

# Worcester License Commission

## Outdoor Dining

### Rules & Regulations

#### Purpose and Authority

These rules and regulations are promulgated by the License Commission for the purpose of establishing uniform procedures and rules to govern the conduct of licensed establishments who seek to provide outdoor dining, consisting of the sale and consumption of food and beverages, including alcohol, on a public sidewalk.

#### Adoption and Amendment

These rules and regulations may be adopted and from time to time amended by majority vote, provided such adoption or amendment is submitted in writing at a meeting of the License Commission. If the matter proposed for adoption or amendment receives a positive vote, then such matter shall be placed on the agenda of the next meeting of the License Commission for a hearing. After the hearing, the License Commission may vote final approval, which vote shall be by roll call.

#### Effective Date

These rules and regulations were finally approved and adopted in public meeting by the License Commission 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 the License Commission.

- a. 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.
- b. 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.
- c. 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 Process

The applicant shall apply for approval to engage in outdoor dining on a public sidewalk on an official form, as approved by the License Commission, which shall be furnished by the Planning & Regulatory Services Division, and shall, at a minimum, include the following information

- a. All documentation that was submitted to the Department of Public Works and Parks relative to the use/obstruction permit, including but not limited to, the schematic diagram depicting the proposed area for outdoor dining and showing the proposed locations of tables, chairs, fences, other equipment and all other physical features in the area.
- b. A description of the safety measures to be employed for containment of the area.
- c. Any other information that the License Commission, at its discretion, deems necessary and is reasonably related to the consideration of a particular outdoor dining location.

### Standard Conditions

The following conditions shall apply to all outdoor dining areas

- a. The establishment shall provide both food and beverage service when outdoor dining is in use.
- b. Food shall not be prepared in the outdoor dining area.
- c. The permitted establishment shall maintain the outdoor seating area in a neat and orderly manner, in accordance with the requirements of its obstruction permit and these rules and regulations.
- d. No advertising shall be placed on furniture or fixtures.
- e. No furniture or fixtures shall overhang or extend onto the curb.
- f. A minimum clear area of at least five (5) feet in width shall be maintained between the outer boundary of the permitted outdoor dining area and the sidewalk curbing.
- g. For the period from November 15 through the following April 1<sup>st</sup> 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.
- h. For the period from April 2<sup>nd</sup> through the following November 14<sup>th</sup> all chairs, fencing, tables, umbrellas and other equipment shall be secured at or before 12:00 a.m. each day and during inclement weather.
- i. The sidewalk shall be completely free of snow and ice along the entire frontage of the building within which the establishment is located.

j. All food and beverage sales and service in outdoor dining areas shall cease at 11:30 p.m. each day.

k. Outdoor dining areas shall be cleared of all chairs, fencing, tables, umbrellas and any other equipment and shall be secured at or before 12:00 a.m. each day.

l. An Indemnity Agreement acceptable to the City of Worcester must be signed.

m. A liability insurance policy naming the City an additional insured must be obtained and valid throughout the period of the license.

n. Any other condition the License Commission, at its discretion, deems appropriate and is reasonably related to an outdoor dining area.

### Compliance

All outdoor dining licenses are subject to immediate revocation by the License Commission, 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.