

**LICENSE APPLICATION for
SIDEWALK CAFÉ PERMIT**

SECTION 11.260
CITY OF MANITOWOC
900 QUAY ST



License # SW-1901
 License fee: \$75.00
 Code: CSCP
FEEs ARE NON-REFUNDABLE

19-0728
PAID
 RECEIVED

- Initial Application (annual permit through 6/30). *Attach scale drawing.*
 Renewal Application (due 4/15 each permit year).
Attach scale drawing only if changes to the café operation are being made.
- JUN 07 2019
CITY CLERKS OFFICE

SECTION 1 – LOCATION OF PROPERTY

Street Address of Tavern/Restaurant 712 York St	Legal Description or Tax ID No. of Property 47-3603242
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Current Zoning of Property (*cafes are authorized in "B", "C" and "I" zoning district where permitted or conditionally permitted, on portion of sidewalk adjacent to the building.*)
B or C

Is a "WAIVER FOR PROXIMITY TO RESIDENTIAL DWELLINGS" required under Section 11.260(15) (h) (a waiver is required for café locations within 100 feet from any residential dwelling in a residential or "R" zoning district, unless the dwelling is the applicant/permittee's dwelling—see attached statement of information for petition requirements)

Yes no (if "yes", please attach original petition form to this application)

PROPOSED OPERATION OF SIDEWALK CAFÉ, USE OF PROPERTY, AND SCALE DRAWING
(see attached statement of information required to satisfy requirements under this section. All information identified on the attachment must be provided for the application to be deemed complete).

LICENSES
(attach copies of all applicable licenses requested below).

Current restaurant license number	Current Manitowoc County Department of Health license number SBON-9WHK64
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Department of Agriculture, Trade and Consumer Protection (DATCP) license number

Current alcoholic beverage license number (required if applicant intends to sell alcoholic beverages in sidewalk café)
TAV-1903

INSURANCE
(attach certificate of insurance required under Section 11.260(9) to prove commercial general liability and worker's compensation coverage).



PERMIT FEE AND NOTICES

The required annual permit fee of \$75.00 is enclosed, and I understand that compliance with Section 11.260 of the City of Manitowoc Municipal Code is required in order to obtain and maintain a Sidewalk Café Permit.

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of the laws and ordinances governing this permit will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any federal, state or local law.

The applicant further agrees to execute a notarized hold harmless agreement with the City, against any claim of any kind that may be filed at any time related to the operation of the cafe operation.

You will be informed of the date and time of the meeting where the Licensing, Permits and Inspections Committee will review this application and required documentation.

Applicant Name <i>Ryan Morris</i>	Applicant Signature 
Trade Name of Business <i>Ryan's on York</i>	Mailing Address <i>712 York St</i>
City, State, Zip <i>Manitowoc, WI 54220</i>	Telephone Number <i>920 905 0700</i>
Fax Number <i>_____</i>	Email Address <i>ryansonypk@gmail.com</i>
Landlord Name <i>Step A Wachowski</i>	Landlord Signature (both signatures required if building not owned by Applicant) 
Mailing Address <i>4603 LAURIE LANE</i>	City, State, Zip <i>TWO RIVERS WI 54241</i>
Telephone Number <i>920 901-8787</i>	Fax Number <i>_____</i>
Email Address <i>SCOTT@SCOTTSENDING.NET</i>	

- Attachments:**
- Scale Drawing and Details of Sidewalk Café Permit Area
 - Filing Fee
 - Certificate of Insurance
 - Waiver for Proximity to Residential Dwellings (if required under 11.260(15)(h))
 - Hold Harmless Agreement

AGREEMENT TO HOLD HARMLESS

WAIVER OF LIABILITY, ASSUMPTION OF RISK

AND INDEMNIFICATION OF THE CITY OF MANITOWOC

WITH RESPECT TO SIDEWALK CAFÉS

In consideration for being issued a Sidewalk Café Permit, I (we) Ryan Maccis, **THE UNDERSIGNED**, including any of my (our) personal representatives, heirs, and assigns:

1. Shall hold harmless and indemnify the City of Manitowoc, including the City's affiliates, officials, employees, agents, assigns and successors with respect to the operation of a sidewalk café, from any claims, including third party claims for personal property damage, personal injury or death, actions, administrative proceedings, judgments, damages, punitive damages, penalties, fines, costs, liabilities (including reasonable sums paid for settlements), interests or losses including reasonable attorney's fees, consultant fees and expert fees, that are directly or indirectly from or in connection with the operation of a sidewalk café.

