



TEMPORARY SIDEWALK EASEMENT PERMIT APPLICATION INSTRUCTIONS FOR THE CITY OF ERIE, PA

The Temporary Sidewalk Easement application is the process for applying for the use of outdoor space for outdoor cafés located in the public right-of-way. This includes the sidewalk or other public space approved by the Bureau of Engineering. A temporary permit will be issued and will expire October 31, 2020. A temporary application is required even if you have an existing Sidewalk Easement and need to enlarge or modify your approved area in response to the limitations of operations imposed by the COVID-19 Phased Reopening Plan as issued and modified by Governor Wolf.

The City is committed to processing Temporary Sidewalk Easement applications as quickly as possible. If you have any questions about the process, please call the Engineering office at 814-870-1370. Staff can assist you in completing the application, including generating the required sketch.

Application Process

1. Complete the application. Email to engineering@erie.pa.us or give to the field supervisor during the field visit. Applications must include the following items. Items b, c, and d can be provided following the inspection.
 - a. Sidewalk seating sketch (inspector can assist with creating)
 - b. An insurance certificate naming the City of Erie as an additional insured. Liability insurance shall be carried by the Grantee in the minimum amount of \$500,000 and provide proof of such insurance.
 - c. A Hold Harmless Agreement, executed by the applicant (included in application). The Grantee agrees to save, defend and hold harmless the Grantor from all claims or suits for damages by reason of damaged property or injury to persons arising out of the sidewalk dining.
 - d. Proof of other regulatory body approvals that may be necessary, such as PA Liquor Control Board.
2. Call 814-870-1370 to schedule an inspection. The inspector will review your proposal on-site with you. This will identify the number and location of tables and chairs allowed based on the space available. The inspector will generate a sketch for the application and will mark where tables must be located in the sidewalk or public areas. Other parameters will be identified if applicable, such as accessible routes, barrier location or restricted areas.
3. Inspector will bring the application back to the office for processing. The City Engineer will review the application prior to final approval.
4. Applicant must provide additional paperwork.
5. Permit will be issued.

A sidewalk café shall:

- Comply with all plans submitted to and approved by the Public Works Department Bureau of Engineering.
- Serve alcoholic beverages only in conformance with PLCB requirements and City Ordinances,
- Comply with any COVID-19 Outdoor Dining Guidance as published by the Erie County Department of Health and/or the Commonwealth of Pennsylvania (See Attached)
- Operate only during the same hours of business as the sponsoring restaurant. All patrons must be vacated from the sidewalk café and all utensils, containers or any other serving materials used in the operation of the café or within the area used by the sidewalk café shall be removed from the sidewalk café area within one (1) hour of closing, provided, however, that any railing, flooring or other support or enclosure used in the assembly, operation or enclosure of the sidewalk café may be allowed to remain on the sidewalk area, only if specifically permitted by the Bureau of engineering approval of the café plans.
- The Grantee agrees to keep the tables and chairs in good order and repair.
- Monitor trash and debris an area extending fifteen (15) feet in each direction from the outermost portion or boundary of the sidewalk café daily.
- Comply with all other provisions of the Codified Ordinances of the City of Erie, Erie County, Pennsylvania.
- All rights in easement not specifically conveyed to Grantee are retained by Grantor.
- The Grantor reserves the right to terminate this Agreement at any time that said right-of-way is required for a public purpose or public improvement.

Establishment Name: _____

Address: _____

REQUEST: Please check areas below for sidewalk cafe

Sidewalk Area

Other public space

Street Closure

Proposed areas Dimensions: Length (FT): _____ Width (FT): _____

Number of Outdoor Seats: _____

Requirements Attached:

- Sidewalk Easement Site Drawing/Sketch (see attached sample)
- Insurance Certificate listing City of Erie as an additional insured for the sidewalk easement area
- Hold Harmless Agreement, executed by applicant
- Adjacent property owner permission (if applicable)

A sketch with dimensions listed is required for all requests. Provide existing width and length of sidewalk, parklet, or street area, reduced sidewalk width at existing obstructions, total dining area, table and chair spacing and width of resultant clear pedestrian path. A MINIMUM of six-foot-wide clear pedestrian path must be maintained.

DAYS OF OPERATION & TIME (*check days which apply & complete time sidewalk café is open*)

<input type="checkbox"/> Monday	Time _____	to _____	<input type="checkbox"/> Tuesday	Time _____	to _____
<input type="checkbox"/> Wednesday	Time _____	to _____	<input type="checkbox"/> Thursday	Time _____	to _____
<input type="checkbox"/> Friday	Time _____	to _____	<input type="checkbox"/> Saturday	Time _____	to _____
<input type="checkbox"/> Sunday	Time _____	to _____			

I hereby certify that: (1) I have read and understand the Temporary Sidewalk Easement Permit instructions and all attachments and (2) the facts and declarations of intent set forth above are true and are intended to be relied upon by the officials of the City of Erie.

_____	_____
Print Applicant Full Name	Title
_____	_____
Signature	Date

RELEASE FORM SIDEWALK CAFÉ

The undersigned shall defend, indemnify and hold harmless the City of Erie and its agents from and against any and all liability, claims, demands, expenses, fees, fines, penalties, suits, proceedings, actions and causes of action arising from the City conducting its business at said property. The obligation exists whether injury or property damage occurs on the licensed premises. The undersigned’s obligation to defend and indemnify does not extend to the willful misconduct of the City of Erie or its agents.

_____	_____
Print Applicant Full Name	Title
_____	_____
Signature	Date

FOR CITY USE ONLY

Additional Approvals:

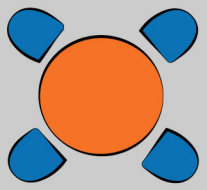
Erie Parking Authority (if applicable)

Inspection: _____
Signature Date

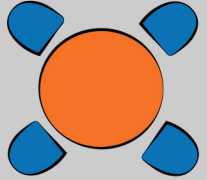
Approved by Bureau of Engineering: _____
Signature Date

BUSINESS

BUSINESS



6 ft



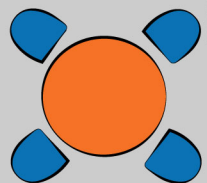
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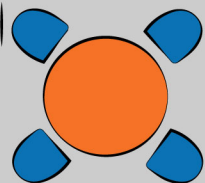
ENTRANCE



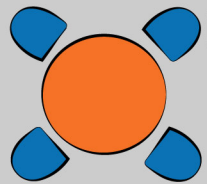
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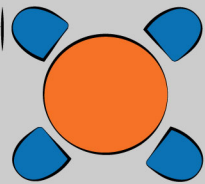
6 ft



6 ft



6 ft



6 ft



6 ft

4 ft

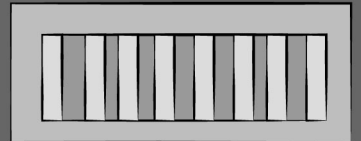


Tables and chairs must be spaced at least 4 feet from doors, street lamps, and other obstacles

Outdoor dining seating must allow for 6 feet unobstructed pedestrian walkway on the road

6 ft

Please note that outdoor dining areas must provide an accessible ramp from sidewalk elevation to the street elevation



"Jersey" barriers must be placed to create 3 feet apart from the edge of traffic lane



ADVISORY NOTICE NO. 26 (Second Revision)

TEMPORARY CESSATION OF THE SALE OF FOOD AND ALCOHOL FOR ON- PREMISES CONSUMPTION RELATIVE COVID-19 PUBLIC HEALTH EMERGENCY

June 3, 2020

TO: All License Holders

The PLCB, upon authorization from the Governor, has the authority under the Liquor Code (47 P.S. §4-462) to mandate the closure of licensed establishments in times of emergency. Section 7101 of the Emergency Management Services Code (35 Pa.C.S. § 7101) gives the Governor wide latitude in dealing with disasters such as the public health crisis precipitated by the outbreak of the COVID-19 coronavirus. As part of that authority and in response to the current public health emergency, the Wolf Administration had previously asked all retail establishments to cease selling food and alcohol for on-premise consumption. The Board had indicated that, pursuant to the Governor's directive, licensees no longer needed to sell food and alcohol for on-premise consumption as a precondition to sell alcohol for off-premise consumption.

