



**CITY OF WORCESTER**  
Department of Public Works and Parks  
20 East Worcester Street  
Worcester, MA 01604  
Phone: (508) 799-1450  
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## **APPLICATION FOR PERMIT: OUTDOOR DINING ON PUBLIC SIDEWALK**

### **Part 1: GENERAL INFORMATION**

**Name of Business:** \_\_\_\_\_

**Street address of business:** \_\_\_\_\_

**Name of business owner:** \_\_\_\_\_

**E-Mail of business owner:** \_\_\_\_\_

**Business phone:** \_\_\_\_\_

**Home or cell phone:** \_\_\_\_\_

**Fax number:** \_\_\_\_\_

#### Application Requirements

1. A Sketch or diagram depicting the proposed outdoor dining area including the proposed number and location of tables, chairs and other equipment, pedestrian access points to the dining area, and how the dining area will be separated from rest of sidewalk. Include all physical features in the immediate vicinity including driveways, wheelchair ramps, fire hydrants, trees, poles, etc. Label the name of street, width of sidewalk, length and width of sidewalk being utilized for outdoor dining, and demonstrate compliance with all applicable setbacks.
2. A Certificate of Insurance indicating \$2,000,000 in liability and naming City of Worcester as certificate holder.
3. A signed Indemnity Agreement acceptable to the City of Worcester.
4. Any other information that the Department of Public Works and Parks, at its discretion, deems necessary and is reasonably related to the consideration of a particular outdoor dining location.

Applicant Acknowledgement

This sidewalk obstruction permit allows only the placement of obstructions on the sidewalk in the permitted area as set forth herein and **does not** authorize the permit holder to serve food or beverages or allow the consumption of such within the permitted area. This sidewalk obstruction permit shall be in effect from the date of issuance through March 30 of the following year and must be renewed on an annual basis.

Permit holders wanting to serve or allow the consumption of food or beverages within the permitted area must obtain prior approval from the City of Worcester License Commission. Applicants for the License Commission can be obtained at Room 404 of Worcester City Hall, 455 Main Street, Worcester, MA or at [www.worcesterma.gov](http://www.worcesterma.gov) .

All obstruction permits to use a public sidewalk for outdoor dining are subject to the standard conditions and setback requirements found in the Department of Public Works & Parks regulations pertaining to **Outdoor Dining on Public Sidewalks as revised.**

I have read, and agree to abide by, the Department of Public Works & Parks attached regulations.

Print Name: \_\_\_\_\_

Print Title: \_\_\_\_\_

Signature of applicant  
(business owner): \_\_\_\_\_

Date: \_\_\_\_\_

# Department of Public Works & Parks

## Outdoor Dining on Public Sidewalks Permit

### Rules & Regulations

#### Purpose and Authority

These rules and regulations are promulgated by the Commissioner of Public Works and Parks (per General Revised Ordinances) for the purpose of establishing uniform procedures and rules to govern the issuance of permits to establishments that seek to provide outdoor dining on a public sidewalk.

#### Adoption and Amendment

These rules and regulations may be adopted and from time to time amended by Commissioner of Public Works and Parks, provided that the License Commission is notified, in writing, at least fourteen (14) days prior to it becoming effective.

#### Effective Date

These rules and regulations were finally approved and adopted by the Department of Public Works & Parks on June 14, 2012, and shall be effective June 15, 2012.

#### Required Approvals

Outdoor dining on a public sidewalk is not allowed without the prior written approval of both the Department of Public Works and Parks, and the License Commission.

1. Prior to applying to the License Commission for permission to engage in outdoor dining on a public sidewalk, applicants must obtain a permit from the Department of Public Works and Parks authorizing use/obstruction of the public sidewalk at the desired location. This sidewalk obstruction permit shall be in effect from the date of issuance through March 30 of the following year and must be renewed on an annual basis.
2. After receipt of the use/obstruction permit, a new applicant for a common victualler's and/or an on-premises alcoholic beverages license must obtain a license that includes approval for the outdoor dining on the public sidewalk. An existing license holder wishing to add outdoor dining on a public sidewalk shall file an Alteration of Premises request with the License Commission.
3. These rules and regulations apply to any existing licensed establishment, without re-application, that is currently authorized to conduct outdoor dining on a public sidewalk, provided the licensee is in good standing.

### Application Requirements

1. A Sketch or diagram depicting the proposed outdoor dining area including the proposed number and location of tables, chairs and other equipment, pedestrian access points to the dining area, and how the dining area will be separated from rest of sidewalk. Include all physical features in the immediate vicinity including driveways, wheelchair ramps, fire hydrants, trees, poles, etc. Label the name of street, width of sidewalk, length and width of sidewalk being utilized for outdoor dining, and demonstrate compliance with all applicable setbacks.
2. A Certificate of Insurance indicating \$2,000,000 in liability and naming City of Worcester as certificate holder.
3. An Indemnity Agreement acceptable to the City of Worcester must be signed.
4. Any other information that the Department of Public Works and Parks, at its discretion, deems necessary and is reasonably related to the consideration of a particular outdoor dining location.

### Setbacks Requirements

Outdoor dining areas shall be setback:

- Five (5) feet from a crosswalk, handicap ramp, driveway or intersection.
- Five (5) feet from the side of the curb closest to the street.

### Standard Conditions

All permits for outdoor dining are subject to the following standard conditions:

- A liability insurance policy naming the City an additional insured must be obtained and valid throughout the period of the license.
- Permitted area must be contiguous to the licensed premises and maintained.
- A 5 foot aisle along sidewalk outside of permitted area must be maintained. The 5 foot aisle must be a clear path that does not include any obstructions such as light poles, fire hydrants, sign posts, bollards, etc.”
- Permits shall be in effect from the date of issuance through March 30 of the following year and must be renewed on an annual basis.
- For the period from November 16th through the following March 30th all chairs, fencing, tables, umbrellas and other equipment shall be *removed* from the public sidewalk and secured at or before 12:00 a.m. each day and during inclement weather.
- For the period from April 1st through the following November 15th all chairs, fencing, tables, umbrellas and other equipment shall be secured at or before 12:00 a.m. each day and during inclement weather.
- The sidewalk shall be completely free of snow and ice along the entire frontage of the building within which the establishment is located.

### Compliance

All outdoor dining licenses are subject to immediate revocation by the Commissioner of Public Works & Parks, for failure to comply with the conditions of the license, or any violation of rules and regulations of the City or State which may apply.

## **INDEMNIFICATION**

### **Indemnity Provision**

The \_\_\_\_\_, with a principal place of business located at \_\_\_\_\_; (hereinafter "Licensee") agrees to indemnify and hold harmless the City and its officers, agents and employees from and against all suits, actions or claims, civil or criminal, of any character brought because of any injury or damage received or sustained by any person, persons or property arising out of, or resulting from the existence of any obstruction, or arising out of, or resulting from any asserted negligent or intentional act, error or omission of Licensee or its agents, servants or employees, occurring in the performance of this Agreement. The indemnification required hereunder shall not be limited by reason of the specifications of any particular insurance coverage under this Agreement.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_