



City of Morgantown, West Virginia

APPLICATION FOR  
OUTDOOR DINING

PERIOD COVERED: JANUARY 1, 20\_\_ TO DECEMBER 31, 20\_\_

Please submit this application to the City Finance Office of the City of Morgantown. If you have any questions please call 304-284-7401.

(PLEASE TYPE OR PRINT IN BLACK INK)

I. APPLICANT					
Name:				Phone:	
Mailing Address:				Mobile:	
	Street			Email:	
	City	State	Zip		
II. AGENT / CONTACT INFORMATION					
Name:				Phone:	
Mailing Address:				Mobile:	
	Street			Email:	
	City	State	Zip		
Mailings –	Send all correspondence to (check one): <input type="checkbox"/> Applicant OR <input type="checkbox"/> Agent/Contact				
III. PROPERTY					
Owner:				Phone:	
Mailing Address:				Mobile:	
	Street			Email:	
	City	State	Zip		
IV. SITE					
Street Address (if assigned):			Tax Map #:		Parcel #:
Size of Area to be occupied by proposed outdoor dining area:					
Dimensions:	Width:	Ft.	Length:	Ft.	Square Footage:
Quantity of Chairs:			Quantity of Tables:		



City of Morgantown, West Virginia

APPLICATION FOR  
OUTDOOR DINING

PERIOD COVERED: JANUARY 1, 20\_\_ TO DECEMBER 31, 20\_\_

V. ATTEST

I further agree to indemnify and defend the City of Morgantown and the West Virginia Department of Highways from and against any and all injuries, deaths, losses, damages, claims, suits, liabilities, judgments, costs and expenses, consequential or otherwise, included reasonable attorney's fee, which may in any way arise out of or be connected with granting of this permit or which may in any way result there from, or from any act or failure to act by me, my agents or employees.

\_\_\_\_\_  
Type/Print Name of Applicant/Agent

\_\_\_\_\_  
Signature of Applicant/Agent

VI. SIMPLE SITE PLAN

**Note: Applicants are responsible for any permits required by the City of Morgantown.**

PLEASE SUBMIT THE FOLLOWING WITH THIS APPLICATION

1. SITE PLAN WITH DIMENSIONS SHOWING:
  - A. SIDEWALK/WALKWAY/PLAZA WIDTH & LENGTH
  - B. BUILDING WALL AND ENTRANCE
  - C. LIGHT POLES, BENCHES & TRASH CONTAINERS
  - D. TREES AND TREE GRATES
  - E. BICYCLE RACKS AND NEWSPAPER BOXES
  - F. PROPOSED LOCATION OF TABLE AND CHAIRS
2. CERTIFICATE OF COMPREHENSIVE GENERAL LIABILITY INSURANCE NAMING CITY OF MORGANTOWN AS CO-INSURED OR ADDITIONAL INSURED.

VII. ADDITIONAL INFORMATION

If approved, this permit allows the use of public sidewalk, and walkways or plaza contiguous to the business at the above address for the use indicated above, as shown on the approved site plan. I understand and acknowledge that this permit constitutes a revocable license for the use of section 906 of the City of Morgantown Municipal Code.



City of Morgantown, West Virginia

**APPLICATION FOR  
OUTDOOR DINING**

PERIOD COVERED: JANUARY 1, 20\_\_ TO DECEMBER 31, 20\_\_

To be completed by the City:

**A. CONDITIONS OF ISSUANCE:**

**B. FEE: Outdoor Dining Permit \$50.00    Paid    Pending**

**C. DEPARTMENT APPROVALS :**

**PLANNING**

**DATE**

**ENGINEERING**

**DATE**

**FIRE DEPARTMENT**

**DATE**

**CITY MANAGER**

**DATE**

**Attachments: Outdoor Dining Permit Ordinance and related map**





**CITY OF MORGANTOWN, WV  
OUTDOOR DINING SUPPLEMENT  
CITY CODE AND RELATED MAP**

**906 Outdoor Dining Permit**

**906.01 Intent and Purpose**

The purpose of the outdoor dining permit is to allow for increased business and pedestrian traffic by providing safe and visually appealing opportunities for outdoor dining.

**906.02 Boundary of Outdoor Permit Area**

The plat attached hereto and made a part of original Ordinance 00-07, depicts the properties to be considered as part of the Outdoor Dining Permit Area. The City recognizes that the plat will not appear in the codified version of original Ordinance 00-07, and mandates that the City Manager be the custodian of said plat. In general, the area is bounded by the center lines of Willey Street to the north, Spruce Street to the east, Foundry Street to the south, and University Avenue/Hwy. 119 to the west.

