
ANNUAL ADDENDUM FOR A SIDEWALK CAFE

The Permit Applicant ("Applicant") agrees to the following terms and conditions for permit to operate a Sidewalk Cafe in a public right of way (the "Permit"), if issued by the City:

Indemnification. Applicant agrees to indemnify, defend, and hold the City harmless from any deaths, injuries, property damages, claims, demands, or suits by any person or entity arising out of, or in any way connected with, the Sidewalk Cafe to be operated by the Applicant under the Permit issued by the City. Applicant's duty to indemnify the City includes claims asserted by any party or entity based, in full or in part, on the design, construction, placement, condition, operation, repair, maintenance or use of the Sidewalk Cafe and any equipment related to it. Indemnification shall include all attorney fees and costs incurred by the City in connection with the defense of such matters.

Insurance. Applicant shall provide a certificate of general liability insurance in a form acceptable to the City and shall maintain general liability insurance coverage, in amounts established by City Council by resolution, at all times while the Permit is in effect. The Certificate shall list: "**The City and its officers, employees and agents are included as additional insureds**" and the **City of Holland as Certificate Holder**. The cancellation section of the Certificate shall state: "**Should any of the above described policies be canceled before the expiration date thereof, the Issuing Company will mail 30 days prior written notice to the named Certificate Holder.**"

Restoration of Right of Way. In the event that any portion of a public right of way is damaged or altered by the applicant in constructing, installing, operating, repairing, maintaining or using the Sidewalk Cafe, the applicant shall restore the right of way to its prior condition as soon as practicable.

Suspension, Revocation or Expiration. In the event that the Applicant fails to comply with any ordinance regulating the Sidewalk Cafe, any permit conditions or this Addendum, the Permit may be temporarily suspended or permanently revoked by the City upon notice mailed or delivered to the Applicant's address set forth in the application. During any suspension, after revocation or after expiration of the Permit, Applicant shall not maintain the Sidewalk Cafe in the public right of way.

No Assignment. The Permit is not assignable.

Additional Information. If tables, chairs or design have changed from plan that was originally approved and filed with Environmental Health, a new application form is required. Design Review Board approval is also required in C-3 Zone

Permit Applicant:

I do hereby affirm that the above information is correct to the best of my knowledge, and agree to the terms and conditions as stated above.

Print Name and Title

Date

Applicant Signature