



TOWN OF MURPHY SIDEWALK DINING APPLICATION, RULES AND REGULATIONS *

CONTACT INFORMATION	
Owner Name:	
Email:	Phone:
Applicant Name (if different from above):	
Email:	Phone:
RESTAURANT INFORMATION	
Restaurant Name:	
Physical Address:	
Mailing Address:	
Briefly describe the proposed placement of sidewalk dining tables and chairs:	
Sidewalk Dining Start Date:	Application Date:
SIDEWALK DINING REQUIREMENTS	
<p>Sidewalk dining at full capacity must meet the below criteria. Town staff will perform a site visit to confirm that the described placement is possible in the proposed space. Please check each box indicating your understanding and compliance with the following North Carolina State Building Code requirements:</p> <ul style="list-style-type: none"> <input type="checkbox"/> No furnishings shall be placed within 6 feet of any vehicle travel lane (not including parking spaces). <input type="checkbox"/> Sidewalk dining must permit a 5 feet width of clear passage, measured from any permanent or semi-permanent object, for pedestrians on sidewalks <input type="checkbox"/> Furnishings shall not obstruct exits, entrances, driveways, alleyways, hydrant, standpipes, ventilation areas, utility access, or ramps <input type="checkbox"/> Furnishings must be non-combustible and cannot be permanently installed <input type="checkbox"/> Furnishings must not obstruct egress from buildings <input type="checkbox"/> No furnishings or other objects may obstruct anything that requires periodic access (including, but not limited to, Murphy Power or Town of Murphy meters, cleanouts, grease traps, FDC and key boxes) 	

Name of Person Completing Application: _____

Address of Person Completing Application: _____

Relationship to Owner: _____

OTHER RULES

- This permit only applies to the serving of food and beverages on sidewalks only. Certain alleyways are also permitted.
- During large town events, the Town may temporarily suspend sidewalk dining permits to accommodate increased crowds and prevent property damage. Sidewalk dining furnishings **must** be removed during events where the street in front of the applying restaurant is closed unless otherwise indicated by the Town.
- Usable area for sidewalk dining is between the curb and building face occupied by the applicant's business. Use of the area in front of adjacent businesses requires concurrence of adjacent properties.
- For guidelines on outdoor heaters, contact the Town of Murphy Fire Department at 828-837-2212.

APPLICATION CHECKLIST

The following documentation is required to complete your application for a sidewalk dining permit:

- Completed Application with necessary documents.
- Pictures or sketch of the area where sidewalk dining is proposed.
- Evidence of general liability insurance policy, which names the Town as an additional insured, with minimum liability coverage of \$1,000,000 per occurrence.
- Letters of approval from adjacent property owners if proposed sidewalk dining furnishings extend beyond the area directly in front of the applicant's restaurant

CERTIFICATIONS

The undersigned property owner hereby authorizes this application for sidewalk dining.

Signature of owner:

Date:

The undersigned applicant hereby certifies that, to the best of his or her knowledge and belief, all information supplied with this application is true and accurate. The undersigned hereby certifies that he or she has read the Sidewalk Dining Requirements and Other Rules above and will ensure compliance.

Signature of applicant:

Date:

Submission:

Complete applications with documentation should be emailed to manager@townofmurphync.com. Town staff will review the application and send any requests for clarification to the indicated applicant. Applications can be mailed to PO Box 130, Murphy, NC 28906, or dropped off at city hall located at 5 Wofford Street, Murphy, NC 28906.

SIDEWALK DINING ACTIVITIES ORDINANCE

WHEREAS, the General Statutes of the State of North Carolina authorize and empower municipal corporations to regulate and control the use of sidewalks within the corporate limits; and

WHEREAS, it is the opinion of the Board of Commissioners of the Town of Murphy that sidewalk dining activities should be permitted and regulated.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF MURPHY, NORTH CAROLINA:

SECTION 1. PERMITTING AND REGULATING SIDEWALK DINING ACTIVITIES.

The Town of Murphy shall exercise its authority and power to permit and regulate sidewalk dining activities.

SECTION 2. CODIFICATION

A. The following shall be inserted and included in the Code of Murphy, North Carolina, in the index to Chapter 90: Streets and Sidewalks immediately before the heading "Use and Cleanliness":

SIDEWALK DINING ACTIVITIES

90.050 Definition

90.051 Sidewalk dining activities permit required

90.052 Requirements and conditions of sidewalk dining activities permit

90.053 Application

90.054 Refusal or revocation of permit

90.055 Assignment and transfer of permit

B. The following shall be inserted and included in the Code of Murphy, North Carolina, immediately following the end of Section 90.046:

SIDEWALK DINING ACTIVITIES

§90.050 DEFINITION.

