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# West Branch Township

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[www.westbranchtownship.org](http://www.westbranchtownship.org)

## Seasonal Outdoor Seating Guide for West Branch Township



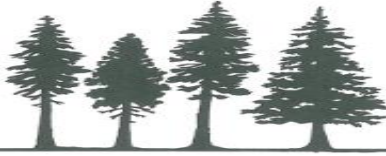
Updated March 1<sup>st</sup> 2024



## Outdoor Seating Standards for West Branch Township:

Businesses may utilize outdoor spaces that are adjacent to their respective building, or leased building space and may place tables, chairs, and benches upon a site inspection by the township zoning administrator and written approval (via zoning permit) from the township zoning administrator on their own adjacent property pursuant to the following:

- Smoking of any kind is strictly prohibited in outdoor seating areas.
- Tables, chairs, and benches shall be separated from parking and vehicular traffic and placed so as not to unreasonably obstruct entrances, sidewalks, and other pedestrian pathways;
  - Serving Alcohol Outdoors Physical Barriers
    - Outdoor Dining cafes serving alcohol must have physical barriers such as temporary railing system or fencing.
    - Types of unacceptable barrier surface materials include such items as pallets, unstable partitions, panels, or fencing that could be easily knocked over.
    - Barriers shall conform to Michigan Liquor Control Commission (MLCC) policies and requirements. A Sign, one square foot, reading, “No Food or Beverage allowed beyond railings” shall be posted at a conspicuous location with the perimeter of the seating area.
    - Barriers shall be 36 inches in height and must be freestanding, stable, easily removable, and pose no trip hazard.
    - Entrance Openings must be a minimum of 36 inches wide and meet accessibility requirements to comply with ADA
    - Barrier materials may not be anchored to the right-of-way and should be weighted down when needed.
  - Serving Alcohol Outdoors Operating Restrictions
    - Outdoor dining areas serving alcoholic beverages shall be continuously supervised by employees of the establishment.
    - All alcoholic beverages to be served in the outdoor seating area shall be prepared within the existing establishment, and alcoholic drinks shall only be served to patrons seated in the outdoor seating area at tables or counters. The drinking of alcoholic beverages by a member of the public with a patron at an outdoor seating area, within the confines of the outdoor seating area, shall not be construed as violation of any ordinance controlling open containers in a public area. The operator of an outdoor seating area shall take whatever steps are necessary to procure the appropriate license from the MLCC, if intending to serve alcoholic beverages and shall comply with all other laws and regulations concerning the serving of alcoholic beverages in the state.
  - C. Outdoor Seating areas and the public property on which they are located shall be kept neat and clean at all times and free from any substance that may cause damage to the sidewalk or cause pedestrian injury, Sidewalk café areas must remain clear of litter, food scraps, and soiled dishes at all times.
- Tables, chairs, and benches shall be sturdy, placed in compliance with applicable ADA requirements, and in a manner that does not otherwise constitute a safety hazard.
- Main path of egress from the Building shall be maintained clear at all times and shall meet Michigan Building Codes & Barrier Free Codes.
- Tables, chairs and benches shall be placed in a manner that does not obstruct easy access to fire hydrants, and other fire suppression equipment; and shall be placed in a manner that otherwise complies with the applicable fire prevention code;
- Tables, chairs and benches shall be secured daily at the close of business, are the responsibility of the business, and shall be removed should they interfere with a special event or other conflicting activity.
- A request to place tables, chairs and benches shall be in writing and contain a drawn plan depicting the area within which the tables, chairs and benches will be placed.
- Tables and chair spacing must meet standards building requirements in Michigan Building Code.



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**Applying for Outdoor Seating West Branch Township:**

- Applications (Zoning Permits) are available to pick up from the West Branch Township Hall or available for download from the Township's website at <https://www.westbranchtownship.org/zoningadmin> and go to zoning permit.

**Checklist for Submission of Application:**

- \_\_\_ Completed application form with fee
- \_\_\_ Fees - \$50.00
- \_\_\_ Sidewalk café application worksheet
- \_\_\_ Detailed site drawing as specified on the application
- \_\_\_ Proof of comprehensive general liability insurance as noted on the application
- \_\_\_ A signed agreement to defend, indemnify, save, and hold harmless the Township and all of its officers, agents, or employees from any liability for damages resulting from operations under a license (Zoning Permit). See Below:

**Please Note: Failure to submit all completed items with the application could delay approval and opening of café.**

Applicant covenants and agrees to hold harmless from, indemnify, and defend the Township, its agents, officers and employees against all suits, demands, claims, judgments, liens, cost of repair or replacements of any damaged public facilities, or costs, attorney fees and expenses which may arise out of, result from, or be caused by Applicant's sidewalk cafe.