**906.03 General Provisions**

The City Manager is authorized to issue permits for the use of public sidewalks for restaurant tables, chairs, and similar or related equipment for the purpose of serving food and/or nonalcoholic drink to the public, subject to the following conditions:

- (a) An Outdoor Dining Permit shall be required prior to placing tables, chairs, or any other equipment on any public sidewalk. Permits issued hereunder shall be valid from January 1 through December 31. The permit fee for an Outdoor Dining Permit shall be fifty dollars (\$50.00) for each year the permit is obtained.
- (b) As a condition of the Outdoor Dining Permit, tables and chairs on any public sidewalk shall be acquired through the City or its designated representative. The design and placement of tables and chairs, as well as other equipment, shall comply with applicable requirements of the Americans with Disabilities Act.
- (c) The proposed use shall not unreasonably interfere with pedestrian or vehicular traffic or with access to parked vehicles, and in no event shall the uses permitted by an Outdoor Dining Permit reduce the open portion of any sidewalk to less than six feet in width. All equipment placed in the public sidewalk area shall conform with Section 5 (Definitions) of the Zoning Ordinance as to corner visibility.

- (d) Prior to issuance of a permit, the applicant shall furnish, to the City Manager, a dimensioned plan showing the sidewalk and all existing public improvements and encroachments such as light posts, benches, planters, trash receptacles, fences, trees and tree grates in the area, bicycle racks and newspaper boxes. The diagram shall also include the location of the curb relative to the building and the proposed location of all café furniture, and other equipment to be placed on the sidewalk. Outdoor dining shall not be allowed within ten feet of a fire hydrant, Fire Department standpipe connection, fire escape, bus stop, loading zone, mail boxes, or traffic signal stanchions. A maximum of five tables will be allowed per business, per street frontage. Tables must be adjacent to the restaurant requesting a permit. No permits will be issued for off-site seating (i.e. seating in front of another business).
- (e) The permittee shall prohibit the consumption and possession of alcoholic beverages in the area for which an Outdoor Dining Permit has been issued.
- (f) All applicable Health Department sanitation requirements shall be followed for outdoor food handling. The permittee shall be responsible for posting the outdoor seating area as to any special Health Department requirements.
- (g) All sidewalks encompassed by the Outdoor Dining Permit shall be maintained, by the permittee, in a sanitary manner at all times. Food scraps and containers shall be disposed of in appropriate refuse containers on a regular basis during the day by the permittee. Sweeping of refuse or food scraps into tree grates is not permitted.
- (h) Permittees shall be responsible for emptying the public trash containers placed by the City if they should become full prior to the next regular pickup time.
- (i) Permittees shall see that the public areas encompassed by their Outdoor Dining Permit are kept clean throughout the day and at the end of each business day, so as not to have any food, scraps, or drink leftovers remaining which would pose an attraction to animals or insects. Each permit holder shall wash, as needed, the public area to remove any food or drink residue that may attract animals and/or create a pedestrian slip hazard.
- (j) No tables, chairs, or other equipment shall be attached or affixed to the sidewalk, poles or any other public facilities.
- (k) Outdoor dining, subject to this article, may only occur between 7:00 a.m. and 10:00 p.m.
- (l) The applicant for an Outdoor Dining Permit shall provide at its sole cost and expense and shall maintain in effect during the entire period of the permit, insurance in the following manner:
  - (1) Worker's Compensation insurance in at least the required statutory limits;

- (2) Comprehensive general liability insurance, including owner's protective liability insurance and contractual liability insurance covering claims for personal injury and property damage with limits of at least one million dollars (\$1,000,000) per occurrence, and one million dollars (\$1,000,000) for any single injury; and
  - (3) Prior to issuance of an Outdoor Dining Permit, the permittee shall provide the City with copies of the certificates of insurance for the required policies for each type of insurance naming the City as an additional insured party.
  - (4) The required insurance policies shall each provide that they shall not be changed or canceled during the life of the Outdoor Dining Permit until thirty days after written notice of such change has been delivered to the City.
- (m) The permittee shall hold harmless, indemnify, and defend the City and the West Virginia DOH from and against any and all injuries, deaths, losses, damages, claims, suits, liabilities, judgments, costs and expenses, consequential or otherwise, including reasonable attorneys' fees, which may in any way arise out of or be connected with the granting of an Outdoor Dining Permit which may in any way result therefrom, or from any act or failure to act by the permitted, its agents or employees.
- (n) Outdoor dining is a privilege. The City shall have the right and power, acting through the City Manager, to prohibit the operation of an outdoor dining area at any time because of anticipated or actual problems and conflicts in the use of the sidewalk area. Such problems and conflicts may arise from, but are not limited to, scheduled festivals and similar events or parades or marches, or repairs to the street or sidewalk, or from demonstrations or emergencies occurring in the area. The City Manager may suspend or revoke the Outdoor Dining Permit after providing at least three days' prior written notice, except in an emergency, to a permittee.

906.99 **Penalty**

Any person, firm or corporation violating any provision of this article, shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.