When used in this chapter the following term shall have the following meaning unless a different meaning clearly appears from the context:

"Sidewalk dining activities" means serving food and beverages from a restaurant abutting State of North Carolina right-of-way to customers seated in the State of North Carolina right-of-way or serving food and beverages from a restaurant abutting Town of Murphy street or alley right-of-way to customers seated in the Town of Murphy street or alley right-of-way.

§90.051 SIDEWALK DINING ACTIVITIES PERMIT REQUIRED.

It shall be unlawful for any person or his or her agent or employee to engage in or carry on sidewalk dining activities within the corporate limits of the Town of Murphy without first having

secured a sidewalk dining activities permit as set forth in this chapter.

§90.052 REQUIREMENT AND CONDITIONS OF SIDEWALK DINING ACTIVITIES PERMIT.

In order to apply for, be issued, and maintain a sidewalk dining activities permit a restaurant operator shall comply with all of the following requirements and conditions:

(A) Tables, chairs, and other furnishings shall be placed a minimum of six feet from any travel lane.

(B) Tables, chairs, and other furnishings shall be placed in such a manner that at least five feet of unobstructed paved space of the sidewalk, measured from any permanent or semi-permanent object, remains clear for the passage of pedestrians and provides adequate passing space that complies with the Americans with Disabilities Act.

(C) Tables, chairs, and other furnishings shall not obstruct any driveway, alleyway, building entrance or exit, emergency entrance or exit, fire hydrant or standpipe, utility access, ventilations areas, or ramps necessary to meet accessibility requirements under the Americans with Disabilities Act.

(D) The maximum posted speed permitted on the roadway adjacent to the right-of-way to be used for sidewalk dining activities shall not be greater than 45 miles per hour.

(E) The restaurant operator of a restaurant abutting State of North Carolina right-of-way shall provide evidence of adequate liability insurance in an amount satisfactory to the local government, but in no event in an amount less than the amount specified by the local government under G.S. 160A-485 as the limit of the local government's waiver of immunity or the amount of Tort Claim liability specified in G.S. 143-299.2, whichever is greater. The insurance shall protect and name the North Carolina Department of Transportation and the Town of Murphy as additional insureds on any policies covering the business and the sidewalk dining activities.

(F) The restaurant operator of a restaurant abutting Town of Murphy street or alley right-of-way shall provide evidence of adequate liability insurance in an amount satisfactory to the local government, but in no event in an amount less than the amount specified by the local government under G.S. 160A-485 as the limit of the local government's waiver of immunity. The insurance shall protect and name the Town of Murphy as an additional insured on any

policies covering the business and the sidewalk dining activities.

(G) The restaurant operator of a restaurant abutting State of North Carolina right-of-way shall provide an agreement to indemnify and hold harmless the North Carolina Department of Transportation and the Town of Murphy from any claim resulting from the operation of sidewalk dining activities.

(H) The restaurant operator of a restaurant abutting Town of Murphy street or alley right-of-way shall provide an agreement to indemnify and hold harmless the Town of Murphy from any claim resulting from the operation of sidewalk dining activities.

(I) The restaurant operator shall provide a copy of all permits and licenses issued by the State of North Carolina, Cherokee County, or the Town of Murphy, including health and ABC permits, if any, necessary for the operation of the restaurant or business, or a copy of the application for the permit if no permit has been issued. This requirement includes any permits or certificates issued by Cherokee County or the Town of Murphy for exterior alterations or improvements to the restaurant.

(J) The restaurant operator shall cease part or all sidewalk dining activities in order to allow construction, maintenance, or repair of any street, sidewalk, alley, utility, or public building, by the North Carolina Department of Transportation, the Town of Murphy, its agents or employees, or by any other governmental entity or public utility.

(K) Any other requirements deemed necessary by the North Carolina Department of Transportation.

