



Office Use Only

Date Rec'd: _____

Fee: **\$50.00** Paid: _____

Permit# _____

Map: _____ Lot: _____

City of Somersworth

Chapter 12.8 Outdoor Dining Application

Pursuant to City Ordinance Chapter 12, Streets and Sidewalks, Section 8: Outdoor dining, business owners shall obtain a permit to encumber City-owned public rights of way (sidewalks or street side parking space(s) or any other City-owned parking areas) for service and consumption of food or drink prepared on premises. This permit shall be valid for a time period between April 15-November 1 weather permitting and shall be applied for annually to encumber City-owned public rights of way.

1. **Property Owner:** _____
Mailing Address: _____
Phone Number: _____ **Email:** _____
2. **Applicant** (if different than owner): _____
Mailing Address: _____
Phone Number: _____ **Email:** _____
3. **Business Physical Address:** _____
4. **Dining Location** (check all that apply): ☐ Sidewalk
☐ Street Side Parking Space(s) (Requires SRTC Review/Approval)
☐ Other City-Owned property: _____
5. **Total Area of Outdoor Seating** (SF of sidewalk, # of parking spaces, etc.) _____
6. **Please provide a sketch (to scale) with the proposed location, dimensions, aisle widths, and all furniture (including umbrella) of the layout for the Outdoor Seating area.** ☐
7. **Total number of Tables:** _____
8. **Number of Seats:** _____
9. **Hours of Operation:** _____

Please read the applicable section that which you are applying for and sign the application, property owner signature is required.

Chapter 12.8.A: Sidewalk Dining

Chapter 12.8.B: On Street Dining (Please note, On Street Parking requests must comply with both 12.8.A and 12.8.B)

City Ordinance: Chapter 12.8.A Sidewalk Dining

A) Sidewalk Dining

PERMIT REQUIRED: A business owner shall obtain a permit to encumber the sidewalk from the Director of Public Works, or their designee, to operate an outdoor seating area on a sidewalk, for service and consumption of food or drink prepared on premises.:

FEE: Each permit requires a non-refundable fee of \$50 payable to the City of Somersworth at the time of application.

1) The permit Applicant shall:

- a. Provide a Certificate of Insurance naming the City of Somersworth as additional insured. The terms of the Certificate of Insurance shall be in a form and amount acceptable by the City.
- b. Agree to indemnify and hold harmless the City of Somersworth, New Hampshire from all claims for damage or injury whatsoever, that may arise from the encumbrance, obstruction, occupation, or use of the aforesaid sidewalk.

2) The building in which the licensed business operates must share a common boundary with a sidewalk. Sidewalk encumbrances shall allow a minimum four (4) foot-wide unobstructed pedestrian corridor at all times, and at least five (5) feet wide when located along a street corner. Wider pedestrian corridors or increased clearances may be required where warranted by pedestrian traffic or other circumstances, at the discretion of the Director of Public Works and Utilities, or their designee.

3) Egress from the building must be maintained free of obstruction per the Building Code, NFPA 101 Life Safety Code, and any other applicable Local, State, or Federal Regulations, as amended.

4) Permits may only allow encumbrances between April 15 to November 1, and as weather conditions allow.

5) The encumbered area must not block access to public street furniture, trash receptacles, street signage, fire hydrants, or other public structures or infrastructure.

6) The encumbered area and any furniture or feature within the area must be kept in a clean, safe, and sanitary condition, and all trash shall be properly disposed.

7) Planters or pots may be used to assist in defining a dining area, however these are not required.

8) Lighting must not cause glare to pedestrians or vehicular traffic and must not be affixed to City trees or other City structures or infrastructure.

9) Table umbrellas without logos are allowed, however these must not extend beyond the permitted Area, and must be anchored properly.

10) No advertising signs of any kind shall be allowed in the permitted Area unless duly licensed in compliance with all City regulations.

11) All outdoor dining areas where alcohol service is provided shall comply with the following requirements:

- Outdoor dining establishments shall agree at all times to comply with all laws, rules and regulations of the New Hampshire State Liquor Commission and all other Local, State and Federal regulations.
- Be separated from the public pedestrian space on the adjacent municipal sidewalk by an enclosure system that is safe.

The enclosure system, tables, chairs, and other features shall be movable/non-permanent, and shall not damage the underlying sidewalk or other City infrastructure or structures in any way.

Permits issued under this section may be revoked at any time by the City for failure to comply with the approved permit, or to deal with emergencies, maintenance of infrastructure, public safety, or any other reason determined to be in the best interest of the City.

City Ordinance: Chapter 12.8.B On Street Dining

PERMIT REQUIRED: A business owner shall obtain a permit from the Director of Public Works to encumber and utilize street side parking space(s) or any other City-owned parking areas for service and consumption of food or drink prepared on premises.

FEE: Each permit requires a non-refundable fee of \$50 payable to the City of Somersworth at the time of application.

1) Applications for On-Street Dining shall be reviewed and approved by the Somersworth Technical Review Committee (SRTC).

2) All On-Street dining must use jersey barriers as a safety precaution.

3) Public on-street parking space(s) encumbrances must provide an accessible path of travel to the area from abutting sidewalks. Such expansions must occupy the area directly in front of the proposed business and may request to expand to be in front of the adjacent properties with abutting property owner and/or business permission.

4) **All other regulations contained in Section 12.8A Sidewalk Dining** shall apply to this section. Permits issued under this section may be revoked at any time by the City for failure to comply with the approved permit, or to deal with emergencies, maintenance of infrastructure, public safety, or any other reason determined to be in the best interest of the City.

Applications shall be compliant with the City of Somersworth, City Ordinance, Chapter 12 Streets and Sidewalks. The undersigned attests that the supplied information is accurate and complete.

Signature of person completing the form: _____ Date: _____

Print Name & Affiliation: _____

Signature of Property Owner (if different): _____ Date: _____

OFFICE USE ONLY

APPROVED: _____ **Conditions:** _____

DENIED: _____ **REASON FOR DENIAL:** _____

Public Works Director: _____ **Date:** _____