



CITY OF LIVINGSTON

220 E. Park St.
Livingston, MT 59047
406.823.6000
Email: ehutchinson@livingstonmontana.org

Public Way Use Permit Application Information

Fenced café seating areas in Livingston's Downtown Area are permitted with a Public Way Use Permit. These areas can be established in the public right-of-way (e.g., Alley, Sidewalk, Street) next to a business. If the area is to serve alcohol, the business must comply with Montana Alcoholic Beverage Control (ABC) Division requirements for defining the premises. Conditional approval of the Public Way Use Permit is subject to Montana ABC Division approval. For more details, contact the MT ABC Division at 406-444-6900

Once approved, **Public Way Use Permits are valid for 5 years**. The Permits are transferable if the business is sold by submitting a request to the City at the time of business license issuance to the new operator on the premises covered by the permit. Public way **uses covered under this Permit are only allowed from April 1 through October 31** each calendar year and the uses, and all associated improvements covered under the Public Way Use Permit, must be removed from the public way no later than November 1 of the same calendar year.

A Public Way Use Permit must be obtained by a business to allow its patrons to possess and consume alcohol on the adjacent public street, sidewalk or alley. Public Way Use Permits are issued by the Chief of Police pursuant to Livingston Municipal Code:

Section 26-35: It is unlawful for any person, including employees of any person, to unnecessarily obstruct any 'street or other public way by any means whatsoever, except for some necessary purpose and with a permit from the City Commission or the Chief of Police, and then only for such period of time as shall be designated in the permit.

Section 10-7.C: The City Manager may designate an area, adjacent to an existing business and upon a public street, sidewalk or alley, wherein the possession of open containers of alcohol is permitted.

Section 10-8.C: The City Manager may designate an area, adjacent to an existing business and upon a public street, sidewalk or alley, wherein the drinking of alcohol is permitted.

Submittal Requirements (all items must be submitted, or the application will be returned as incomplete):

- **Site Plan** depicting the size and location of all requested encroachments into the public way, as well as other existing obstructions or improvements (trash cans, street lights, signs, bike racks, etc.). This plan must show the square footage of the fenced café seating area, the fence design, and ingress and egress points. It must depict the width of the pedestrian zone to be preserved (minimum 5-foot width).
- **Certificate of Liability Insurance** naming the City of Livingston as 'Additional Insured'. The State of Montana must also be included on Liability Insurance for fenced café seating areas directly located on Main Street or Park Street. Insurance coverage must include \$1 million per occurrence with a \$2 million general aggregate. This insurance must include coverage for the fenced cafe seating area.
- Current City of Livingston **Business License**.
- Copy of a **Food Purveyor's License** or approval statement issued by the Park City-County Health Department.
- Copy of a **state-approved Alcohol Beverage License**. Once the Public Way Use permit is approved, but prior to constructing the fenced café seating area, an updated copy of the state-approved Alcohol Beverage License must be submitted to the City that includes the design of the approved fenced café seating area for that business.
- **Permit Fee**. Payment of the permit fee is required after the permit is approved but prior to construction of the fenced café seating area. The permit fee is listed on the City of Livingston Fee Schedule found on the City's website.

Livingston, Montana



CITY OF LIVINGSTON

220 E. Park St.
Livingston, MT 59047
406.823.6000
Email: ehutchinson@livingstonmontana.org

Public Way Use Permit Application

Property Owner / Permittee: _____

Phone Number: _____ Email Address: _____

Business Name: _____

Physical Address: _____

Mailing Address: _____

Brief Description of Requested Public Way Use: _____

Permit Application Review

- The applicant must upload a complete application packet to the City website; the City will pre-screen the application to ensure the all required documentation is included.
- Once the City has determined the submittal is complete, the City Clerk will review the application for conformance with the Submittal Requirements listed above. If corrections are required, the submittal will be returned to the applicant for revisions.
- Once the Chief of Police approves the application, the applicant will receive an invoice for the permit fee. A signed permit will be issued upon receipt of payment of the permit fee.

Permit Fee

- There is a \$100 flat fee for the permit.

Please allow **up to 2 weeks for City Staff review** once the Public Way Use Permit application packet is deemed complete. For more information, please contact the City Clerk at ehutchinson@livingstonmontana.org or 406-823-6000.

I hereby certify that the information included in this application is true and accurate.

Applicant Signature

Date

Owner's Signature (if different than Applicant)

Date