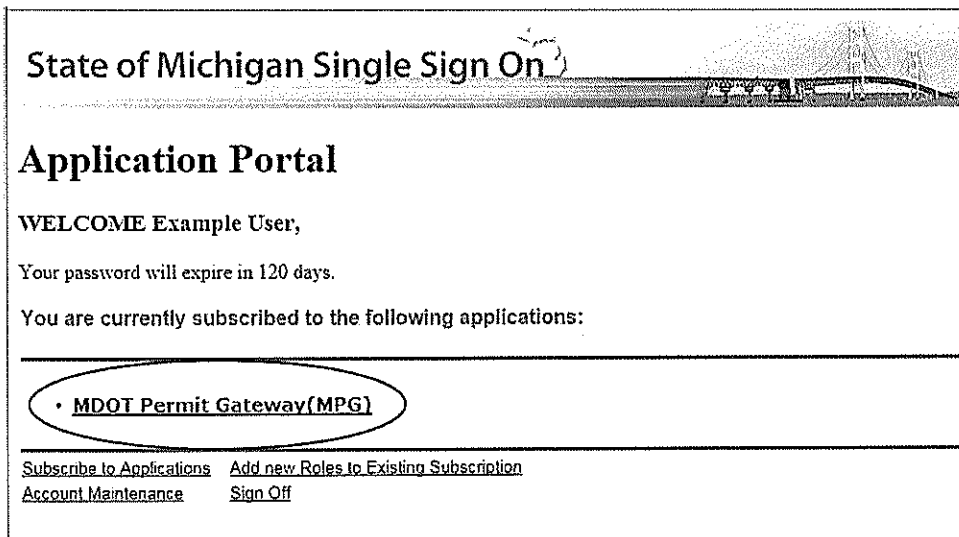
Go to the State of Michigan's Single Sign-on website at <https://sso.state.mi.us>.

At the login screen, enter your existing **One Stop User ID** and **password**:



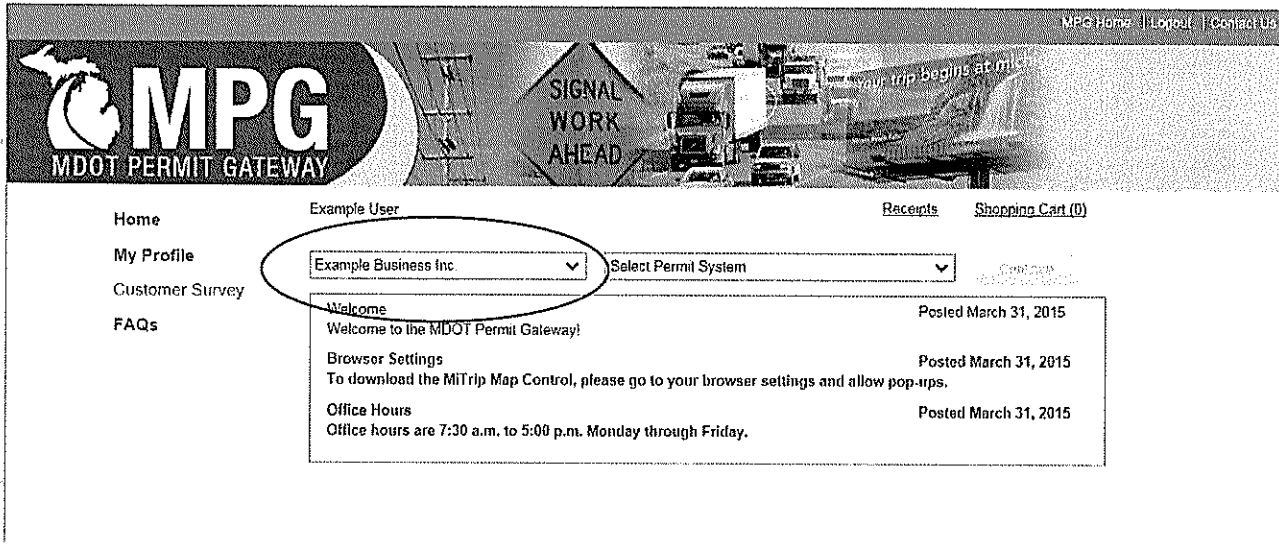
The screenshot shows the State of Michigan Single Sign-On login page. At the top, it says "State of Michigan Single Sign On" with a small Michigan map icon. Below that is a banner image of a road. The main heading is "Please Login or Sign-Up to use Single Sign-On". There are two main sections: "Login" and "Sign Up". The "Login" section has a "User ID:" field with the value "usere4321", a "Password:" field with masked characters, a "Login" button, and a "Forgot Password?" link. Below the link is a message: "If you have forgotten your password, click Need Password. Single Sign-On system will email you a new temporary password." and a "Need Password" button. The "Sign Up" section has a message: "If you are a new user to Single Sign-On, click Register to create your User ID and Password." and a "Register" button. At the bottom, there are links for "Michigan.gov Home", "Help/FAQs", and "Contact Us".

You will see a link to the "MDOT Permit Gateway (MPG)", click on the link:

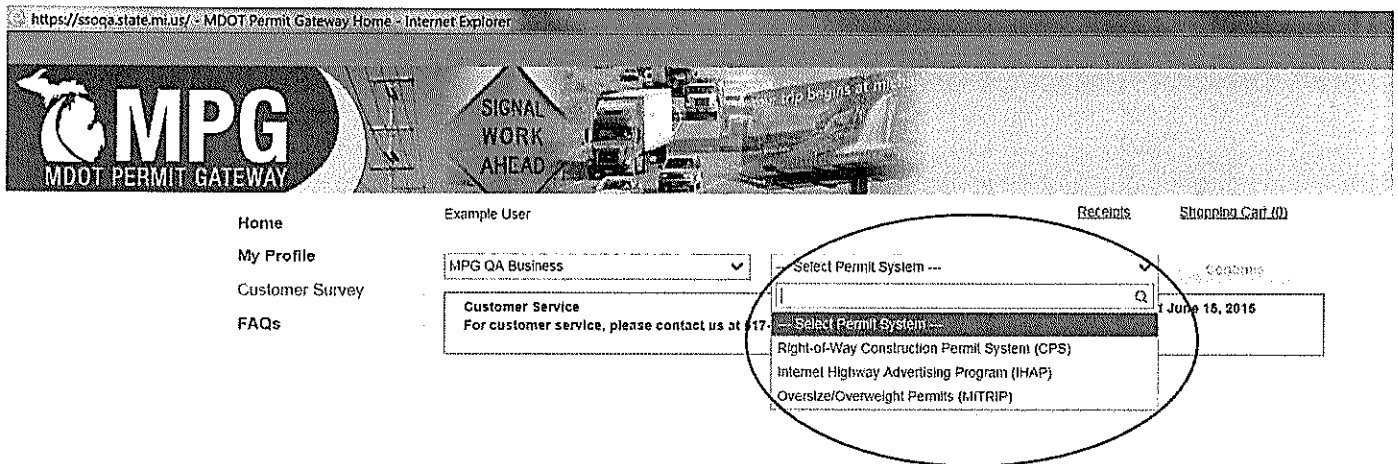


The screenshot shows the State of Michigan Single Sign-On Application Portal. At the top, it says "State of Michigan Single Sign On" with a small Michigan map icon. Below that is a banner image of a road. The main heading is "Application Portal". Below that is a "WELCOME Example User," message. Below that is a message: "Your password will expire in 120 days." Below that is a message: "You are currently subscribed to the following applications:". Below that is a list of applications, with "MDOT Permit Gateway(MPG)" circled. At the bottom, there are links for "Subscribe to Applications", "Add new Roles to Existing Subscription", "Account Maintenance", and "Sign Off".

In the **first drop down** select the Business/Individual you will be accessing the Permit System for:



In the **second drop down** select the Permit System you need access to, click **"Continue"** and you will be directed to the selected permit system:



End Process.

Accessing the Construction Permit System through MDOT Permit Gateway (MPG)

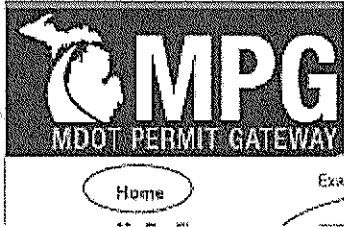
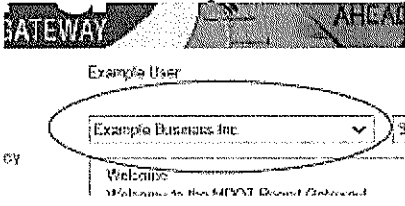
Purpose The Michigan Department of Transportation (MDOT) uses the Construction Permit System (CPS) for requesting and issuing construction permits. This document provides the information you need to access the system and obtain a permit as an individual not doing work on behalf of a company. For example, a home owner placing a new residential driveway within the State highway Right-of-Way.