§90.053 APPLICATION

Every restaurant owner desiring to obtain a sidewalk dining activities permit pursuant to this chapter shall make application to the Town Manager for a sidewalk dining activities permit prior to beginning sidewalk dining activities. The application shall be submitted on a form provided by the Town Manager, and shall contain the following information:

(A) The name of the restaurant owner and whether the restaurant owner is an individual, a partnership, a corporation, or other legal entity;

(B) The physical address where the restaurant business is conducted and the mailing address for the restaurant business, if different;

(C) All telephone numbers applicable to the restaurant business;

(D) The start date on which the restaurant business will begin sidewalk dining activities in the Town of Murphy, along with the application date;

(E) The name and address of the person filling out the application and his or her relationship to the restaurant owner;

§90.054 REFUSAL OF REVOCATION OF PERMIT

The Town Manager shall refuse to issue a sidewalk dining activities permit or shall revoke a sidewalk dining activities permit for the following reasons:

(A) The applicant fails or refuses to provide all information required in the application.

(B) The applicant or permittee fails or refuses to comply with any of the requirements and conditions of the sidewalk dining activities permit as set forth in Section 90.052 of the Code of Murphy, North Carolina.

§90.055 ASSIGNMENT OR TRANSFER OF PERMIT

A sidewalk dining activities permit is not assignable or transferrable. If a restaurant business is sold the new restaurant owner must apply for a sidewalk dining activities permit in the name of the new restaurant owner.

SECTION 3. REPEAL OF CONFLICTING ORDINANCES. All ordinances and parts of ordinances inconsistent with the terms of this Ordinance are hereby repealed provided that such repeal shall be only to the extent of such inconsistency and in all respects this Ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this Ordinance.

SECTION 4. SEVERABILITY. If any section or provision, or part thereof, in this Ordinance shall be adjudged invalid or unconstitutional, such invalidity and unconstitutionality shall not affect the validity of this Ordinance as a whole or of any other section, provision, or part hereof.

SECTION 5. EXERCISE OF POLICE POWER. This entire Ordinance shall be deemed and construed to be an exercise of the police power of the Town of Murphy, State of North Carolina, for the preservation and protection of public health, public safety, and the general welfare and all of its provisions shall be liberally construed with a view to the effectuation of such purpose.

SECTION 6. EFFECTIVE DATE. This Ordinance shall become effective immediately upon adoption.

ADOPTED AND PASSED by unanimous vote of the Board of Commissioners of the Town of Murphy, North Carolina, at a regular meeting on the 1st day of June, 2020.

FIRST AMENDMENT TO ALCOHOLIC BEVERAGES ORDINANCE,
CHAPTER 112 OF THE CODE OF MURPHY, NORTH CAROLINA

WHEREAS the General Statutes of the State of North Carolina authorize and empower a municipality to regulate or prohibit the consumption of malt beverages and unfortified wine on the public streets in the municipality by persons who are not occupants of motor vehicles and on property owned, occupied, or controlled by the municipality; and

WHEREAS, the General Statutes of the State of North Carolina authorize and empower a municipality to regulate or prohibit the possession of open containers of malt beverages and unfortified wine on the public streets in the municipality by persons who are not occupants of motor vehicles and on property owned, occupied, or controlled by the municipality; and

WHEREAS, Section 112.01(A)(1) of the Code of Murphy, North Carolina, provides that it is unlawful for any person who is not an occupant of a motor vehicle to consume malt beverages and unfortified wine on any public street in the corporate limits of the Town of Murphy and on any property that is owned, occupied, or controlled by the Town of Murphy; and

WHEREAS, Section 112.01(A)(2) of the Code of Murphy, North Carolina, provides that it is unlawful for any person who is not an occupant of a motor vehicle to possess open containers of malt beverages and unfortified wine on a public street in the corporate limits of the Town of Murphy and on any property that is owned, occupied, or controlled by the Town of Murphy; and

WHEREAS, the Board of Commissioners of the Town of Murphy, North Carolina, adopted and passed the Sidewalk Dining Activities Ordinance, Section 90-050, 90-051, 90-052, 90-053, 90-054, and 90-055 of the Code of the Town of Murphy, North Carolina, authorizing the Town of Murphy to issue Sidewalk Dining Activities Permits to the owners of restaurants abutting the State of North Carolina right-of-way located with the zoning jurisdiction of the Town of Murphy and restaurants abutting Town of Murphy street or alley right-of-way for Sidewalk Dining Activities (serving food and beverages from the restaurant to customers seated in the State of North Carolina right-of-way and customers seated in the Town of Murphy street or alley right-of-way); and

