

3.14 Checklist

Sidewalk Use Permit

A sidewalk use permit applies if you would like to use a portion of a public sidewalk for a café, eating area, bicycle rack, temporary display, or other purpose that does not involve the permanent vacation of any part of the street. See UDC Section 50-37.12 for more information.

Starting the Application Process

- Submit your application. There are numerous in-person and electronic application methods available; visit <https://duluthmn.gov/planning-development/land-use-zoning-and-applications/applications-checklists/> for current information. Your application must include the following:
 - Application Cover Sheet, available at <https://duluthmn.gov/planning-development/land-use-zoning-and-applications/applications-checklists/>, and applicable fee
 - Sidewalk Use Agreement
 - Certificate of Insurance meeting requirements specified in Sidewalk Use Agreement
- Additionally, if this is a **new** Sidewalk Use Permit (or a renewal later than 30 days after expiration of a previous Permit), please submit the following:
 - A map or diagram showing the proposed use area, and nearby drive aisles, loading zones, fire lanes, parking lots, building entrances, street trees, and street furniture. Note the following criteria:
 - Must not encroach into drive aisles, loading zones, fire lanes, or parking lots
 - Must not be in the area located between the street curb and building entrance
 - Must be set back at least 7' from curb and 6' from meters, trees, benches, etc.
 - Shall be only on sidewalk areas adjacent to applicant's property

After Submitting Your Application

1. Determination of Completeness. The City has 15 business days to determine whether the application is complete or incomplete. If incomplete, you will be notified and asked to submit additional information.

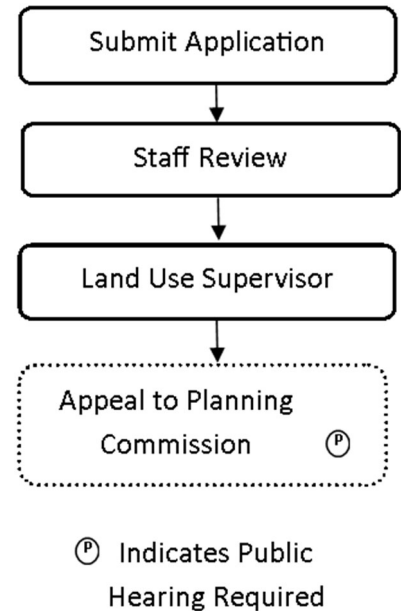
2. Land Use Supervisor Decision

The Land Use Supervisor will review the application and make a decision to adopt, adopt with modifications, or deny the application. If approved, you will receive an Action Letter documenting approval.

Sidewalk Use Permits remain in effect for one year. To continue use of the sidewalk after that year, you will need to submit another application.

Please note: Any sidewalk use involving alcohol may require a new liquor license or an expansion of the existing liquor license. Please call the City Clerk at 730-5500.

Sidewalk Use Permit



SIDEWALK USE PERMIT AGREEMENT

_____, applicant for a Sidewalk Use Permit at _____ (“Applicant”) accepts the following terms and conditions applicable to the Sidewalk Use Permit:

1. Applicant agrees to keep the sidewalk and street within 20 feet of the proposed use or structure free from any litter generated by the use or activity.
2. Applicant, by the exercise of its right granted by this permit, agrees to indemnify, and save harmless the city of Duluth and its officers, agents, employees and servants, from any and all liens, claims, suits, demands, liability, judgments, costs, damages and expenses, including attorney’s fees, which may accrue against or be charged to or may be recovered from the city by reason of or account of or in any way related to the negligent actions, excluding gross negligence or intentional torts, of the city or its officers, agents, employees and servants while engaged in the performance of their official duties and resulting in damage to the improvements and amenities authorized by this permit.
3. Applicant, by the exercise of its right granted by this permit, agrees to defend, indemnify, and save harmless the city of Duluth and its officers, agents, employees and servants, from any and all liens, claims, suits, demands, liability, judgments, costs, damages and expenses, including attorney’s fees, which may accrue against or be charged to or may be recovered from the city by reason of or the use authorized pursuant this permit by any person(s) including Applicant, its employees, agents, volunteers, or invitees. Upon ten (10) days written notice, Applicant will appear and defend all claims and lawsuits against the city growing out of any action with respect to which Applicant is required to indemnify the city.
4. Applicant agrees to provide liability insurance meeting the following minimum amounts of insurance from insurance companies authorized to do business in the state of Minnesota:
 - (a) Public Liability with limits not less than **\$1,500,000** Single Limit shall be in a company approved by the city of Duluth; and shall provide for the following: Liability for Premises and Operations.
 - (b) The city of Duluth shall be named as **Additional Insured** under the Public Liability and Excess/Umbrella Liability* policy, naming itself and the city of Duluth. Permittee shall provide a Certificate of Insurance evidencing such coverage with 30-days notice of cancellation, non-renewal or material change provisions included. The city of Duluth does not represent or guarantee that these types or limits of coverage are adequate to protect the Permittee’s interests and liabilities.

**An umbrella policy with a “following form” provision is acceptable if written verification is provided that the underlying policy names the city of Duluth as an additional insured.*

- (c) If a certificate of insurance is provided, the form of the certificate shall contain an unconditional requirement that the insurer notify the city without fail not less than 30 days prior to any cancellation, non-renewal or modification of the policy or coverages evidenced by said certificate and shall further provide that failure to give such notice to city will render any such change or changes in said policy or coverages ineffective as against the city.

- (d) **The use of an “Acord” form as a certificate of insurance shall be accompanied by two forms – 1) ISO Additional Insured Endorsement (CG-2010 pre-2004) and 2) Notice of Cancellation Endorsement (IL 7002) or equivalent, as approved by the Duluth City Attorney’s Office.**

- 5. Applicant agrees that the insurance required herein shall be maintained in full force and effect during the term of the permit.

- 6. Applicant agrees to provide certificates showing that Applicant is carrying the above described insurance in the specified amounts to the City prior to the issuance of the Sidewalk Use Permit and that a certificate showing continued maintenance of such insurance shall be on file with the City during the term of the permit.

- 7. That the sidewalk use permit will be in effect for the following period of use:

Printed Name of Applicant

Signature
Its _____

Date