

OUTDOOR SERVICE OF FOOD OR DRINK BY AN EATING OR DRINKING ESTABLISHMENT

[] APPROVED [] DENIED [] REVOKED [] FINANCIAL GUARANTEE \$ _____

DATE:			
RESTAURANT NAME:			
RESTAURANT ADDRESS:			
OWNER'S NAME(S):			
OWNER'S MAILING ADDRESS:			
OWNER'S TELEPHONE NO.	<i>Day:</i>	<i>Evening:</i>	<i>Cellular:</i>
PROPERTY ZONING:		TOTAL SEATING CAPACITY OF RESTAURANT:	#
TOTAL NUMBER OF PARKING SPACES ON PREMISES: <i>(DO NOT INCLUDE STREET PARKING SPACES)</i>	#	TOTAL SEATING CAPACITY OF OUTDOOR AREA:	#

The following rules and restrictions shall apply to the outdoor service of food or drink:

- A. Outdoor facilities shall be located upon the same parcel as the eating or drinking establishment.
- B. No live music or sound produced through electronic speakers shall be permitted.
- C. Operation of an outdoor facility shall be limited to the overall hours of operation of the eating or drinking establishment but in no event shall an outdoor facility be occupied by a patron **before 11:00 a.m. or after 8:00 p.m.**
- D. Outdoor facilities shall be used only for seated patrons. **No bars for the service of alcohol shall be permitted.**
- E. The capacity of an outdoor facility shall be limited to 20 seated patrons.
- F. The seating capacity of an outdoor facility shall be included when calculating parking requirements as further particularized within Article V of this chapter.

The Village Board may require a financial guarantee in the form of cash, a performance bond or other security that an eating or drinking establishment shall comply with the provisions of Section (B) and (C) above. Said financial guarantee may in the discretion of the Village Board be required in an amount not exceeding \$10,000.00 and shall be forfeited upon the adjudication by a court of competent jurisdiction that an owner, operator or employee of said eating or drinking establishment operated an outdoor facility or provided outdoor service of food or drink in violation of the provisions of Section (B) or (C) above. Upon such forfeiture, a special permit or temporary special permit permitting the outdoor service of food or drink shall immediately be deemed terminated without the necessity of further activity by the Village Board. Outdoor service of food or drink and the utilization of any outdoor facility shall be immediately discontinued.

THIS FORM MUST BE NOTARIZED – PLEASE SIGN IN PRESENCE OF NOTARY.

I/We have completed this application for a special use permit and all information provided herein is correct and true. I/We are aware of the rules and restrictions associated with outdoor drinking and dining and will comply. I/We understand it is my/our responsibility to inform all employees of these rules and restrictions and accept full responsibility for their actions in my/our presence or absence. I/We further understand that any violation of these rules and restrictions will result in the forfeiture of the financial guarantee and that this special use permit will be terminated.

Owner

Date

STATE OF NEW YORK : COUNTY OF ERIE

On the _____ day of _____, 20____, (name) _____, personally appeared before me and signed and executed the foregoing special use permit and who duly acknowledged to me the execution of the same for the purposes therein mentioned.

Notary Public _____

Owner

Date

STATE OF NEW YORK : COUNTY OF ERIE

On the _____ day of _____, 20____, (name) _____, personally appeared before me and signed and executed the foregoing special use permit and who duly acknowledged to me the execution of the same for the purposes therein mentioned.

Notary Public _____

152-70 (D) Temporary Special Permit

The Village Board, pursuant to the authority granted by law and after a duly called public hearing, may grant a permit to allow an activity, business or other use which would not otherwise be allowed by this code. All provisions of this Section 152-70 shall apply to such permit except that a **temporary special permit shall be for a one-year period** and shall not be transferable, assignable or otherwise pass on to any other person than the person to whom the permit is granted. Annual renewal shall be dependent upon conformance to the provisions of the section and compliance with all conditions as may have been set for the by the Village Board. The Village Board and the Planning Commission retain the right of inspection after start-up and prior to annual permit renewal in order to determine compliance with permit conditions.

ARTICLE XII

Outdoor Service of Food or Drink
by an Eating or Drinking Establishment.

152-98 Outdoor Service.

Eating or drinking establishments otherwise authorized and in compliance with the provisions of this chapter may pursuant to the provisions of this article provide outdoor service of food or drink.

152-99 “Take-Out” Service Excluded.

This Article shall not be deemed to apply to or preclude outdoor seating at an establishment which limits its food or beverage sales to what is commonly referred to as “take-out” i.e. no interior seating or outdoor waiter/waitress service.

152-100 Restrictions upon the outdoor service of food or drink.

The following restrictions shall apply to the outdoor service of food or drink:

- A. Outdoor facilities shall be located upon the same parcel as the eating or drinking establishment.
- B. No live music or sound produced through electronic speakers shall be permitted.
- C. Operation of an outdoor facility shall be limited to the overall hours of operation of the eating or drinking establishment but in no event shall an outdoor facility be occupied by a patron before 11:00 a.m. or after 8:00 p.m.
- D. Outdoor facilities shall be used only for seated patrons. No bars for the service of alcohol shall be permitted.
- E. The capacity of an outdoor facility shall be limited to 20 seated patrons.
- F. The seating capacity of an outdoor facility shall be included when calculating parking requirements as further particularized within Article V of this chapter.

152-101 Requirement of a special use permit.

No eating or drinking establishment shall provide outdoor service of food or drink without first obtaining a special permit pursuant to Section 152-70 of the Code of the Village of Lancaster.

152-102 Financial guarantee.

The Village Board may require a financial guarantee in the form of cash, a performance bond or other security that an eating or drinking establishment shall comply with the provisions of Section 152-100 (B) and (C) of this Article. Said financial guarantee may in the discretion of the Village Board be required in an amount not exceeding \$10,000.00 and shall be forfeited upon the adjudication by a court of competent jurisdiction that an owner, operator or employee of said eating or drinking establishment operated an outdoor facility or provided outdoor service of food or drink in violation of the provisions of Section 152-100 (B) or (C) of this Article. Upon such forfeiture, a special permit permitting the outdoor service of food or drink shall immediately be deemed terminated without the necessity of further activity by the Village Board. Outdoor service of food or drink and the utilization of any outdoor facility shall be immediately discontinued.