



City of Westbrook, Maine

OFFICE OF THE CITY CLERK

City Clerk's Office
2 York Street
Westbrook, Maine 04092

Phone: 207-591-8131
Fax: 207-854-0635
Email: clerk@westbrook.me.us

OUTDOOR DINING PERMIT APPLICATION

An Outdoor Dining Permit is required when providing outdoor dining on any public property. An applicant for an Outdoor Dining Permit must have a valid Business License prior to and during operation. Outdoor Dining Permits are valid for a period of up to one year, consistent with the term of the Business License. Outdoor dining is permitted year-round on public property, except during the Winter Parking Ban. In any event, furniture may not be fixed in place and must be removed in severe weather to allow for maintenance of public way.

PERMIT FEE SCHEDULE

Outdoor Dining Permit (Public Property): \$50 base fee **plus** \$2/square foot of dining area and

APPLICATION CHECKLIST

Please submit all of the information outlined in the following checklist. Failure to do so will result in the automatic denial of your permit. New applications and renewals are reviewed on an annual basis and should be submitted with Business License application.

- **Outdoor Dining Permit Application**
- **The annual fee.** Checks may be made payable to "City of Westbrook."
- **A plot plan that shows the following:**
 - A drawing of the lot, where the building sits on the lot along with the lot and building dimensions;
 - A depiction of the property lines and the dimensional setback, if any, from the sidewalk to the building;
 - The location of the street, and if it is a corner lot, the intersecting streets;
 - The sidewalk along with its width and curbing location and any fixed objects such as street signs, benches, esplanades, light poles and trash cans;
 - If the outdoor dining is proposed on public property that is not a sidewalk then the public property must be clearly defined, including dimensions and any fixed objects, such as signs, light poles, trees, planters and trash cans;
 - The location of the table and chair placement, any other components proposed for the outdoor dining activity, and the dimensions of area to be used;
 - If alcohol is to be served, a drawing and description of the barrier segregating the alcohol consumption area from the rest of the public (per State law); and
 - There must be a minimum of four (4) feet of open sidewalk from the outer boundary of the seating area to the curb, and a minimum of five (5) feet on corners, and egress from the building must be maintained free of obstruction per the building code and life safety code.
- **Proof of public liability insurance coverage.** The permit holder is required to hold public liability insurance coverage in an amount of not less than four hundred thousand dollars (\$400,000) combined single limit for bodily injury, death and property damage, naming the City as an additional insured thereon.

OUTDOOR DINING PERMIT APPLICATION

1	Business Name: _____ Physical Address: _____ Primary Contact Name: _____ Primary Contact Phone: _____ Primary Contact Email: _____
2	What type of application is this? <input type="checkbox"/> New Application for Outdoor Dining <input type="checkbox"/> Renewal Application for Outdoor Dining If Renewal , describe any changes from the previous permit application (if any): _____ _____
3	Do you intend to serve alcohol in the outdoor area? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes , select one of the following options: <input type="checkbox"/> My existing liquor license does extend to the outdoor dining area <input type="checkbox"/> My existing liquor license does not extend to the outdoor dining area (see below) If your existing liquor license does not extend to the outdoor dining area, you must request an extension of your existing license privileges to include this space. A letter requesting an extension of your existing liquor license privileges to include the outdoor dining area must be submitted to the City Clerk's Office. The request will be submitted to City Council for approval. Upon receipt of approval from City Council, the request must be forwarded to the State Bureau of Alcoholic Beverages Division of Liquor Licensing & Enforcement at 8 State House Station, Augusta, ME 04333-0008.
4	Calculate the annual fee: Total Square Feet (SF), for reference: _____ \$2/SF per SF: \$ _____ \$50 base fee: + \$50 TOTAL FEE OWED = \$ _____

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

- The tables and chairs must be placed within the licensed area in such a manner as to allow the free and safe passage of pedestrian traffic. If the tables and chairs are moved and located outside of the licensed area, they must be relocated to within the licensed area. Failure to contain the tables and chairs to the licensed area may result in a reduced licensed area or a revocation of the license.
- The outdoor dining area may be heated by a portable appliance and may include an awning for overhangs but the area may not be enclosed and the activity, including overhangs, may not extend beyond the licensed area.
- The license holder is responsible for keeping the outdoor seating area clean. The sidewalk area where the tables and chairs are located must be kept neat and free from liter and debris.
- No food shall be prepared outside.
- If alcohol is to be served, the license holder must hold the appropriate license. Additionally, State law requires that any outdoor seating area serving alcohol be segregated from the rest of the public.
- The hours of operation of the outdoor dining activity shall not extend beyond those of the primary indoor restaurant and, where the use abuts a residential zone, shall be limited to between 9:00am and to 11:00pm, unless otherwise approved by the City Council.

Failure to comply with any of the above conditions will result in revocation or non-renewal of the permit.

I/We fully understand that the City of Westbrook, its agents, officers and employees accept no responsibility and will not be liable for any injury, harm or damage to my/our person or property arising out of the establishment's occupancy of the sidewalk. To the fullest extent permitted by law, I/We do hereby agree to assume all risk of injury, harm or damage to my/our person or property (including but not limited to all risk of injury, harm or damage to my/our property cause by the negligence of the City of Westbrook, its agents, officers or employees) arising out of the establishment's occupancy of the sidewalk. I/We hereby agree, to the fullest extent permitted by law, to defend, indemnify and hold harmless the City of Westbrook, its agents, officers and employees, from and against all claims, damages, losses and expenses, just or unjust, including, but not limited to costs of defense and attorney's fees, arising out of the establishment's occupancy of the sidewalk or park space, provided that any such claims, damage, loss or expense (1) is attributable to bodily injury, sickness, disease, or death, or to injury to or destruction of tangible property including the loss of use there from, and (2) is caused in whole or in part by any negligent act or omission of the establishment, anyone directly or indirectly employed by it, or anyone for whose act it may be liable. I/We understand that the City of Westbrook, its agents, officers and employees accept no responsibility and will not be liable for any injury, harm or damage to the license holder's person or property arising out of the establishment's occupancy of the public way. The City will not be responsible for damage to any tables, chairs or other property that is not properly removed when the City is engaged in the maintenance of the public way. I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Code Officials authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

Signature: _____

Date: _____

Printed Name: _____