On March 18, 2020, the Board directed that all retail licensees, clubs, permittees and producers cease the sale of food and alcohol for on premises consumption, effective at 8 p.m. that day and until further notice, in the interest of slowing the spread of the COVID-19 virus and mitigating the unprecedented public health crisis the commonwealth faces. The Board provided additional guidance in the form of this Advisory Notice, Advisory Notice No. 26.

On April 27, 2020, the Governor authorized golf courses to open, effective May 1. In response, the Board provided [additional guidance for golf courses](#).

Subsequent to the original emergency declaration, the Governor indicated that he intended to use a phased approach in lifting the emergency declaration by designating counties in red, yellow and green phases of recovery. On May 13, 2020, the Board revised this Advisory Notice to address that issue and to make clear that the Board will only recognize the Governor's designation of a county, since only the Governor can make such designations.

On May 21, 2020, Act 21 of 2020 went into effect, allowing certain restaurant and hotel licenses to sell prepared beverages and mixed drinks to go. In response, the Board provided guidance on [what licensees should know about Act 21 of 2020](#).

On May 27, 2020, the Governor's office provided [additional guidance on what activities are permissible in green counties and further indicated a change in what is permissible in yellow counties](#).

On May 29, 2020, the Board provided [guidance as to what is permissible in green counties](#).

Following is a summation of what is and is not permitted in the counties in Pennsylvania, depending on their color designation.

In RED Counties:

- Restaurant, retail dispenser and hotel licensees may not allow the service or consumption of food or alcohol on the licensed premises. Beer and food sales to go are still permitted, as are hotel sales of food and alcohol for consumption in private rooms. Sales of prepared beverages and mixed drinks to go are permitted, by those licensees that are eligible to make such sales.
- Licensees holding wine expanded permits authorizing the sale of wine to go may not allow the service or consumption of food or alcohol on the licensed premises. Sales to go are still permitted, as are the operation of a grocery store, convenience store or gas station next to the licensed premises.
- Airport restaurant license holders may not allow the service or consumption of food or alcohol on the licensed premises. Sales to go are still permitted.
- Clubs and catering clubs may not allow the service or consumption of food or alcohol on the licensed premises, and such licensees are not authorized to sell any alcohol to go. They may continue selling food to go.
- Permittees including special occasion, off-premise catering, exposition and farmers markets may not allow the service or consumption of food or alcohol on the licensed premises or at public gatherings. It is incumbent upon the permit holder to ensure that the event qualifies as a bona fide exposition/event before conducting sales of alcohol or offering tastings under authority of the permit.
- Breweries, distilleries/limited distilleries and limited wineries may not allow the service or consumption of food or alcohol on the licensed premises. Sales of the producer's own alcohol for off-premises consumption is permitted.
- Sacramental wine licensees may not allow food or beverage consumption on premise but may sell sacramental wine for consumption off premise.

In YELLOW Counties:

- Until June 5, 2020, licensees in yellow counties must adhere to the same rules as those for red counties as set forth above.
- Beginning June 5, 2020, licensees in yellow counties may allow dine-in service in outdoor seating areas consistent with the [restaurant industry guidance issued by the Governor's office](#) on May 27, 2020.

In GREEN Counties: Licensees are encouraged to follow the PLCB's [guidance as to what is permissible in green counties](#).