Applicant covenants and agrees to strictly comply with all terms and conditions of the Outdoor Seating Standards of the West Branch Township Zoning Ordinance and further understands and agrees that the Township Board, in its sole and absolute discretion, may approve, deny, or set conditions or limitations on any Outdoor Seating area which may be approved, or may at any time alter, amend, modify, rescind, or revoke any approval, all without recourse or remedy by the Applicant, or liability of the Township.

Applicant covenants and agrees, upon issuance of the Outdoor Seating Zoning Permit, to defend, indemnify, save and hold harmless the Township, its officers, agents and employees, from any liability for damages resulting from any and all occupancy and operations under the License.

Dated this day \_\_\_\_\_ of \_\_\_\_\_, 20\_\_\_\_\_.

Witness Signature - \_\_\_\_\_

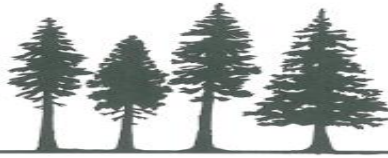
Printed Name - \_\_\_\_\_

Applicant's Signature - \_\_\_\_\_

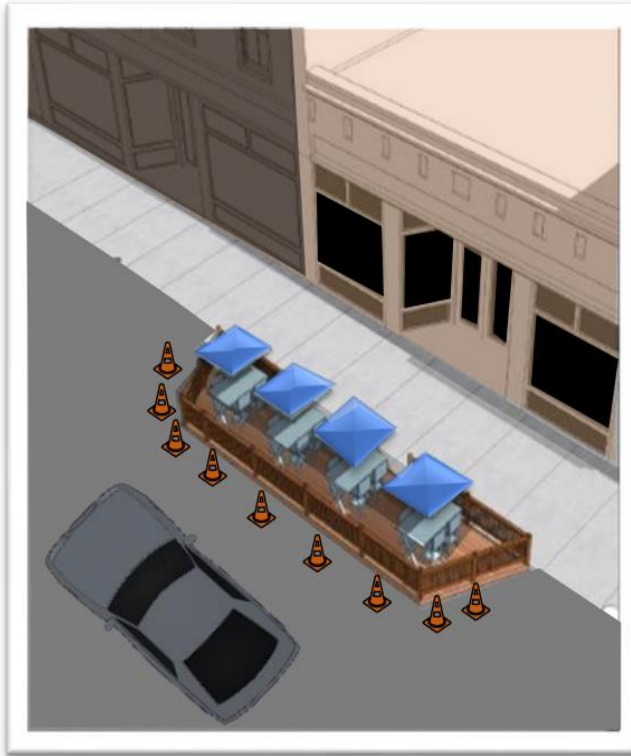
Printed Name - \_\_\_\_\_

Building Owner's / Manager's Signature - \_\_\_\_\_

Printed Name - \_\_\_\_\_



## West Branch Township Outdoor Seating Example:



### **Outdoor Seating Example:**

The outdoor seating when located in the parking area within the parking space which is across the width of the business. Pedestrian clearance is between the edge of the back of the curb line and the building.

### **Location:**

Outdoor Seating within designated parking areas must be adjacent to the business that is to be served and may not extend in front of any other business.

This requirement, however, may be waived by the Zoning Administrator and include a signed and notarized form from the adjoining property owner to allow extension of the outdoor seating area.

The sidewalk café shall not extend more than eighteen (18') feet from the curb line where parking exists.

### **Safety:**

Outdoor Seating shall be protected from vehicular traffic. All barriers shall be approved by the Zoning Administrator.

Outdoor Seating may be established upon a removable platform assembled upon the sidewalk and the allowable parking area and shall meet the requirements of the zoning ordinance as well as all rules and regulations established by the Michigan Liquor Control Commission. The platform shall be protected from vehicular traffic.

Orange safety cones or other high visibility markers of at least eight (8") inches x eight (8") inches are encouraged to be set adjacent to corners of deck platforms within the parking areas.

All Outdoor seating areas must have accessible entrances. An accessible path of travel to the table must be maintained. All fire and emergency exits should always remain accessible and free from obstruction.

The surface of café dining areas, sidewalks and pedestrian paths must all be level with each other or be accessible by temporary ADA compliant ramps.

