



This Special Application applies to all new or expanded outdoor dining and outdoor retail as provided for by the Town of West Hartford through the conclusion of the outdoor dining season for 2022. Approval under this Special Application does not bestow nonconforming use or structure rights. Any complete application may be approved, approved with conditions, or rejected. Additionally, please be advised of the following:

- If any alterations to kitchen or food preparation areas are made, a separate review by the Health District will be required.
- The total number of seats between indoor and outdoor capacity cannot exceed the number declared on your Food Service License application.
- Alcoholic liquor may be served only in connection with outdoor dining, which means food prepared on premises or at a food truck adjacent to the premises.
- There shall be no consumer bars, and all alcoholic beverages shall be served tableside.
- Live entertainment in outdoor dining areas is not permitted.
- Incomplete applications will not be accepted or reviewed.
- Due to the restricted street width, restaurant deliveries must take place outside of operating hours.
- There is no fee associated with this special application.

**NOTE:** Restaurants with existing outdoor dining Special Use Permits (pre COVID outdoor dining) may operate under those permits provided that there is no expansion of either seat count or dining area. If you are uncertain whether your restaurant has such an approval, please contact us at (860) 561-7553.

<b>Business Name:</b>				
<b>Business Address:</b>				
<b>Applicant Name:</b>				
<b>Applicant Address:</b>	<b>City:</b>	<b>State &amp; Zip:</b>		
<b>Phone Number:</b>		<b>Email Address:</b>		
<b>Property Owner Name:</b>		<b>Property Owner Phone Number:</b>		
<b>PLAN DETAIL</b>				
<p><b>Outdoor Dining or Retail Area Description</b> (Please attached a photograph of the proposed area <u>and</u> drawing or illustration, roughly to scale or dimensioned and depicting with reasonable accuracy the outdoor area that is proposed to be used and what is proposed to be placed, built, or erected in the outdoor area.)</p> <p>At a minimum, the following items should be identified as applicable:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;"> <ul style="list-style-type: none"> <li>▪ Table &amp; Chair arrangement</li> <li>▪ All outdoor dining areas must be handicap accessible. Please note how this will be achieved either on your plan or in your operational statement or both</li> <li>▪ Area enclosure specifications (fencing, planters, barricades etc.)</li> <li>▪ Trash receptacles</li> <li>▪ Outdoor bus stations</li> <li>▪ Site lighting</li> <li>▪ Electrical power supply (generator or ext. cord to GFCI protected outlet) * (See Operational Guidelines)</li> </ul> </td> <td style="width: 50%; vertical-align: top;"> <ul style="list-style-type: none"> <li>▪ Tent / shade structures (size, type, anchoring system, dimensions to closest building &amp; exit route plan for tents)* (See Operational Guidelines)</li> <li>▪ The tent shall not be used when winds are in excess of 35 MPH. An anemometer shall be installed on the tent and the tent shall be provided with signage stating that the tent should be evacuated if winds exceed 35 MPH.</li> <li>▪ Heater information * (See Operational Guidelines)</li> <li>▪ A minimum 4-foot public walkway must be provided and maintained pursuant to Americans with Disabilities Act and CT State Building Code as referenced in Public Act 22-1</li> </ul> </td> </tr> </table>			<ul style="list-style-type: none"> <li>▪ Table &amp; Chair arrangement</li> <li>▪ All outdoor dining areas must be handicap accessible. Please note how this will be achieved either on your plan or in your operational statement or both</li> <li>▪ Area enclosure specifications (fencing, planters, barricades etc.)</li> <li>▪ Trash receptacles</li> <li>▪ Outdoor bus stations</li> <li>▪ Site lighting</li> <li>▪ Electrical power supply (generator or ext. cord to GFCI protected outlet) * (See Operational Guidelines)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Tent / shade structures (size, type, anchoring system, dimensions to closest building &amp; exit route plan for tents)* (See Operational Guidelines)</li> <li>▪ The tent shall not be used when winds are in excess of 35 MPH. An anemometer shall be installed on the tent and the tent shall be provided with signage stating that the tent should be evacuated if winds exceed 35 MPH.</li> <li>▪ Heater information * (See Operational Guidelines)</li> <li>▪ A minimum 4-foot public walkway must be provided and maintained pursuant to Americans with Disabilities Act and CT State Building Code as referenced in Public Act 22-1</li> </ul>
<ul style="list-style-type: none"> <li>▪ Table &amp; Chair arrangement</li> <li>▪ All outdoor dining areas must be handicap accessible. Please note how this will be achieved either on your plan or in your operational statement or both</li> <li>▪ Area enclosure specifications (fencing, planters, barricades etc.)</li> <li>▪ Trash receptacles</li> <li>▪ Outdoor bus stations</li> <li>▪ Site lighting</li> <li>▪ Electrical power supply (generator or ext. cord to GFCI protected outlet) * (See Operational Guidelines)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Tent / shade structures (size, type, anchoring system, dimensions to closest building &amp; exit route plan for tents)* (See Operational Guidelines)</li> <li>▪ The tent shall not be used when winds are in excess of 35 MPH. An anemometer shall be installed on the tent and the tent shall be provided with signage stating that the tent should be evacuated if winds exceed 35 MPH.</li> <li>▪ Heater information * (See Operational Guidelines)</li> <li>▪ A minimum 4-foot public walkway must be provided and maintained pursuant to Americans with Disabilities Act and CT State Building Code as referenced in Public Act 22-1</li> </ul>			
<b>Proposed Hours of Operation</b> Sun-Thurs:                  Fri-Sat:		<b>Approved Hours of Operation:</b> Sun-Thurs:                  Fri-Sat:		
<b>Will alcohol be served?</b> Yes <input type="checkbox"/> No <input type="checkbox"/>	<b>Will electricity be needed?</b> Yes <input type="checkbox"/> No <input type="checkbox"/>	<b>Will tents or shade structures be used?</b> Yes <input type="checkbox"/> No <input type="checkbox"/>		
<p>The applicant understands that if permitted to provide outdoor dining in space outside their permitted premises, including public sidewalks, parking lots or space owned by an adjacent business, such space shall be deemed to be part of the permitted premises for the duration of this order and the liquor licensee shall be responsible for any liquor violations in that area.      <b>Acknowledgment</b> <input type="checkbox"/></p>				
<b>Occupancy</b> (Not to exceed number declared on food license): Existing Seat Count Inside: Proposed Seat Count Outside:		<b>Are outdoor dining or retail areas proposed within a public sidewalk, public street or on Town property?</b> <div style="text-align: right;">Yes <input type="checkbox"/>                  No <input type="checkbox"/></div>		