WHEREAS, it is the opinion of the Board of Commissioners of the Town of Murphy, North Carolina, that the Alcoholic Beverages

Ordinance, Chapter 112 of the Code of Murphy, North Carolina, should be amended to permit the possession and consumption of malt beverages and unfortified wine on public sidewalks which malt beverages and unfortified wine are served by a restaurant having a valid Sidewalk Dining Activities Permit issued by the Town of Murphy and having the appropriate ABC on-premises permits issued by the North Carolina Alcoholic Beverage Control Commission, and which malt beverages and unfortified wine are consumed by a customer of the restaurant seated on the sidewalk.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF MURPHY, STATE OF NORTH CAROLINA:

SECTION 1. AMENDMENT. Chapter 112 of the Code of the Town of Murphy, North Carolina, be and the same hereby is amended by striking and deleting Chapter 112 in its entirety and inserting in lieu thereof the following:

CHAPTER 112: ALCOHOLIC BEVERAGES

Section

112.01 Possession and consumption of malt beverages and/or unfortified wine

112.99 Penalty

§ 112.01 POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE.

(A) Violations.

(1) Except as provided in Section 112.01(A)(4), it shall be unlawful and a violation of the provisions of this section for any person who is not an occupant of a motor vehicle to consume malt beverages or unfortified wine on any public street in the corporate limits of the Town of Murphy and on property that is owned, occupied, or controlled by the Town of Murphy, including all public sidewalks in the corporate limits of the Town of Murphy.

(2) Except as provided in Section 112.01(A)(4), it shall be unlawful and a violation of the provisions of this section for any person who is not an occupant of a motor vehicle to possess an open container of a malt beverage or unfortified wine on a public street in the corporate limits of the Town of Murphy or on any property that is owned, occupied, or controlled by the Town of Murphy including all public sidewalks in the corporate limits of the Town of Murphy.

(3) Except as provided in Section 112.01(A)(4), it shall be

unlawful and a violation of the provisions of this section for any person to possess a malt beverage or unfortified wine on any public street, alley, or parking lot within the corporate limits of the Town of Murphy which has been closed to regular traffic for special events unless the Mayor of the Town of Murphy has issued a Special Event Alcohol Permit authorizing the possession of malt beverages and unfortified wine on public streets, alleys, or parking lots which are temporarily closed to regular traffic for special events for the event, location, and time in question.

(4) (a) Consumption of malt beverages or unfortified wine by a customer seated on a sidewalk in the State of North Carolina right-of-way associated with components of the North Carolina State Highway System or a customer seated on a sidewalk in the Town of Murphy street or alley right-of-way served by a restaurant having a valid Sidewalk Dining Activities Permit issued by the Town of Murphy and having valid appropriate ABC on-premises permits issued by the North Carolina Alcoholic Beverage Control Commission and in compliance with Section 112.01(A) (4) (f) herein is hereby authorized and shall not constitute a violation of this chapter.

(b) Possession of an open container of a malt beverage or unfortified wine by a server employed by a restaurant serving food and beverages to customers seated on a sidewalk in the State of North Carolina right-of-way associated with components of the North Carolina State Highway System or customers seated on a sidewalk in the Town of Murphy street or alley right-of-way which restaurant has a valid Sidewalk Dining Activities Permit issued by the Town of Murphy and has appropriate valid ABC on-premises permits issued by the North Carolina Alcoholic Beverage Control Commission and in compliance with Section 112.01(A) (4) (e) herein is hereby authorized and shall not constitute a violation of this chapter.

(c) Possession of an open container of a malt beverage or unfortified wine by a customer of a restaurant seated on a sidewalk in the North Carolina State right-of-way associated with components of the North Carolina Highway System or a customer seated on a sidewalk in the Town of Murphy street or alley right-of-way which restaurant has a valid Sidewalk Dining Activities Permit issued by the Town of Murphy and has appropriate valid ABC on-premises permits issued by the North Carolina Alcoholic Beverage Control

Commission and in compliance with Section 112.01(A) (4) (f) herein is hereby authorized and shall not constitute a violation of this chapter.

(d) A restaurant which has a valid Sidewalk Dining Activities Permit issued by the Town of Murphy and has appropriate valid ABC on-premises permits issued by the North Carolina Alcoholic Beverage Control Commission shall not serve alcoholic beverages to a customer seated on a sidewalk in the State of North Carolina right-of-way associated with components of the North Carolina State Highway System or a customer seated on a sidewalk in the Town of Murphy street or alley right-of-way unless the customer has also ordered food.

