

RESOLUTION NO.: R-2019-094

Adopting City of Columbia Outdoor Dining Encroachment Policy

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STAMPED IN RED

BE IT RESOLVED this 25th day of November, 2019 that the Mayor and City Council of the City of Columbia, South Carolina hereby adopt as official City policy the Outdoor Dining Encroachments Policy attached hereto. This policy replaces and supersedes all previous policies formerly referred to as outdoor dining encroachments policy of the City or its departments.

Requested by:

Assistant City Manager Gentry



Mayor

Approved by:

Cheresa Wilson
City Manager

Approved as to form:

[Signature]
City Attorney

ATTEST:

Erika D. Moore
City Clerk

Introduced: 11/25/2019
Final Reading: 11/25/2019



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Outdoor Dining Encroachment Policy

The City of Columbia supports and encourages the public use and enjoyment of sidewalks, tree zones, and other right-of-way areas for outdoor dining in all entertainment districts; however, use of sidewalks and other public areas must be aesthetically pleasing, ADA compliant, and safe for pedestrian and vehicular traffic.

Rules and Regulations

Locations

Sidewalk dining encroachments are allowed on any portion of the sidewalk adjacent to a legally licensed eating and drinking establishment. The encroachment area may not extend beyond the frontage of the eating and drinking establishment without the written consent of the adjoining property owner.

Use

Sidewalk dining encroachments shall be used for serving food and drinks to the patrons of the eating or drinking establishment granted the outdoor dining encroachment.

Clearance

A minimum of a 5 feet clear path shall be provided between the dining encroachment area (tables, chairs, umbrellas, planters, etc.) and street amenities such as telephone poles, light poles, parking meters, transformers, street trees, etc. and must provide adequate area for ADA compliance.

Encroachment Areas

Encroachment areas shall be clearly defined and delineated with removable planters, stanchions, bollards or any other removable barrier to mark the limits of the dining encroachment.

Furniture

Tables, chairs, and planters should be made for outdoor use and designed to withstand the elements and should be and weighted to withstand strong winds.

Number of Tables and Chairs

The number of tables and chairs for outdoor dining will be included in the count for the maximum number of occupants allowed established by the City of Columbia Fire Department. This maximum number of occupants allowed shall not be exceeded with outdoor dining.

Storage and Maintenance

Tables and chairs should be stored inside the eating and drinking establishment or secured with a locking device whenever the business is closed.

A business owner or outdoor dining operator shall maintain the outdoor dining space in a clean and orderly manner.

Liability Insurance

Proof of general liability insurance in the name of the eating and drinking establishment and naming the City of Columbia as an additional insured in the amount of not less than \$600,000 per occurrence shall be provided with the application for an Outdoor Dining Encroachment.

Signage

No off-premise signage may be included in the encroachment area with the exception that Non-moveable signage shall be placed on all tables within the designated outdoor dining encroachment area which identifies the tables as belonging to the business and umbrellas may contain the name of the eating and drinking place.

Application

An application for an outdoor dining encroachment shall include the following information.

1. The name, address, and telephone number of the restaurant desiring to operate sidewalk dining.
2. The name, address, telephone number, and email address of the restaurant operator.
3. The type of food and beverage, or food product, to be sold and served for the sidewalk dining.
4. The hours of operation of the restaurant and the proposed hours of operation of sidewalk dining.
5. A scaled drawing or site plan showing the following:
 - a. The section of sidewalk or right-of-way to be used for the dining.
 - b. The section to be kept clear for pedestrian use.
 - c. The existing curblines and right-of-way lines.
 - d. The proposed placement of the tables, chairs and other furnishings on the sidewalk.
6. Evidence of adequate insurance, as determined by the city, to hold the city harmless from claims arising out of the operation of the sidewalk dining.

7. An indemnity statement 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 dining.
8. A copy of all permits and licenses issued by the state, county or city, including health and ABC permits, if any, necessary for the operation of the restaurant or 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 alterations or improvements to the restaurant.
9. Such additional information as may be requested by the City Manager or designee to determine compliance with this article.

An application for an outdoor dining encroachment that is submitted but does not contain all of the information listed above shall be deemed incomplete and will not be processed.

Permit

An outdoor dining encroachment permit shall be issued upon submittal and approval of a completed application and supplemental information as described in the application section of the Outdoor Dining Encroachments policy.

The permit shall be visibly posted in the eating and drinking establishment with the approved scaled drawing or site plan.

Alcohol

Beer, wine, and liquor drinks purchased with food from the eating and drinking place can be served within the defined and delineated encroachment area if the business is legally licensed to sell such beverages.

Patrons are not permitted to travel with beer, wine, and liquor drinks outside of the encroachment area.

Change of Ownership

Outdoor dining encroachments shall be granted to the business owner and are nontransferable. A change in ownership shall require a new outdoor dining encroachment permit.

Temporary Removal

The City of Columbia may remove or rearrange tables, chairs, planters, etc. to conduct repairs on sidewalks, roads, utilities, parking meters, etc. When feasible, notice shall be provided to the operator of the eating and drinking place prior to the commencement of work.

Revocation

Sidewalk dining encroachments can be revoked at any time by the City Manager or designee. Revocation shall be in writing and shall state the reason for revocation.