

Village of Plainfield Revocable Permit Application Package

Congratulations on your interest in conducting an outdoor use on the sidewalk in front of your business in downtown Plainfield. The Village of Plainfield supports appropriate outdoor uses within the public sidewalk as a valuable contributing factor to achieving a lively, vibrant streetscape environment. Carefully operated outdoor uses can provide a unique dining experience – which is a fantastic amenity to residents and visitors, is a benefit to shops and restaurants, and ultimately strengthens the economic sustainability of the downtown.

The Village of Plainfield has adopted *Design and Operational Guidelines for Outdoor Uses within the Public Right-of-Way* to regulate proposed public outdoor uses. Parties wishing to obtain approval for an outdoor use within the public right-of-way (ROW) should review these *Guidelines* and submit a completed application package, which is enclosed. The application package includes the following:

- ❖ Application Form
- ❖ Signed Waiver of Liability and Indemnification Agreement (Exhibit A)
- ❖ Site plan sketch illustrating the proposed outdoor use (Exhibit B)
- ❖ Product specifications/information for proposed site furnishings (Exhibit C)
- ❖ A sample set of standard permit conditions is also attached

Once a fully completed application is received by the Village, it will be reviewed administratively by the Village Planner or her/his designee. A staff determination will be made regarding approval of the request. The applicant will be notified in writing of the Village's approval or denial of the application. The applicant or any interested party may file an appeal of the staff determination within fourteen (14) days of the decision. Appeals will be timely considered by the Village President and the Village's Board of Trustees.

Once a permit is approved, the applicant must submit a certificate of insurance demonstrating compliance with the revocable permit insurance requirements. The applicant must also sign the permit indicating approval of the standard permit conditions and any specific conditions imposed for the subject application.

Once you have reviewed this information, you are encouraged to call the Village of Plainfield Community Development Department at (815) 439-2824 should you have questions or if you would like to discuss any aspect of a proposed outdoor use application.

Village of Plainfield
Revocable Permit No. _____

Exhibit A
Indemnification Agreement

Please read this Waiver of Liability and Indemnification Agreement (“Agreement”) carefully. By executing this Agreement you are recognizing and acknowledging any and all risks associated with the outdoor use contemplated by Village of Plainfield (the “Village”) Revocable Permit No. _____ (the “Permit”), and you are waiving your rights to any and all claims for injuries you may sustain arising from your participation in the outdoor use contemplated by the Permit; and you are agreeing to indemnify and hold harmless the Village from any claims arising from or related to that outdoor use.

The undersigned hereby agrees as follows:

For and in sole consideration of being permitted, pursuant to the terms and conditions of the Permit, to use real property owned by the Village, I hereby assume all risks attendant to and associated with the use of such Village property, including but not limited to the risk of property damage and/or personal injury, death, damages or loss which I may sustain as a result of my participation in the outdoor use contemplated by the Permit. I also hereby agree to waive and relinquish any and all claims I may have arising out of, connected with, or in any way associated with my participation in such outdoor use; and also hereby fully release and discharge the Village, its officers, trustees, agents, employees and representatives from any and all claims for injuries, including death, damages or loss which may occur in connection with my use of Village property associated with or related to the Permit.

I, my heirs, representatives, attorneys and assigns hereby further agree to indemnify, defend and hold harmless the Village, its officers, trustees, agents, employees and representatives, from any and all claims, losses, damages, causes of action, suits for injuries, and liability of any kind, including expenses of litigation, court costs and attorneys fees, arising out of, connected with, or in any way associated with my use of Village property associated with or related to the Permit.

I hereby declare that I exercised my own judgment in deciding whether to sign this Waiver of Liability and Indemnification Agreement and I further declare that my decision to sign this document was not based on or influenced by any declarations or representations of any officer, trustee, agent, employee or representative of the Village. I read and fully understand and agree to the above stated conditions of my use of Village property associated with or related to the Permit.

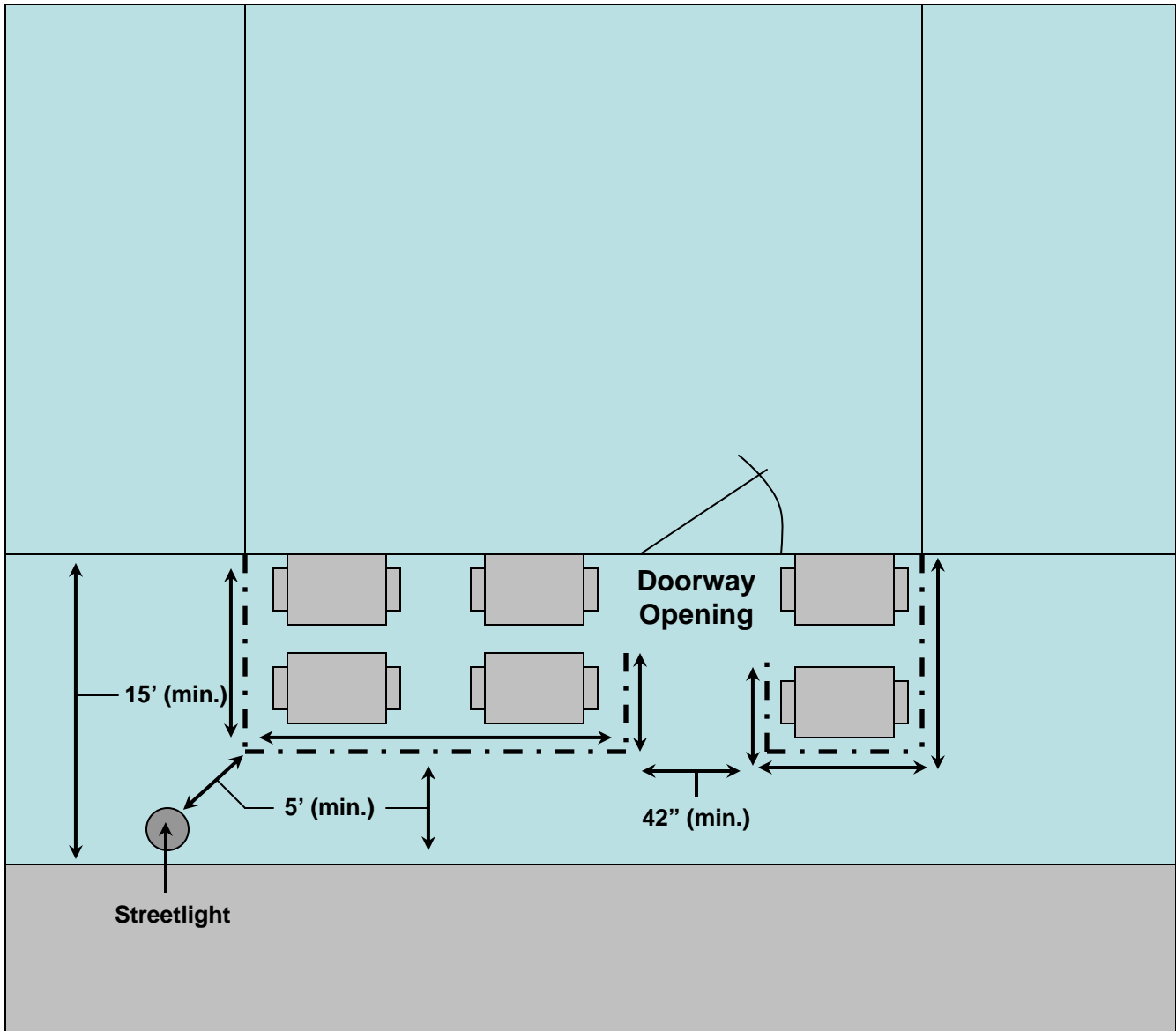
Signature: _____ Date: _____, 2010

Print Name: _____

Address: _____

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Exhibit B
Site Plan



Instructions/Notes:

1. The sketch need not be to scale but must include accurate dimensions
2. Clearly identify and label all sidewalk obstructions, including street light posts, sign posts, tree wells, planters, hydrants and benches.
3. Label all doorways to the interior of the building.
4. Provide accurate dimensions of the length and width of the dining area.
5. Show location of pedestrian barrier, if proposed (required to enclose outdoor alcohol service)

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Exhibit C
Product Specifications



Outdoor table:
Eucalyptus Grandis Pub Table

Manufacturer/Source
www.restaurant-bar-furniture.com



Outdoor Chair:
Eucalyptus Bar Stool w/arms

Manufacturer/Source
www.restaurant-bar-furniture.com

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Standard Conditions:

1. A permit is required for all outdoor uses within the public ROW.
2. The business owner must sign the permit and indemnification agreement (attached as Exhibit A) agreeing to indemnify the Village of Plainfield.
3. The outdoor use must comply with the site plan sketch attached as Exhibit B. The number and configuration of tables may not be increased without submitting new revocable permit application form to request an amended site plan.
4. Adequate insurance coverage must be maintained throughout the duration of the permit.
5. All permits expire on December 1 of the year issued. A new permit must be obtained to continue the outdoor use after April 1 of the subsequent year.
6. Clear Pedestrian Paths:
 - i. For sidewalks greater than 15 feet in width, a minimum five-foot (5') clear pedestrian path must be provided free of all obstructions.
 - ii. For sidewalks 15 feet in width or less, a minimum four-foot (4') clear pedestrian path must be provided free of all obstructions.
 - iii. For outdoor uses adjacent to on-street parking, a minimum two-foot (2') clear pedestrian path must be provided parallel to the street centerline.
 - iv. Where two outdoor neighboring outdoor uses adjoin on-street parking, a minimum two-foot (2') opening must be provided for each business set back from the shared property line extended.
 - v. A minimum five-foot (5') clear pedestrian path must be provided at all crosswalks.
 - vi. A minimum 42-inch (42") clear pedestrian path must be provided leading to the main entrance of each business.
7. The proposed outdoor use shall not extend beyond the property line(s) extended of the principal use.
8. The outdoor use is a privilege and not a right. The Village of Plainfield may suspend or revoke the permit for cause, such as but not limited to (i) any violation of the Village of Plainfield Code of Ordinances or applicable state laws; or (ii) to complete necessary repairs, or (iii) for other reasons at the sole discretion of the Village.
9. Only permitted furnishings may be used (information provided as Exhibit C). No mixing and matching of furnishings is permitted within a single outdoor use.
10. The permit-holder must comply with the requirements of the Will County Health Department, the Plainfield Fire Protection District, and the applicable requirements of the Village of Plainfield Code of Ordinances, including, but not limited to, the Village's current ordinance regulating the sale and consumption of alcoholic liquors.
11. No outdoor amplification (sound system) is allowed as part of the outdoor use revocable permit.

12. Sidewalk areas shall be kept in a clean, neat and attractive manner and shall be cleaned at least once daily.
13. For outdoor dining areas without wait service (take-out restaurants), at least one private trash receptacle must be provided within the outdoor dining area. The trash receptacle must be emptied at least once daily by the business.

In addition to these general conditions which apply to all outdoor uses, the Village may impose additional conditions specific to this outdoor use request. These specific conditions are listed below:

1. _____
2. _____
3. _____