(e) All alcoholic beverages served by a server employed by a restaurant serving food and beverages to customers seated on a sidewalk in the State of North Carolina right-of-way associated with components of the North Carolina State Highway System or a customer seated on a sidewalk in the Town of Murphy street or alley right-of-way which restaurant has a valid Sidewalk Dining Activities Permit issued by the Town of Murphy and has appropriate valid ABC on-premises permits issued by the North Carolina Alcoholic Beverage Control Commission shall only be served in an opaque green plastic cup or glass having a lid which cup or glass is a 16 fluid ounce or less container.

(f) All alcoholic beverages consumed by a customer seated on a sidewalk in the State of North Carolina right-of-way associated with components of the North Carolina State Highway System or a customer seated on a sidewalk in the Town of Murphy street or alley right-of-way served by a restaurant which has a valid Sidewalk Dining Activities Permit issued by the Town of Murphy and has appropriate valid ABC on-premises permits issued by the North Carolina Alcoholic Beverage Control Commission shall only be consumed from an opaque green plastic cup or glass having a lid which cup or glass is a 16 fluid ounce or less container.

(g) A restaurant which has a valid Sidewalk Dining Activities Permit issued by the Town of Murphy and has appropriate valid ABC on-premises permits issued by the North Carolina Alcoholic Beverage Control Commission shall not serve more than two servings of alcoholic beverages to a customer seated on a sidewalk in the State

of North Carolina right-of-way associated with components of the North Carolina State Highway System or a customer seated on a sidewalk in the Town of Murphy street or alley right-of-way.

(B) Definition. For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

OPEN CONTAINER. A container whose seal has been broken or a container other than the manufacturer's unopened original container.

(C) Enforcement. It shall be the duty of the Police Department of the Town of Murphy to enforce the provisions of this section.

(D) Exercise of police power. This entire section shall be deemed and construed to be an exercise of the police power of the Town of Murphy in the State of North Carolina for the preservation and protection of public safety, and all its provisions shall be liberally construed with a view to the effectuation of the purpose.
§ 112.99 PENALTY.

Any person who shall violate or fail to comply with the provisions of § 112.01, or who shall counsel, aid, or abet any such violation or failure to comply, shall be deemed guilty of a Class 3 misdemeanor and shall be punishable by a fine of not more than \$100.00 or imprisonment for not more than 20 days.

SECTION 2. REPEAL OF CONFLICTING ORDINANCES. All ordinances and parts of ordinances inconsistent with the terms of this Ordinance are hereby repealed provided that such repeal shall be only to the extent of such inconsistency and in all respects this Ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this Ordinance.

SECTION 3. SEVERABILITY. If any section or provision, or part thereof, in this Ordinance shall be adjudged invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity of this Ordinance as a whole or of any other section, provision, or part hereof.

SECTION 4. EFFECTIVE DATE. This Ordinance shall become effective immediately upon adoption.

ADOPTED AND PASSED by unanimous vote of the Board of Commissioners of the Town of Murphy, State of North Carolina, at a regular meeting on the 1st day of June, 2020.

Dear applicant:

Section 90.52(E) of the Sidewalk Dining Activities Ordinance requires the restaurant operator seeking a Sidewalk Dining Activities Permit to provide evidence of liability insurance in an amount not less than specified by the Town as the limit of the Town's waiver of immunity or the amount of the Tort Claim liability specified in North Carolina General Statutes Section 143-299.2 whichever is greater. At this time, the amount of Tort Claim liability specified in North Carolina General Statutes Section 143-299.2 is \$1,000,000.00.

Sections 90.052(G) and (H) require the restaurant operator applying for a Sidewalk Dining Activities Permit to provide an agreement to indemnify and hold harmless the North Carolina Department of Transportation and the Town of Murphy or just the Town of Murphy depending upon whether the restaurant abuts the State of North Carolina right-of-way or the Town of Murphy right-of-way.

Attached are copies of the Indemnification and Hold Harmless Agreements numbered in the upper right corner which we drafted, with a list of which Indemnification and Hold Harmless Agreement to use depending upon whether the restaurant abuts the State of North Carolina right-of-way or a Town of Murphy right-of-way and whether the restaurant owner is an individual, a corporation, or a limited liability company.

