

THIS SECTION TO BE COMPLETED BY TOWN STAFF

Site Plan provided: _____

Certificate of Liquor License included (if applicable): _____

Inspection by Fire, Police, & Public Works conducted: _____

Certificate of Insurance provided: _____

Permit Conditions or Remarks: _____

Town Department Reviews of Outdoor Dining Application:

	Approve	Date	Disapprove	Date
Police	_____	_____	_____	_____
Fire	_____	_____	_____	_____
DPW	_____	_____	_____	_____

Town of Middlebury
Outdoor Dining Permit Application
General Conditions

1. The permit shall be obtained and renewed on an annual basis, running with the calendar year, unless a permanent agreement is in place for use of the Town right-of-way. Permit application must be submitted to the Office of the Town Manager on the prescribed form.
2. All permits will be reviewed and approved by the Police Chief, Fire Chief, and the Director of Public Works-Operations.
3. The Town reserves the right to seasonally restrict the annual permit to the first Sunday in April through the 3rd Saturday in November. If so restricted, all objects placed in the right of way under this permit shall be and stored elsewhere during that restricted time period so as to not interfere with winter maintenance efforts.
4. Site plan (exact table and seat placement may vary) must be provided. The site plan must indicate planned placement of tables and chairs in relation to: nearby buildings/structures, vehicle parking, vehicle travel lanes, and sidewalks.
5. Public sidewalk must be always kept unobstructed with a minimum of 5-foot-wide clearance with greater clearance provided where possible.
6. Permits may be revoked or suspended at any time for:
 - a. violations of the Town Policy on Use of Sidewalks for Restaurant Food and Beverage Service,
 - b. conflict with other state and local regulations or permit requirements,
 - c. conflict with other permitted public events, and/or
 - d. town maintenance or repair operations.If revoked or suspended, any objects placed on the sidewalk as part of the permit must be removed.
7. Revocation or suspension may be carried out by the Police Chief, Fire Chief, and/or the Director of Public Works-Operations as necessary for response to emergencies and maintenance needs.
8. Applicant is responsible for securing the furniture after hours. There shall be no claim or burden on the town for loss or damage to furniture or other fixtures or loss resulting from improper use of fixtures. Applicant must provide a Certificate of Insurance to the Town Manager's office listing the Town of Middlebury as additional insured.
9. Applicant is responsible for replacing street trees that have been damaged due to mistreatment by staff or customers. Personal property shall not be attached to street trees. Tables and chairs should remain outside of 10-feet from street trees and grates.
10. Applicant is responsible for ensuring customers and employees do not lock bikes, strollers, etc. to street trees. Barriers may be required for tree protection. Applicant is responsible for replacing street trees that have been damaged due to mistreatment by staff or customers.
11. A minimum 5-foot unobstructed way must be maintained for town sidewalks. This clearance is exclusive of light poles, sign poles, decorative emplacements, ramps, stoops or other structures.

Barricade requirements by the Department of Liquor Control for outdoor service of alcohol must not reduce the minimum sidewalk clearance.

12. Outdoor seating will not interfere with means of ingress/egress to any building; such ingress/egress must measure not less than 44 inches.
13. Outdoor seating on sidewalks proximate to angle or head-in parking, absent protective bollards or other structures, shall have sufficient curb height to mitigate runaway vehicles from striking persons seated at sidewalk service areas.
14. Zoning: An application for any outdoor signage and advertising shall be submitted through the Office of Planning and Zoning, and only permitted in compliance with the Zoning Regulations - Section 772. No flags or other attention-getting devices or signage are permitted in the outdoor seating area. Permitted freestanding signs (ex. sandwich boards) must be located outside pedestrian walking and brought indoors at the close of business each day. Umbrellas shall not have advertising, writing or logos other than those which identify the permitted business.

A zoning permit must be obtained for outdoor lighting fixtures, which shall not be projected toward the street. Applicant will supply all power for outdoor lighting and equipment.

In most cases, a zoning permit is also required for outdoor dining uses. Please inquire with the Town's Department of Planning and Zoning for any of these aforementioned zoning matters.

15. Applicant must provide a Certificate of Compliance to the Town Manager's office naming Town of Middlebury as a certificate holder to protect the Town's liability.
16. Applications which include the service of alcoholic or malt beverages are also subject to the regulations of the Vermont Department of Liquor Control and the Selectboard. Use of outdoor dining areas for consumption of cannabis or cannabis-infused products is prohibited unless otherwise pre-empted by State law.
17. Applicant is responsible for providing waste and recyclables containers in the seating area if not attended by waitstaff. Containers shall be emptied as necessary and not allowed to overflow. Applicant is responsible for removal of waste and litter occurring as a result of service as well as cleanup of any spilled liquids. Nothing shall be discharged to catch basins.
18. Outdoor dining must remain in compliance with all other applicable state regulations and town ordinances.
19. Applicant shall agree that they make no property rights claim as to the portion of the Town of Middlebury right-of-way or property, and the Town makes no warranty as to the suitability, convenience or duration of this permit.

I understand and agree to comply with the General Conditions set forth above.

Applicant's Signature

Date