Temporary Board Procedures Expediting Extensions of Licensed Premises for Additional Outdoor Serving Areas

The Governor's decision to encourage outside dining has led the Board to adopt temporary procedures to expedite the process for licensees that want to temporarily extend their licensed premises to include additional outside areas. These temporary procedures only apply to applications for outdoor serving areas, and effective with the adoption of this notice, the following applies:

- Emergency temporary authority for outside areas may be requested by clubs, catering clubs, restaurants, retail dispensers, hotels, distilleries, limited distilleries, wineries, limited wineries and breweries.
- Licensees that wish to apply for a temporary extension of the licensed premises to include outside serving areas, with said extension to expire at the end of the current public health emergency, may do without incurring a filing fee. If the applicant wishes to permanently extend the licensed premises, it must follow the normal application process and pay the requisite fee.
- The application process for temporary extension of premises to include an outdoor seating area is similar to a regular application to extend premises and will require a plan. If the area to be licensed is an area not previously under the applicant's control – such as a municipal sidewalk – then proof that the applicant has the right to occupy the location must be provided.
- A licensee may only submit an application for an outdoor area immediately adjacent to, abutting and contiguous to the existing licensed premises. Applications for locations not meeting these criteria will be summarily rejected, and no temporary extensions are authorized for any locations separated from a licensed premises by a public thoroughfare.
- Upon submission of the application in PLCB+, the licensee will see a confirmation screen that the application was successfully submitted for processing. The licensee must print this confirmation page and display it as evidence the application was received, and at that point, the licensee will automatically have temporary authority to operate on the proposed outdoor area. Additionally, the licensee will be directed to post a Notice of Application. Distilleries, limited distilleries, wineries, limited wineries and breweries do not need to post a Notice of Application but must display the email acknowledging the application was accepted.
- The initial authority to operate will last until one of the following occurs: (1) The COVID-19 Emergency Declaration ends, (2) a protest or petition to intervene in opposition to the application is received by the PLCB, or (3) the Board informs the applicant that authority has come to an end.
- Licensees that don't wish to extend the licensed premises to include additional outdoor areas, but instead allow customers to congregate on an unlicensed portion of the premises, must still adhere to the Governor's guidelines on social distancing.

Enforcement

Any licensee that fails to comply with the Governor's guidance risks citation by the Pennsylvania State Police Bureau of Liquor Control Enforcement (BLCE). Further, BLCE has agreed to notify the PLCB if any citations are issued relative to this issue. The PLCB may suspend a licensee's operating authority under section 462 based on the circumstances. A licensee who continues to operate after its operating privileges have been suspended risk further enforcement action by the BLCE.

Ultimately, citations may put the business's liquor license at risk, both through the citation process and upon application for renewal to the PLCB. Further, licensees are reminded that, pursuant to section 494(a) of the Liquor Code, any person who violates the applicable sections of Article IV of the Liquor Code may be charged criminally with a misdemeanor.

Finally, the PLCB has received a number of inquiries as to how beer distributors should react to business closure guidance. As suppliers to grocery stores, convenience stores and other retail licensees permitted to sell beer to go, distributors' continued operation will preserve beer accessibility for consumers. As such, the Board is not limiting distributors' operations at this time but encourages these businesses to employ social distancing best practices and avoid large public gatherings.

Complaints regarding licensees not complying with these mandates may be directed to the BLCE at 1-800-932-0602 or reported through the [BLCE's online complaint form](#).

The Board will constantly re-evaluate this policy, guided by the strategy developed by the Governor's Office and the Pennsylvania Department of Health, and lift restrictions at the appropriate time.

Any issues not covered by this Advisory Notice may be resolved by writing to the Office of Chief Counsel, ra-lblegal@pa.gov.

**BY ORDER OF:
PENNSYLVANIA LIQUOR CONTROL BOARD**

A handwritten signature in black ink that reads "John K. Stark". The signature is written in a cursive style and is positioned above the printed name and title.

JOHN K. STARK
Secretary to the Board