Sincerely,



Chad Simons
Town Manager

INDEMNIFICATION AND HOLD HARMLESS AGREEMENTS

1. North Carolina right-of-way - individual restaurant owner
2. North Carolina right-of-way - corporation restaurant owner
3. North Carolina right-of-way - LLC restaurant owner
4. Town right-of-way - individual restaurant owner
5. Town right-of-way - corporation restaurant owner
6. Town right-of-way - LLC restaurant owner

STATE OF NORTH CAROLINA

1

COUNTY OF CHEROKEE

INDEMNIFICATION AND HOLD HARMLESS AGREEMENT

In consideration of being issued a Sidewalk Dining Activities Permit by the Town of Murphy, _____ the operator of the restaurant located at _____, Murphy, North Carolina, agrees to defend, indemnify and hold harmless the North Carolina Department of Transportation its officers, directors, servants, employees, and agents and the Town of Murphy, the members of its Board of Commissioners, its Mayor, Town Manager, officers, servants, employees, and agents of and from any and all claims, demands, complaints, actions, causes of action, judgments, liability, fines, penalties, costs, and expense including attorney's fees, resulting from, arising out of, in connection with or in any way related to sidewalk dining activities at the restaurant.

IN WITNESS WHEREOF the restaurant operator has hereunto set his or her hand and seal, this the _____ day of _____, _____.

(SEAL)

STATE OF NORTH CAROLINA

COUNTY OF CHEROKEE

I, _____, a Notary Public for said County and State, do hereby certify that _____, being personally known to me, personally appeared before me this day, and acknowledged the voluntary due execution of the foregoing instrument by him/her/them for the purposes stated therein.

WITNESS my hand and official seal, this the _____ day of _____, _____.

Notary Public

(Notary Seal)

My commission expires:

STATE OF NORTH CAROLINA

2

COUNTY OF CHEROKEE

INDEMNIFICATION AND HOLD HARMLESS AGREEMENT

In consideration of being issued a Sidewalk Dining Activities Permit by the Town of Murphy, _____ the operator of the restaurant located at _____, Murphy, North Carolina, agrees to defend, indemnify and hold harmless the North Carolina Department of Transportation its officers, directors, servants, employees, and agents and the Town of Murphy, the members of its Board of Commissioners, its Mayor, Town Manager, officers, servants, employees, and agents of and from any and all claims, demands, complaints, actions, causes of action, judgments, liability, fines, penalties, costs, and expense including attorney's fees, resulting from, arising out of, in connection with or in any way related to sidewalk dining activities at the restaurant.

IN WITNESS WHEREOF the restaurant operator has caused this instrument to be signed in its corporate name by its President by authority of its Board of Directors, this the ____ day of _____, _____.

(Corporate name) (SEAL)

By: _____
President

STATE OF NORTH CAROLINA

COUNTY OF CHEROKEE

I, _____, a Notary Public of said state and county, do hereby certify that _____, being personally known to me personally appeared before me this day and acknowledged that (s)he is President of _____, a corporation, and that (s)he, as President, being authorized to do so, executed the foregoing on behalf of the corporation.

WITNESS my hand and official seal, this the ____ day of _____, _____.

Notary Public

(Notary Seal)

My commission expires:

STATE OF NORTH CAROLINA

3

COUNTY OF CHEROKEE

INDEMNIFICATION AND HOLD HARMLESS AGREEMENT

In consideration of being issued a Sidewalk Dining Activities Permit by the Town of Murphy, _____ the operator of the restaurant located at _____, Murphy, North Carolina, agrees to defend, indemnify and hold harmless the North Carolina Department of Transportation its officers, directors, servants, employees, and agents and the Town of Murphy, the members of its Board of Commissioners, its Mayor, Town Manager, officers, servants, employees, and agents of and from any and all claims, demands, complaints, actions, causes of action, judgments, liability, fines, penalties, costs, and expense including attorney's fees, resulting from, arising out of, in connection with or in any way related to sidewalk dining activities at the restaurant.

IN WITNESS WHEREOF the restaurant operator has caused this instrument to be signed in its corporate name by its President by authority of its Board of Directors, this the _____ day of _____, _____.

(Limited liability company) (SEAL)

By: _____
Member/Manager

STATE OF NORTH CAROLINA

COUNTY OF CHEROKEE

I, _____, a Notary Public of said state and county, do hereby certify that _____, being personally known to me personally appeared before me this day and acknowledged that (s)he is Member/Manager of _____, a limited liability company, and that (s)he, as Member/Manager, being authorized to do so, executed the foregoing on behalf of the limited liability company.