<p><b>Insurance &amp; Indemnification (Must be submitted annually):</b></p> <p>If outdoor dining or retail sales take place within the public right-of-way or on Town owned property, the Applicant must maintain commercial general liability insurance with minimum limits of \$1,000,000 each occurrence/ \$2,000,000 aggregate continuously for the duration of the time the Applicant’s permit for outdoor activities is valid. All policies of insurance shall be endorsed to include the Town as an Additional Insured. If Applicant is authorized to serve alcohol, then Applicant shall obtain Liquor Liability insurance with minimum coverage limits of \$1,000,000. Applicant shall provide certificates of insurance evidencing the required insurance coverages with this application. Applicant and Applicant’s insurers agree to waive their rights of recovery or subrogation against the Town, and all insurance policies shall contain a waiver of subrogation endorsement. All insurance obtained by the Applicant shall be endorsed as primary and noncontributory as compared to any insurance or self-insurance of the Town.</p> <p>Applicant agrees to defend, indemnify and hold harmless the Town from any and all liabilities resulting from suits, claims, losses, damages, costs (including reasonable attorney’s fees), liabilities or judgments of any nature, including, but not limited to, injuries or alleged injuries to person(s), or to property, real or personal, sustained by any person while in the area where Applicant holds a permit for outdoor activities, or in connection with any outdoor activities authorized by this permit. This duty to defend, indemnify and hold harmless shall not be affected by the Applicant’s insurance coverage or limits, and shall survive the completion, expiration, suspension or termination of the Applicant’s permit.</p>	<p><b>Insurance provided, if applicable:</b></p> <p>Yes <input type="checkbox"/>      No <input type="checkbox"/></p>
<p>The Applicant, and any business entity associated with the outdoor activities under the authority of this permit, hereby agree that they will have and maintain exclusive control over the inspection and maintenance of the entirety of the area where outdoor activity is authorized by the permit, including all areas where an employee or patron of Applicant, or a member of the public, can access, during all times the Applicant holds the permit. <b>Acknowledgment <input type="checkbox"/></b></p>	
<p><i>The undersigned warrants the truth of all statements contained herein and in all supporting documents to the best of his/her knowledge and belief. Furthermore, the Applicant agrees that submission of this document constitutes permission and consent to Staff inspections of the site.</i></p>	
<p><b>Applicant Signature:</b></p>	<p>Date:</p>
<p><b>Property Owner Signature:</b></p>	<p>Date:</p>

**NOTE: Subsequent to application approval, but prior to opening your outdoor dining area to customers, you must call the Planning and Zoning office at (860) 561-7553 to schedule an inspection.**

## Operational Guidelines

**Please use the following guidelines to ensure that your application is complete. An incomplete application may result in delay of approval**

### Layout

- Describe the type of surface of the outdoor dining or retail area (concrete, asphalt, lawn, etc.)
- If an outdoor dining or outdoor retail area is proposed to be within a Town right-of-way or on Town property, the boundaries shall be marked in a visible fashion.
- Fencing or other suitable separation device shall surround any outdoor dining area and shall be sturdy and designed to minimize unintended movement or tipping. Reflective markings shall be provided along any edge of an outdoor dining or outdoor retail area that is within a street or parking area.
- The outdoor dining or retail area must be set up in a manner consistent with the plan submitted and approved as part of this application.

### Amenities

- The relocation of kitchen equipment, changes to existing egress paths, use of tents, electrical fixtures and heaters shall be in accordance with applicable Connecticut Codes and Standards. Tents and electrical installations require a separate permit obtained through the Building Inspection Division.
- Tents or canopies will not be permitted in any area of the public right of way
- Umbrellas may be used to shade tables, provided that they are sufficiently weighted to avoid displacement by wind, the drip edge thereof is located at least seven feet above the ground and further provided that they shall not be used to advertise the restaurant, products or service.
- If a generator will be used, provide the manufacturer and model of the unit.
- Temporary wiring (including but not limited to extension cords) must be installed in accordance with the National Electrical Code (NEC). Per the NEC, temporary wiring (including but not limited to extension cords) used for the purpose of lighting or power must be plugged into a ground fault circuit interrupter (GFCI) protected circuit. Temporary wiring (including but not limited to extension cords) must not be run across the ground without additional protection, nor shall live trees or shrubbery be utilized for support. Temporary wiring (including but not limited to extension cords) shall be visually inspected by staff for damage before each use and replaced if damage is detected. Temporary wiring (including but not limited to extension cords) shall be properly stored when not in use.
- If temporary outdoor heating units will be used, provide the manufacturer and model of the unit, type of heat and fuel source.
- No smoking or heating devices are allowed within a tent.

### Maintenance/Operations

- Provide a cleaning and maintenance plan / statement. At a minimum, the outdoor dining area shall be kept clear of litter, food scraps or soiled dishes and utensils at all times. The entire floor/sidewalk surface in and around the outdoor dining area shall be swept as necessary, but not less frequently than daily, and cleaned to remove greases, oils and stains by steam cleaning or a similar process on a weekly basis. Spilled materials shall be cleaned promptly. Sweeping debris or spilled materials into the gutters of public streets shall be prohibited. This requirement shall also apply to any areas beyond the outdoor dining area

which are traversed by restaurant staff and/or patrons. If your business is one that tends to generate a lot of waste, trash containers must be placed in the outdoor seating area and emptied as needed.

- Indicate whether food will be served with multi-use utensils (cups, plates, silverware) or single-use disposable utensils. (If single-use disposable utensils are used, a rodent proof outdoor covered garbage receptacle is required in outdoor dining area.)
- Outdoor food preparation and bar service are strictly prohibited.
- If bus stations are set up in the outdoor dining area, a temporary hand wash sink is required.
- If outdoor dining area is not directly connected to food establishment, describe method of food protection during service.
- For all outdoor dining within a public right-of-way, all tables and chairs must be stacked and secured within the dining area outside of the approved hours of operation.
- In addition to inspection and maintenance responsibility, the Applicant shall have sole responsibility for issuing a warning of any hazard an employee or patron of employee, or a member of the public, may encounter in the area where applicant has outdoor activities. This includes a warning of any curbs, ramps or other changes in elevation in the area where Applicant holds a permit.