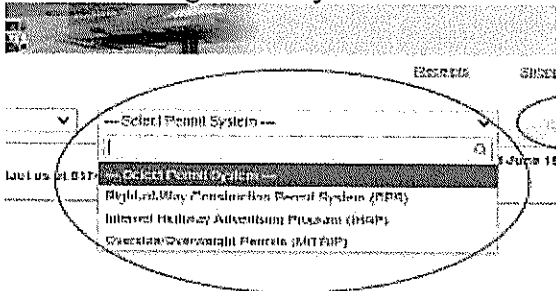
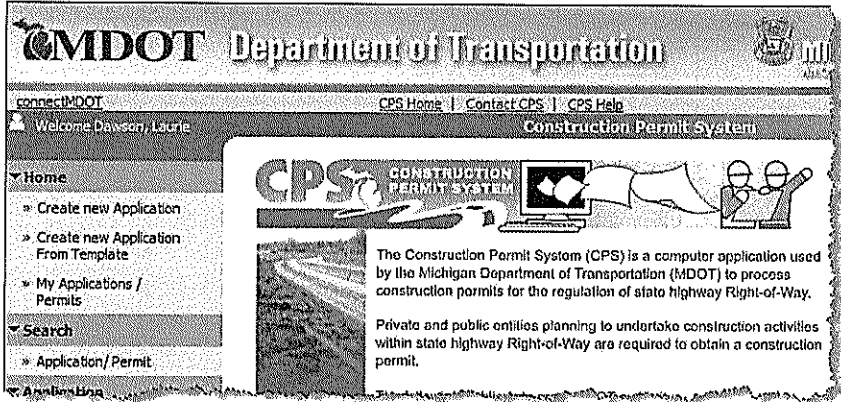

Steps To obtain a permit you need to complete these basic steps. Detailed instructions are provided below. Steps one only needs to be completed the first time you use CPS. **Note: If you have already registered and created your MPG profile, you can skip to step two.**

1. Access MDOT Permit Gateway (MPG)



Step	Action
a	Go to https://sso.state.mi.us . Follow the instructions at this link to register on MPG: New Customer Registration

2. Access CPS

Step	Action
a	Click "Home" on the MPG Screen. 
b	Select your desired business in the first drop down box: 

Step	Action
c	<p>In the second drop down select “Right-of-Way Construction Permit System (CPS)”:</p> 
d	<p>Click “Continue” and the main window view will appear as shown below.</p> 
f	<p>Complete the steps necessary to obtain your permit in CPS. While you are working in CPS, you can click either CPS Help or Contact CPS at the top of the window if you need assistance.</p>
	<p>When CPS opens, it opens in a new window. MPG will remain open, and you can return to it by clicking the button for it on the task bar at the bottom of your window.</p>

3. Pay for Your Permit

Step	Action
a	<p>Once you have finished using CPS to apply for your permit, click Add to Shopping Cart. CPS will display a message indicating that the permit has been added to your shopping cart. Click the link in the message to close CPS and pay for the permit in MPG.</p> <p style="text-align: center;">Click here to close CPS application and make payment.</p>
b	<p>CPS will close. In MPG, click the Shopping Cart link. Follow the prompts on the MPG screens to pay your permit fees.</p> 
	<p>Your permit application will not be submitted until you pay for it in MPG.</p>



RICHARD D. SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION
BRIGHTON

KIRK T. STEUDLE
DIRECTOR

INSTRUCTIONS FOR OBTAINING SIDEWALK CAFÉS PERMITS

The following items need to be submitted for review and approval.

1. An initial Individual Permit must be applied for through the Michigan Permit Gateway (MPG) which can be found at www.michigan.gov/mdotmpg. Please contact MDOT-MPG@Michigan.gov or 1-844-806-0002 for any technical assistance setting up an account. This permit must be renewed each year.
2. A permit fee of \$90.00. If this is a renewal permit the fee is \$45.00. All payments will be made through the MPG & CPS online application.
3. The Special Conditions (Form 2433) must be followed and attached to the online application each year the sidewalk café is in use. This form can be found at <http://mdotwas1.mdot.state.mi.us/public/webforms/>. Search for Form 2433 at the top left hand of the page under Form Search by Form Number.
4. A sketch identifying the layout and portion of the proposed sidewalk café that will be located within the MDOT right-of-way must be also attached to the application.
5. **Liability insurance** must be completed and submitted to the MDOT. Effective February 1, 2010, Certificate of Insurance (form 2020) must be submitted electronically via the Permit Performance Bond/Certificate of Insurance application system.

However, the Insurance agent is required to register, if they have not previously registered, with our office in order to obtain access to the Permit Performance Bond/Certificate of Insurance application system. Insurance agents may contact us at Mdot-ePerformanceBondCOI@michigan.gov to register or if you have any questions.

Note: The applicant/contractor does not register for access to this application, Surety/Insurance agents only.

6. A Resolution from the City, Township, or County must be attached to the application. The Resolution states in simple language that the City, Township, or County is in support of sidewalk cafes and will accept the responsibility of enforcement.

No permit can be issued without all the necessary documents and signatures as listed above. No sidewalk cafes can be in operation without a permit. All permits are revocable.