2. **HEREBY RELEASES, WAIVES, DISCHARGES, AND COVENANTS NOT TO SUE** the City of Manitowoc, Wisconsin, a municipal corporation, its affiliates, officials, employees, agents, successors and assigns who are or might be liable from any and all claims, demands, damages, costs, and causes of actions of whatever kind or nature which **THE UNDERSIGNED** may now have or may have hereafter, on account of or any way growing out of, any and all known and unknown personal injuries or death and/or property damage, in connection with the operation of a sidewalk café and further releases **FROM ALL LIABILITY TO THE UNDERSIGNED** and to any of my personal representatives, assigns, heirs, and next of kin **FOR ANY AND ALL LOSS OR DAMAGE, AND ANY CLAIMS OR DEMANDS THEREFORE ON ACCOUNT OF INJURY TO ANY PERSON OR PROPERTY OR RESULTING IN DEATH OF THE UNDERSIGNED OR ANY ONE ELSE ARISING OUT OF OR RELATED TO THE OPERATION OF A SIDEWALK CAFÉ WHETHER CAUSED BY THE NEGLIGENCE OF THE RELEASEES OR OTHERWISE.**

3. **HEREBY AGREES TO INDEMNIFY AND SAVE AND HOLD HARMLESS**, the Releasees and each of them **FROM ANY LOSS, LIABILITY, DAMAGE OR COSTS** they may incur arising out of or related to the operation of a sidewalk café **WHETHER CAUSED BY THE NEGLIGENCE OF THE RELEASEES OR OTHERWISE.**

4. **HEREBY ASSUMES FULL RESPONSIBILITY FOR ANY RISK OF BODILY INJURY, DEATH OR PROPERTY DAMAGE** arising out of or related to the operation of a sidewalk café **WHETHER CAUSED BY THE NEGLIGENCE OF RELEASEES OR OTHERWISE.**

5. **HEREBY** agrees that this Release and Waiver of Liability, Assumption of Risk and Indemnity Agreement extends to all acts of negligence or otherwise and is intended to be as broad and inclusive as is permitted by the laws of the State of Wisconsin in which the activities are being conducted and that if any portion thereof is held to be invalid, it is agreed that the balance, notwithstanding, shall continue in full legal force and effect.

6. The **UNDERSIGNED** hereby certifies that I (we) have obtained and shall maintain insurance as respects the operations and activities of or on behalf of the named insured, in the operation of the sidewalk café. The **UNDERSIGNED** shall provide the City with a Certificate of Insurance acceptable to the City, relative to the sidewalk café, at a minimum of bodily injury/property damage, per occurrence of \$1,000,000, general aggregate limits of \$1,000,000, products/completed operations of \$1,000,000, personal and advertising injury limit of \$1,000,000, medical expense limit-any one person of \$5,000 and workers compensation in the statutory amounts, all subject to the approval of the City of Manitowoc.

I HAVE READ THIS RELEASE AND WAIVER OF LIABILITY, ASSUMPTION OF RISK, INDEMNIFICATION AGREEMENT AND REQUIREMENT FOR INSURANCE, AND FULLY UNDERSTAND ITS TERMS, UNDERSTAND THAT I HAVE GIVEN UP SUBSTANTIAL RIGHTS BY SIGNING IT AND HAVE SIGNED IT FREELY AND VOLUNTARILY WITHOUT ANY INDUCEMENT, ASSURANCE OR GUARANTEE BEING MADE TO ME AND INTEND BY MY SIGNATURE TO BE A COMPLETE AND UNCONDITIONAL RELEASE OF ALL LIABILITY TO THE GREATEST EXTENT ALLOWED BY LAW.

Dated this 5th day of June, 2019.

Ryan Morris
 Signature
Ryan Morris
 Print Name
Owner
 Title

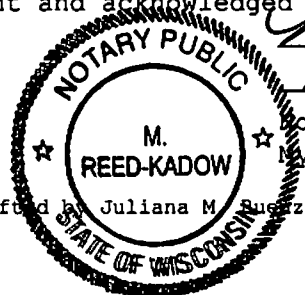
 Signature

 Print Name

 Title
Ryan's on York
712 York St
Manitowoc, WI
 Name and Address of Establishment
 with Sidewalk Café

STATE OF WISCONSIN)
) ss.
 MANITOWOC COUNTY)

Personally came before me, this 7 day of June, 2019, the above named Ryan Morris and _____ to known to be the person(s) who executed the foregoing instrument and acknowledged the same.



M. Reed-Kadow

 Notary Public Manitowoc County, Wisconsin.
 My commission expires 8/15/21

This instrument was drafted by Juliana M. Suesznel, Assistant City Attorney

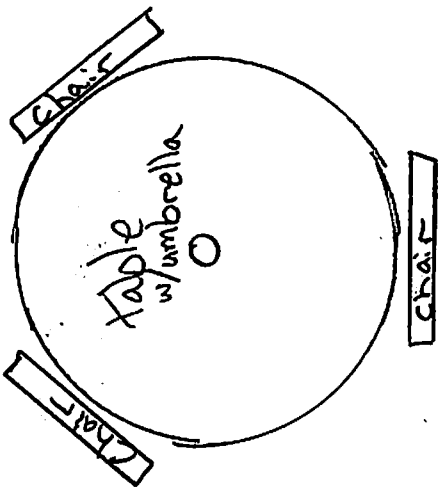
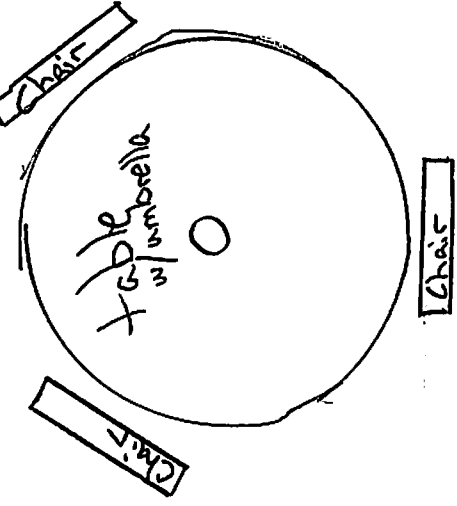
Entrance

Stairs

Window

Window

Sidewalk



Parking Stalls

Operating Plan

1. *Hours of Operation:* Tuesday-Saturday 11:00 AM to 1:00 AM
Sunday 11:00 AM to 10:00 PM
2. *Maintenance:* Cleaning crew clean sidewalk of cigarettes and any other debris every morning before we open at 11 AM
3. *Alcoholic Beverages:* Yes we plan to serve alcoholic beverages. The hours for that would be the same as the Hours of Operation
4. *Lighting:* We do not need additional lighting. It is well enough lit from the current flood lights that are attached to the building
5. *Sound:* There will be no speakers of any kind outside. No sound system



**MANITOWOC COUNTY
HEALTH DEPARTMENT**

License, Permit or Registration

The person, firm, or corporation whose name appears on this certificate has complied with the provisions of the Wisconsin statutes and is here by authorized to engage in the activity as indicated below.

ACTIVITY Restaurant - Moderate Complexity	EXPIRATION DATE 30-Jun-2020	I.D. NUMBER SBON-9WHK64
LICENSEE MAILING ADDRESS RYAN'S ON YORK LLC 712 YORK ST MANITOWOC WI 54220	NOT TRANSFERABLE	BUSINESS / ESTABLISHMENT ADDRESS RYAN'S ON YORK 712 YORK ST MANITOWOC WI 54220

All Permits expire on June 30th; it is the responsibility of the licensee to make sure all applicable fees are received by the department before July 1st or a late payment fee will be assessed.

If you do not receive a renewal form prior to June 30th from your licensing authority, you should send in your payment for renewing your permit to the following address:

**MANITOWOC COUNTY HEALTH DEPARTMENT
1028 S 9TH ST
MANITOWOC, WI 54220
(920)683-4155**

* Include the name of your facility and the ID number.



CITY OF MANITOWOC

Retailers' License

WHEREAS, the local governing body of the CITY OF MANITOWOC, County of Manitowoc, Wisconsin, has upon application duly made, pursuant to Sections 125.26 and 125.51 of the Statutes of the State of Wisconsin, and Local Ordinances, granted and authorized the issuance of the below listed license to:

RYANS ON YORK LLC
RYAN MORRIS, AGENT

AND WHEREAS, Pursuant to Sections 125.26 and 125.51 of the Wisconsin Statutes and local ordinances, the said applicant has paid to the treasurer all fees and has complied with all requirements necessary for obtaining the following license:

LIQUOR LICENSE:

License # TAV-1903 "CLASS B" for the sale of Fermented Malt Beverages and Intoxicating Liquors

Cost \$600

LICENSE IS HEREBY ISSUED to said applicant to sell, deal and traffic at retail, Fermented Malt Beverages and Intoxicating Liquors at the following described premises: MAIN FLOOR AND BASEMENT at 712 YORK ST.

FOR THE PERIOD from: 7/1/2019 to 6/30/2020

Given under my hand and the corporate seal of the City of Manitowoc this 4th day of June, 2019.

Deborah F. Neuser

CLERK

(SEAL)

This License must be FRAMED and POSTED in a conspicuous place in the room or place where Fermented Malt Beverages and Intoxicating Liquors are sold or served.

Mackenzie Reed-Kadow

From: Nick Reimer
Sent: Monday, June 10, 2019 11:50 AM
To: Nicholas Mueller; April Kroner; Mackenzie Reed-Kadow
Cc: Paul Braun; Justin Nickels; Kathleen McDaniel
Subject: RE: Sidewalk Cafe Permit Application - Ryan's on York

Follow Up Flag: Follow up
Flag Status: Flagged

OK.

Nick Reimer
Chief of Police



Manitowoc Police Department

910 Jay St. Manitowoc, WI 54220
Phone:(920) 686-6573
Fax: (920) 686-6588
nreimer@manitowoc.org



"We are committed to providing excellent police service and an unrelenting pursuit of justice, while maintaining order and securing a safe environment for everyone."

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From: Nicholas Mueller
Sent: Monday, June 10, 2019 7:50 AM
To: April Kroner; Nick Reimer; Mackenzie Reed-Kadow

Cc: Paul Braun; Justin Nickels; Kathleen McDaniel
Subject: RE: Sidewalk Cafe Permit Application - Ryan's on York

All,

Sometimes I try to take a 30,000 foot look at something and see if it looks any different....

1. We want to encourage sidewalk food and beverage service.
2. We don't want underage drinkers or people walking the streets with liquor.
3. We've got laws to govern walking the streets with liquor and underage drinking.
4. We have an ordinance that suggests a fence OR barrier to combat the above said on sidewalks.
5. City Planner approves barriers. (in this case, Harbormaster, one in the same, so the barrier / fence may have a nautical theme)

All kidding aside, any applicant comes to CD. We review. The ordinance does not say whether the barrier is physical or not. Why not a visual barrier? Satisfies intent of the ordinance, still enforceable. In a case like Petskull, it's a sidewalk café where maybe 7-10 people could sit outside – visual barrier. In case like the Wharf, there's potentially 100+ people – fence is the appropriate barrier. Either way, CD reviews.

Both stymieing progress and or ignoring an ordinance seem counterproductive. Commonsense middle ground?

Have a great day,
Nick (with two guns)

Nicholas J. Mueller LEED AP BD+C
Associate Planner
900 Quay Street, Manitowoc, WI 54220
(920) 686-6935 | nmueller@manitowoc.org



A handwritten signature in black ink, appearing to be 'N. Mueller', with a stylized flourish. Below the signature, the word 'MANITOWOC' is printed in a small, sans-serif font.

From: April Kroner
Sent: Friday, June 7, 2019 5:25 PM
To: Nick Reimer; Mackenzie Reed-Kadow
Cc: Paul Braun; Justin Nickels; Nicholas Mueller; Kathleen McDaniel
Subject: RE: Sidewalk Cafe Permit Application - Ryan's on York

Makes sense – so how does this get addressed with the outdoor seating at like Petskull and the wine bar, and wrap it up, where they also can serve alcohol? I don't think any of them have barriers? (not sure any have received sidewalk café permits?)

Looks like the City's sidewalk café ordinance FAQ online provides the following:
Can alcohol be served on a Sidewalk Café Permit? The City of Manitowoc allows alcoholic beverages to be served in outdoor cafés; provided, that the permittee complies with all the requirements for obtaining an alcoholic beverage license, and the sidewalk cafe is listed on the alcohol beverage license application as being an extension of the licensed premises. For more information on serving alcohol on a sidewalk café, contact the City Clerk at 920-686-6950. Hopefully all have listed the outdoor areas on the alcohol beverage licenses they have.

(2) Any person convicted of the violation of this section shall be required to forfeit not more than \$200.00 for each offense.

[Prior code § 14.312]

Nick Reimer
Chief of Police



Manitowoc Police Department

910 Jay St. Manitowoc, WI 54220
Phone: (920) 686-6573
Fax: (920) 686-6588
nreimer@manitowoc.org



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From: April Kroner
Sent: Friday, June 7, 2019 3:04 PM
To: Mackenzie Reed-Kadow; Nick Reimer
Cc: Paul Braun; Justin Nickels; Nicholas Mueller; Kathleen McDaniel
Subject: RE: Sidewalk Cafe Permit Application - Ryan's on York

I approve the sidewalk café permit that was requested.

As we discussed briefly (Mackenzie and I), I plan to reach out to the Mayor to ask if there is a possibility of allowing staff (Comm Dev & PD) approval of sidewalk café's (and amend the ordinance). Seems to be overkill to have this go to Finance and Council when our departments can look at the apps and technical items to ensure safety, pedestrian accessibility, etc.. Not sure what Finance and council would even be looking at? All it does is delays the process

Ordinance does say the following: (i) Sidewalk cafes where alcohol beverages are sold shall have fencing or barriers on at least three sides. The barriers shall define the area where the alcohol beverages may be served and consumed. The barriers shall be approved by the City Planner or designee as part of the application process;

So I will have Paul work on that part – sorry, I didn't see that one at the end of the ordinance! (here is link to the sidewalk café info). Can Paul or MacKenzie reach out to the applicant to let them know they need the barriers per the ordinance?

<https://www.manitowoc.org/DocumentCenter/View/1159/SideCafe-?bidId=>

Sorry – first time I'm dealing with the sidewalk café ordinance here.... Not sure how it's been dealt with previously when they want to serve alcohol and how they fence it (or if they do?). Don't mean for all to be getting all this stuff, lol, but would be interested in thoughts on sidewalk café's having to go to finance and council for approval?

April Kroner, AICP

Community Development Director
900 Quay Street, Manitowoc, WI 54220
(920) 686-6930 | akroner@manitowoc.org



MANITOWOC

From: Nick Reimer
Sent: Friday, June 7, 2019 4:31 PM
To: April Kroner; Mackenzie Reed-Kadow
Cc: Paul Braun; Justin Nickels; Nicholas Mueller; Kathleen McDaniel
Subject: RE: Sidewalk Cafe Permit Application - Ryan's on York

From what I can see there is no fence or barrier around this area where they plan to serve alcohol. I have a concern about how they will control underage drinking and also without a clear physical barrier how will people be able to understand where they can and cannot have open intoxicants? We have an ordinance about drinking outside of a tavern so we need to have a clear understanding of the area:

14.530 Possession or Consumption of Alcoholic Beverage in Front of Taverns – Penalty.

(1) No person shall consume alcoholic beverages or possess an open container of alcoholic beverage in front of a Class B liquor and beer tavern premises. In addition to cans and bottles, container shall include a cup, glass and all other vessels which contain any amount of alcoholic beverage. The expression in front of shall mean the immediate area in front of the tavern and the area in close proximity to the tavern. The purpose of this section is not to prohibit a resident from consuming an alcoholic beverage in front of their residence, but is to prevent patrons of a Class B liquor and beer tavern premises from carrying, possessing, and/or consuming alcoholic beverage outside of the tavern. This section does not apply to water or soft drinks but only to those drinks which contain alcoholic beverage or beer.

substantially and we want to encourage sidewalk café's in the downtown; we need to not make it such an ordeal to get approval if we want businesses to do these things.

Also – I don't believe anyone is really policing the sidewalk café's to ensure all have permits – seems most just do it and never get the permit? In this case, with Ryan's doing the right thing and following the process, they couldn't even get on the finance agenda until the first week in July and then Council the 3rd week in July, and would miss half the summer before they can put tables out.

Nick (with a gun) what are your thoughts on our two departments signing off – would you support that? I may be missing something with why it currently goes to finance an council.

Thanks!

April Kroner, AICP
Community Development Director
900 Quay Street, Manitowoc, WI 54220
(920) 686-6930 | akroner@manitowoc.org



From: Mackenzie Reed-Kadow
Sent: Friday, June 7, 2019 2:34 PM
To: April Kroner; Nick Reimer
Cc: Paul Braun
Subject: Sidewalk Cafe Permit Application - Ryan's on York

Good afternoon,

Ryan's on York applied for a Sidewalk Café Permit this afternoon. Current ordinance says that the City Planner and Chief of Police (or Chief of Police's designee) should review and provide a recommendation as to whether or not a permit should be granted, which is then sent to the Finance Committee, and ultimately to Council for approval.

Please let me know if you recommend granting this Sidewalk Café Permit, and I will route it to Council for final action.

Thank you,

Mackenzie Reed-Kadow
Deputy City Clerk
City of Manitowoc
900 Quay St, Manitowoc, WI 54220
P: 920-686-6952 F: 920-686-6959
mreedkadow@manitowoc.org

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