WITNESS my hand and official seal, this the _____ day of _____, _____.

Notary Public

(Notary Seal)

My commission expires:



STATE OF NORTH CAROLINA

4

COUNTY OF CHEROKEE

INDEMNIFICATION AND HOLD HARMLESS AGREEMENT

In consideration of being issued a Sidewalk Dining Activities Permit by the Town of Murphy, _____ the operator of the restaurant located at _____, Murphy, North Carolina, agrees to defend, indemnify and hold harmless the Town of Murphy, the members of its Board of Commissioners, its Mayor, Town Manager, officers, servants, employees, and agents of and from any and all claims, demands, complaints, actions, causes of action, judgments, liability, fines, penalties, costs, and expense including attorney's fees, resulting from, arising out of, in connection with or in any way related to sidewalk dining activities at the restaurant.

IN WITNESS WHEREOF the restaurant operator has hereunto set his or her hand and seal, this the ____ day of _____, _____.

_____(SEAL)

STATE OF NORTH CAROLINA

COUNTY OF CHEROKEE

I, _____, a Notary Public for said County and State, do hereby certify that _____, being personally known to me, personally appeared before me this day, and acknowledged the voluntary due execution of the foregoing instrument by him/her/them for the purposes stated therein.

WITNESS my hand and official seal, this the ____ day of _____, _____.

Notary Public

(Notary Seal)

My commission expires:

STATE OF NORTH CAROLINA

5

COUNTY OF CHEROKEE

INDEMNIFICATION AND HOLD HARMLESS AGREEMENT

In consideration of being issued a Sidewalk Dining Activities Permit by the Town of Murphy, _____ the operator of the restaurant located at _____, Murphy, North Carolina, agrees to defend, indemnify and hold harmless the Town of Murphy, the members of its Board of Commissioners, its Mayor, Town Manager, officers, servants, employees, and agents of and from any and all claims, demands, complaints, actions, causes of action, judgments, liability, fines, penalties, costs, and expense including attorney's fees, resulting from, arising out of, in connection with or in any way related to sidewalk dining activities at the restaurant.

IN WITNESS WHEREOF the restaurant operator has caused this instrument to be signed in its corporate name by its President by authority of its Board of Directors, this the ____ day of _____, _____.

(Corporate name) (SEAL)

By: _____
President

STATE OF NORTH CAROLINA

COUNTY OF CHEROKEE

I, _____, a Notary Public of said state and county, do hereby certify that _____, being personally known to me personally appeared before me this day and acknowledged that (s)he is President of _____, a corporation, and that (s)he, as President, being authorized to do so, executed the foregoing on behalf of the corporation.

WITNESS my hand and official seal, this the ____ day of _____, _____.

Notary Public

(Notary Seal)

My commission expires:

STATE OF NORTH CAROLINA

6

COUNTY OF CHEROKEE

INDEMNIFICATION AND HOLD HARMLESS AGREEMENT

In consideration of being issued a Sidewalk Dining Activities Permit by the Town of Murphy, _____ the operator of the restaurant located at _____, Murphy, North Carolina, agrees to defend, indemnify and hold harmless the Town of Murphy, the members of its Board of Commissioners, its Mayor, Town Manager, officers, servants, employees, and agents of and from any and all claims, demands, complaints, actions, causes of action, judgments, liability, fines, penalties, costs, and expense including attorney's fees, resulting from, arising out of, in connection with or in any way related to sidewalk dining activities at the restaurant.

IN WITNESS WHEREOF the restaurant operator has caused this instrument to be signed in its corporate name by its President by authority of its Board of Directors, this the ____ day of _____, _____.

(Limited liability company) (SEAL)

By: _____
Member/Manager

STATE OF NORTH CAROLINA

COUNTY OF CHEROKEE

I, _____, a Notary Public of said state and county, do hereby certify that _____, being personally known to me personally appeared before me this day and acknowledged that (s)he is Member/Manager of _____, a limited liability company, and that (s)he, as Member/Manager, being authorized to do so, executed the foregoing on behalf of the limited liability company.

WITNESS my hand and official seal, this the ____ day of _____, _____.

Notary Public

(Notary Seal)

My commission expires:
