

# Application for Use of Public Right-of-Way

- Sidewalk Cafes/Sandwich Boards (Business Extension Permit)
- Street Vendor • Charitable Solicitor • Street Performer

**Downtown Lansing Inc.**

<b>Introduction</b>	This application is required when you are considering the establishment of a sidewalk café or sandwich board sign within the Lansing Principal Shopping District (PSD). Also when considering a street vendor, charitable solicitor, or street performer permit within the "A" District (which is primarily N. and S. Washington Sq. and Michigan Ave. Corridor) of the PSD. If you are seeking a Business Extension Permit, DLI requires that the furniture, signage or planters used in the licenced area is of a high structural quality and well maintained in the interest of public safety.			
<b>What you need to provide</b>	<input type="checkbox"/> Insurance, licenses, and/or certificates <input type="checkbox"/> A sketch/site plan of proposed usage area <input type="checkbox"/> Details of furniture/sandwich board to be used <input type="checkbox"/> Application/Permit Fee, if required <input type="checkbox"/> Product list, if required <input type="checkbox"/> Liability Waiver, if required			
<b>Application Fees for Permits 2018 Season</b>	<b>Business Extension:</b> Sidewalk Café Min. \$100/Max. \$500 or \$10/lineal ft. and Sandwich Board \$20 flat fee Planters or other items \$10/lineal ft. <b>Charitable Solicitor:</b> None <b>Street Vendor:</b> \$75 non-refundable application fee and \$500 payment per location (includes \$100 refundable security deposit and \$400 for first and last month's operations) <b>Street Performer:</b> None			
<b>Time Period &amp; Deadlines</b>	<b>All permits are Seasonal</b> (March 15 – November 19, Monday after Silver Bells in the City) <b>Business Extension Permit, Street Vendor, Street Performer:</b> March 1 <b>Charitable Solicitor:</b> 30 days prior to the event			
<b>Applicant Details</b>	Name: ..... Address: ..... City: ..... Zip Code: ..... Telephone: ..... Email .....			
<b>Property Details</b>	Business Name (If Applicable): ..... Address ..... City: ..... Zip Code: ..... Days of Use: ..... Time of Use: .....			
<b>Permit Details</b> <i>Please Check appropriate box and all that apply</i>	<input type="checkbox"/> Street Vendor    Requested location(s) _____ <input type="checkbox"/> DT <input type="checkbox"/> NT <input type="checkbox"/> Charitable Solicitor <input type="checkbox"/> Street Performer <input type="checkbox"/> Business Extension Permit ( <input type="checkbox"/> Sidewalk Sale <input type="checkbox"/> Sandwich Board <input type="checkbox"/> Sidewalk Café <input type="checkbox"/> Planters) If Sidewalk Café, please fill in the following: No. of Tables:.....No. of Chairs: ..... Other furniture proposed i.e. umbrellas, planters, barriers, etc. .... Is alcohol served? <input type="checkbox"/> Yes <input type="checkbox"/> No If alcohol is served you MUST provide additional insurance. (Outdoor service rules established by the Michigan Liquor Control Commission must be followed)			
<b>Conditions of Application</b>	I/we agree to abide by any terms and conditions as determined by DLI for the issue of this license. I/we agree to provide a certificate of liability insurance, naming the City of Lansing, 124 W. Michigan Ave., and DLI as additional insured in the minimum policy limit of \$300,000 aggregate for General and Food (only), and \$1 million aggregate if alcohol is served.  Signed: ..... Date: .....			
<b>DLI Contact Information</b>	<p style="text-align: center;"><b>Downtown Lansing Inc.</b>            401 S. Washington Sq., Ste. 101            Lansing, MI 48933            P: 517-487-3322 Email: <a href="mailto:holly@downtownlansing.org">holly@downtownlansing.org</a> F: 517-483-6057</p>			
<b>Office Use</b>	<table border="1" style="width: 100%;"> <tr> <td style="width: 33%;">Application Received:</td> <td style="width: 33%;">Amount Paid:</td> <td style="width: 33%;">Date:</td> </tr> </table>	Application Received:	Amount Paid:	Date:
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Applications for permits may be obtained by at [www.downtownlansing.org/documents](http://www.downtownlansing.org/documents), by calling Downtown Lansing Inc. at (517) 487-3322 or emailing [holly@downtownlansing.org](mailto:holly@downtownlansing.org). **Please allow up to four weeks for the application to be processed** unless a greater time in advance of the activity or event is required by the rules regarding that type of permit.

**1. TO SUBMIT AN APPLICATION YOU WILL NEED:**

- a. Application for Use of Public Right-of-Way.
- b. Certificate of Liability Insurance, certificates, and/or proper licenses.(See Example provided)
- c. Signed Liability Waiver if applying for a Street Performer Permit
- d. Sketch/site plan of proposed area (see note on sketch below).
- e. Supporting details like photos, brochures, color schemes etc. to fully describe the proposal.
- f. Product list, if required.
- g. Application/permit fee, if required.

Submittal of an application and payment of any necessary permit fee does not permit the use of any requested use of the downtown public right-of-way until the approval process has been completed, penalties may apply.

**2. DEFINITIONS**

- a. **Public Right-of-Way:** "Public Right-of-Way" means the use of outdoor public space, alleys, sidewalks and streets within the boundaries of the "A" and "B" Districts of the PSD for specific activities taking place on a seasonal or short duration basis.
- b. **Street Vendor:** Anyone who engages in a business activity in the predetermined public right-of-way site, separate from a permanent building. The business may include products (such as food or merchandise) or services.
- c. **Business Extension:** A business or property owner who uses the sidewalk immediately in front of the business storefront or building to offer for sale the same products or services that are offered inside the store or building. For example, sidewalk cafes, sandwich board signs, sidewalk sales, etc.
- d. **Charitable Solicitor:** Anyone using the public right-of-way or area for the purpose of soliciting donations for charitable cause. The sponsoring organization must have IRS 501 (c) (3) status or possess the City of Lansing charitable/religious solicitation license. The solicitation may include the sale or exchange of a product for the donation.
- e. **Street Performer:** Anyone performing music, dance, or other artistic or cultural activities in a predetermined public right-of-way site.

**3. FIRST AMENDMENT ACTIVITIES:**

Permits are not required to solicit signatures on petitions, register voters, or inform the public on various issues (referendums and initiatives); however, these activities must not impede the normal flow of pedestrian traffic or block access to private property.

**4. PROHIBITED ACTIVITIES:**

- Door-to-door sales, direct sales or direct solicitation (except charitable solicitation as used in these rules) and all peddling to any person or business is prohibited at all times.
- Temporary Encroachment activities are prohibited on public property owned and maintained by the Lansing Center, Cooley Law School Stadium, city parking ramps, surface parking lots and park land.

## 5. **BUSINESS EXTENSION PERMIT: (Sidewalk Cafes and Sandwich Boards)**

### A. Application & Required Documents

1. Attach a copy of your certificate of liability insurance must be submitted and meet minimum policy requirement limits of \$300,000 aggregate for General and Food (only) and \$1 million aggregate if alcohol is served. The City of Lansing and Downtown Lansing Inc. must be listed as additional insured as follows (Please see example provided with application):
  - **City of Lansing**, 124 W. Michigan Ave. Lansing, MI 48933
  - **Downtown Lansing Inc.**, 401 S. Washington Sq. Ste. 101, Lansing, MI 48933
2. Attach a sketch/site plan of proposed usage area.
  - a. Submit drawing showing how the public right-of-way in will be used.
  - b. Show adjoining shops, businesses or tenancies; doorways and service openings.
  - c. Show the location of existing street furniture including signs, poles, bins, trees, and any other obstacles of a permanent nature placed in the public right away by either the City of Lansing or any other authority.
  - d. Show the exact location of the proposed dining area (Must show a minimum 5 foot pedestrian walkway).
3. Applications will be reviewed by the Design Committee for comment on the possible impact of emergency access, safety, proposed works and general traffic movement.
4. DLI and/or a representative from the City of Lansing Department of Public Service will inspect the site.
5. An Approval Contract will be forwarded to the applicant, if successful, outlining conditions.
6. Payment will only be received by DLI accompanied with the above Approval Contract (or copy).
7. Upon payment of the permit fee, DLI will issue a Business Extension Permit sticker. Designed to be displayed in the lower right corner of the window of the licensed premises. The Approval Contract and sketch are recommended to be kept on site.

### B. Permit Fee

The permit fee is based on the total street frontage of the storefront(s) the building your business is in immediately behind where the applicant is proposing to place the sidewalk café and/or sandwich board and is a minimum of \$100/Maximum of \$500 or \$10/lineal ft. Please note, buildings located on a corner will be considered as having frontage on two streets, and shall be calculated accordingly. Exceptions may be made where the right-of-way width would prohibit conducting business in a safe manner. Final determination will be made by the Design Committee. In addition, only one sandwich board permit will be issued per business. The permit fee for a sandwich board is a \$20 flat fee.

### C. Requirements for Renewing a Permit

The applicant must send a letter to the DLI stating the details of previous permit requesting to re-apply.

1. When requesting a renewal, include a copy of your Certificate of Liability Insurance (see note on insurance below).
2. Renewing a permit will follow points 5.A.2 and 5.A.3 above for the Approval Process and Issue of a permit sticker.
3. Renewal fee is a minimum of \$100/maximum of \$500 or \$10/lineal ft. (based on total frontage of your building)

#### **D. Revocation of Permit**

Business Extension Permit holders who violate the terms of the Permit will be mailed (to the address on file) one warning letter from the Design Committee, citing specific corrections to be made. If corrections are not made within the timeframe stated in the warning letter, not to exceed ten (10) days, or if a violation is repeated, the Design Committee may immediately revoke the permit. Any appeals will go before the DLI Board of Directors.

### **6. STREET VENDOR PERMIT**

#### **A. Application & Required Documents**

1. Identify the pre-determined fixed site requested, see section 5.1 page. 6 in Operational Guidelines.
2. Attach a list of products or services to be sold.
3. Attach certificate of liability insurance, naming the City of Lansing and DLI as additional insured. (Policy must protect against tainted food) and meet minimum requirements as stated on the application.
4. Provide a copy of the Certificate of Persons Conducting Business Under Assumed name (a.k.a. "doing business as" Certificate) issued by the County, if applicable.
5. Food vendors must provide a copy of a valid health certificate.
6. Provide a copy of a Michigan sales tax license.
7. Provide of a photograph of the vending stand and equipment.
8. Submit the form and non-refundable application fee to the DLI office at the address listed on the application.
9. Interview with the Design Committee, if requested. Applicants may be contacted regarding a date and time for this interview.
10. Pay all fees prior to the first day of operation.

#### **B. Security Deposit**

The \$100 security deposit will be refunded when the Street Vendor ceases the permit activity or at the end of the season, whichever first occurs. To be eligible for a full refund, the Street Vendor must notify the DLI office in writing within seven (7) days of when the vending operation has ceased and not owe any other outstanding DLI fees. Refunds will be processed within 30 days of receipt of notification, unless additional fees have accrued.

#### **C. Monthly User Fees**

Monthly user fees are \$200 per month per location for daytime and night-time vending, due and payable on the first calendar day of the month. Monthly user fees will be charged in full for all calendar months or portions of months in which the Street Vendor operates. The Vendor must notify the DLI office, in writing, when operations cease so as not to incur monthly fees.

#### **D. Additional Fees**

**Late Payment Fee** - A Late Payment fee of twenty five dollars (\$25.00) will be added to payments received after the 15<sup>th</sup> of the calendar month. Failure to pay monthly user fees and any accrued additional fees prior to the end of the month may result in immediate revocation of the Street Vendor Permit. Late payment fees and past due user fees will be deducted from the security deposit and last month's user fees deposited with DLI.

Returned Checks Fee (“NSF” or “Account Closed”) - A Returned Check fee of twenty five dollars (\$25.00) will be charged on any payment made by check which is not honored for payment on its

first presentation. Late Payment fees will also be charged for NSF or account-closed checks that result in a late payment.

### **E. Renewing Permit**

If an applicant wants to return to a site they occupied the previous year, DLI must receive the permit application, including the site request, by **January 31** for that site. If a returning vendor is approved for the current season, the vendor will be given preference for the previous year’s site. If a returning vendor fails to apply by **January 31**, the preference to the previous year’s location will be forfeited and another applicant will be considered for the site. If a site is vacated, other returning vendors who have applied for the site will be considered based on seniority. Once returning vendors are approved, the remaining sites will be assigned according to availability and the applicants’ preference. If more than one new applicant requests the same site, assignment may be determined by blind draw.

### **F. Revocation of Permit - Permits may be revoked for the following reasons:**

1. Non-payment: Permit holders who fail to pay the current month’s user fees; Returned Check Fees or Late payment Fees prior to the end of the month have violated the permit contract and will be subject to immediate permit revocation. Returned Check Fees, Late payment Fees and past due user fees will be deducted from the security deposit and last month’s user fees. The remainder, if any, will be refunded.

2. Violation of rules: Permit holders who do not follow the rules and policies set out in the Operational Guidelines document, or the rules as they may be amended from time to time, will be subject to immediate permit revocation by the Design Committee.

### **G. Vending at a Special Event**

Street Vendors are allowed to operate in their assigned locations during special events that occur during the season. Vendors will not be relocated except for public safety reasons (for instance, if a grandstand is placed too near the vending site.) If his happens, an alternate location will be assigned by the DLI, in consultations with the event organizer and permit holder.

If the Street Vendor wants to move from the assigned site into another area within the special event, the vendor must obtain written approval from the event organizer and deliver a copy of the written approval to the DLI not less than ten (10) business days before the event, *and* the event organizer must show this change on the site plan accompanying a Special Events permit application.

## **7. STREET PERFORMER PERMIT**

### **A. Application & Required Documents**

1. Identify the pre-determined fixed site requested, see section 5.1 page. 6 in Operational Guidelines
2. Attach a sketch of the site plan showing the placement of the performer, equipment, props, or other objects in relation to buildings, trees, fixtures and the street.
3. Applicants may be required to audition before the Design Committee prior to approval and will be contacted on a date and time if necessary.

### **B. Revocation of Permit**

Street Performers who violate the terms of the Permit or these rules will be mailed (to the address on file) one warning letter from the Design Committee. If the violation continues or is repeated, the Design Committee may immediately revoke the permit.

## **8. CHARITABLE SOLITICOR PERMIT**

### **A. Application & Required Documents**

1. Attach proof of charitable status.
2. Describe the location of the space and attach a site plan on how the space will be used.

3. Attach a product list which includes products and/or services to be sold or given in exchange for donations.
4. Applicant may be asked to interview with the Design Committee and will be contacted to set up a day and time if necessary.

#### **B. Revocation of Permit**

If the organization or any of its individual solicitors violates the terms of the Permit or these rules, or conducts its charitable business in violation of the law or in an inappropriate or dangerous manner, the permit holder will be subject to immediate permit revocation and will be mailed (to the address on file) or otherwise notified of the revocation by the Design Committee. Permit violation will be noted and taken into account in future years should the organization apply for a Charitable Solicitor Permit.

### **9. APPLICATION PROCESS FOR ALL PERMITS**

1. Complete application form and return to the DLI office. Make sure that all required documents and fees are included with the application or the application will not be processed.
2. The Design Committee will review the application and may require a personal interview with the applicant.
3. Once the Design Committee recommends approval of the permit application, the applicant is required to enter into a contractual agreement with the City before the Permit will be issued. The contract is not effective until signed by the applicant and representatives of the City.
4. Once the contract is fully complete and signed, and all required fees and deposits are paid in full, a permit is issued and mailed with an original contract to the applicant.
5. Anyone who is denied a permit will be sent a letter outlining the reasons for the denial. Anyone denied a permit may appeal to the DLI Board of Directors or in the manner provided by ordinance.
6. The permit confers on the permit holder a temporary privilege to use a portion of the public right-of-way or public open space for the sole purpose of conducting a specific activity. The permit does not create any right, vested or otherwise, in the permit holder. The City reserves unto itself all rights, title and interest in the public property and further, reserves the authority at all times to amend, alter, cancel, terminate or revoke the permit and the permit rules, policies and procedures.

### **10. NOTES ON SKETCH/SITE PLAN**

- a. Submit drawing showing how the public right-of-way in will be used.
- b. Show adjoining shops, businesses or tenancies; doorways and service openings.
- c. Show the location of existing street furniture including signs, poles, bins, trees, and any other obstacles of a permanent nature placed in the public right away by either the City of Lansing or any other authority.
- d. Show the exact location of the proposed dining area (Must show 5-7 foot pedestrian walkway).