Please call (810) 225-2620 with any questions regarding this process:

MDOT – Brighton TSC
Pat McMurphy
Fonda Place Suite 500
10321 E. Grand River Road
Brighton, Michigan 48116

SPECIAL CONDITIONS FOR SIDEWALK CAFÉ PERMITS

1. The permit applicant shall provide the Michigan Department of Transportation (MDOT) with a sketch identifying the layout and portion of the proposed sidewalk café that will be located within the State Highway Right-of-Way.
2. A clear area shall be maintained for pedestrian traffic and to facilitate maintenance and/or transportation use activities in accordance with local, state, and federal requirements.
3. The permit applicant shall not trim trees, hang signs on the existing lamp posts, or otherwise modify the public property within the State Highway Right-of-Way.
4. No permanent fencing or structures of any type shall be allowed to isolate tables and chairs for the sidewalk café.
5. The sidewalk café permit shall expire on December 31st of the year the permit is issued. The permit applicant shall renew annually by submitting all the necessary documents and a permit fee in accordance with the construction permit fee schedule.
6. Liability insurance shall be submitted electronically. Only sections A or D are required.
7. MDOT reserves the right to require removal of all or any portion of the sidewalk café placed in State Highway Right-of-Way by this permit as needed for highway maintenance or construction purposes without replacement or reimbursement of any costs incurred by the permit applicant or any other party. The permit applicant shall defend, indemnify, and hold harmless MDOT from any claims whatsoever resulting from the construction, maintenance or removal of the sidewalk café authorized by this permit.
8. The permit applicant shall meet all applicable Governmental Agencies' requirements and ordinances.

NOTE: Non-compliance with the above Special Conditions will result in the revocation of your permit

Accessing the Construction Permit System through MDOT Permit Gateway (MPG)

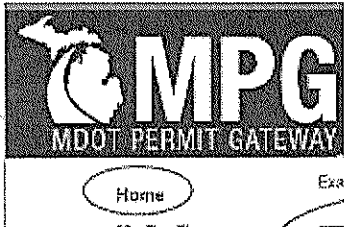
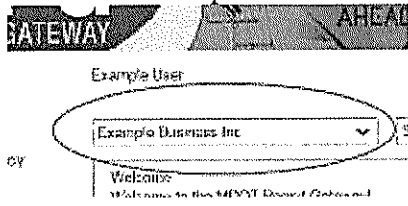
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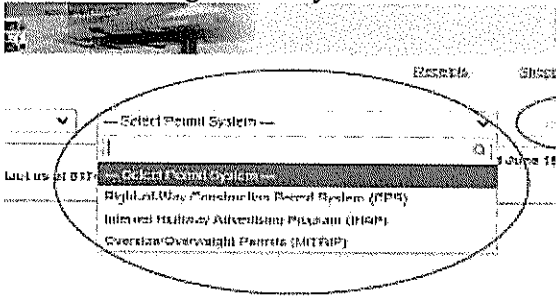
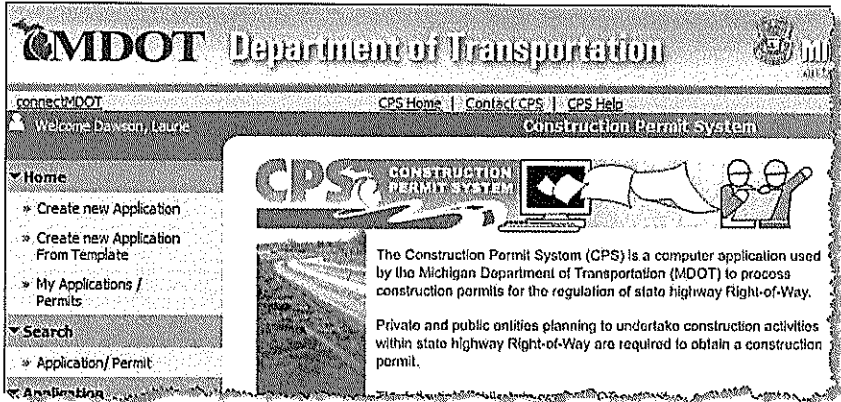

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Step	Action
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2. Access CPS

Step	Action
a	Click "Home" on the MPG Screen. 
b	Select your desired business in the first drop down box: 

Step	Action
c	<p>In the second drop down select “Right-of-Way Construction Permit System (CPS)”:</p> 
d	<p>Click “Continue” and the main window view will appear as shown below.</p> 
f	<p>Complete the steps necessary to obtain your permit in CPS. While you are working in CPS, you can click either CPS Help or Contact CPS at the top of the window if you need assistance.</p>
	<p>When CPS opens, it opens in a new window. MPG will remain open, and you can return to it by clicking the button for it on the task bar at the bottom of your window.</p>

3. Pay for Your Permit

Step	Action
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b	<p>CPS will close. In MPG, click the Shopping Cart link. Follow the prompts on the MPG screens to pay your permit fees.</p> <div style="text-align: right;">  </div>
	<p>Your permit application will not be submitted until you pay for it in MPG.</p>