



PLEASE CHECK ALL APPLICABLE BOXES (If expanding an existing outdoor dining area, please check **NEW APPLICATION**):

- ☐ **NEW APPLICATION** ☐ **OUTDOOR DINING ON PRIVATE PROPERTY** ☐ **OUTDOOR DINING IN THE R.O.W.***
- ☐ **DPW RENEWAL** (For use or partial use of R.O.W. only. No changes to layout permitted. Must be done annually)
(Renewal applications must be submitted to Parking Operations Manager, Michael Kipphut at Michael.Kipphut@westhartfordct.gov)
- *R.O.W. means Public Right-of-Way or any portion of the public portion of the sidewalk. Outdoor dining is not permitted anywhere on the roadway.

This Application applies to outdoor dining areas in West Hartford Center only. Outdoor dining space may be proposed either entirely on private property or split between private property and the public right-of-way (R.O.W.) portion of the sidewalk. Any complete application may be approved, approved with conditions, or rejected. Additionally, please be advised of the following:

- All outdoor dining areas must be fully compliant with section [177-37.2](#) of the West Hartford Zoning Ordinances. If any portion of your outdoor dining area is located within the public right-of-way, you must also obtain a permit annually from the Department of Public Works and shall otherwise comply with section [155-26 \(B\)](#), which governs outdoor dining within the public right-of-way. Outdoor dining may take place from April 1st to November 15th.
- The total number of restaurant seats between all inside and outside seating areas cannot exceed the number declared on your Food Service License application.
- An updated Pest Management Plan shall be submitted as part of this application
- Alcoholic liquor may be served only in connection with outdoor dining, which means food prepared on the premises of the restaurant.
- There shall be no consumer bars within the outdoor dining area and all alcoholic beverages shall be served tableside.
- Live entertainment in outdoor dining areas is not permitted.
- Furnishings including power cords must not be affixed to any Town facilities within the right-of-way, nor shall power be drawn from public sources, such as public light fixtures.
- All operational guidelines included as part of this application form shall be adhered to at all times in addition to all representations made in your operational narrative.

APPLICANT INFORMATION

Business Name:

Business Address:

Applicant Name:

Applicant Address:

City:

State & Zip:

Phone Number:

Email Address:

Property Owner Name:

Property Owner Phone Number:

Operations – Please carefully review the Operational Guidelines on the following pages

All outdoor dining areas approved under this permit must comply with the **Operational Guidelines** listed on the following page.

Proposed Hours of Operation for Outdoor Dining

Sun-Thurs:

Fri-Sat:

Will alcohol be served?

Yes ☐

No ☐

Will heaters be used?

Yes ☐

No ☐

Will umbrellas be used?

Yes ☐

No ☐

Total Number of Proposed Seats (all indoor + all outdoor):

The applicant understands that if permitted to provide outdoor dining in space outside their permitted premises, including public sidewalks or otherwise within the public right-of-way, such space shall be deemed to be part of the permitted premises for the duration of this permit and the liquor licensee shall be responsible for any liquor violations in that area. **Acknowledgment** ☐

Insurance & Indemnification (Must be submitted annually):

If outdoor dining takes 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.

The Applicant agrees to defend, indemnify, and hold harmless the Town, its officers, officials, employees, agents, and volunteers from and against any and all claims, demands, suits, losses, damages, liabilities, costs, and expenses (including reasonable attorney's fees) arising out of or related to the Applicant's outdoor activities or any use or occupancy of public property or public right-of-way authorized by this permit, including but not limited to injuries or alleged injuries to any person or damage to any property, real or personal, occurring in or around the permitted area. This duty to defend, indemnify, and hold harmless shall apply regardless of whether such claims are caused in part by the Town, shall not be limited by the Applicant's insurance coverage or limits, and shall survive the completion, expiration, suspension, or termination of this permit. ***Insurance certificates shall be submitted annually by email directly to the West Hartford Risk Management Division at RiskManagement@WestHartfordCT.gov.***

Operational Guidelines

1. Outdoor dining areas must maintain a clear path on the sidewalk for accessible pedestrian movement and shall conform to the following standards:
 - a. Clear path must be a minimum of +/-6 feet in width between the edge of the 4-foot amenity zone and the outside edge of the outdoor dining area.
 - b. Clear path must be unobstructed for pedestrian use including from stationary activities such as, but not limited to, service locations for wait staff and queuing locations for host stands.
2. Outdoor dining areas must be clearly defined by a fixed barrier, such as fencing or planters, and positioned so that they cannot be modified in any way during the permitted period. The barrier must not be fastened into the sidewalk, but shall be weighted such that it cannot be easily moved. The base of any delineation fixtures must be flush with the sidewalk. For example, planted boxes that hang into a pedestrian access corridor are prohibited.
3. Any underground utility manhole(s) that may be located within an outdoor dining area shall remain accessible at all times. Should any work within the manhole be required, the restaurant agrees to move any and all outdoor dining equipment that may be obstructing access to a manhole upon request of any Town Official, Town Contractor or Utility Contractor. The restaurant will be provided as much notice as possible prior to work taking place within or around the manhole.
4. Clearances as they apply to umbrellas or similar nonstructural and retractable awnings and overhead lighting:
 - a. Awnings and/or umbrellas must have a minimum clearance of 7 feet and a maximum clearance of 10 feet.
 - b. Awnings and/or umbrellas shall not extend outside the permitted outdoor dining area, including roadway and pedestrian clear zone.
 - c. Overhead lighting installed over walkable surface must have at least 7 feet clearance.
5. No power shall be drawn from public sources. 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. Overhead wiring must be at least seven (7) feet above public walking area. 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.
6. Heating and gas storage:
 - a. Portable heaters, including those fueled by propane or electricity, must be within permitted outdoor dining areas and must meet other clearances.
 - b. Heaters must be placed with a minimum of 5 feet from plants, landscaping and tree trunks or branches.

- c. Propane tanks not attached to a portable heater may not be stored in the outdoor dining area.
 - d. Power for electric heaters must not be drawn from public sources.
- 7. The outdoor dining area and the outdoor service area must be configured and operated in a manner consistent with the approved site plan.
- 8. Tents or canopies are prohibited.
- 9. Advertisements or signage on umbrellas shall be 1) limited to one per umbrella face/side/segment; 2) limited in size to 18 inches in length and 12 inches in height; and 3) monochromatic. Signage or advertisements on outdoor dining barriers is not permitted.
- 10. Outdoor dining areas, fixed barriers or furnishings must not obstruct or contradict the Town's traffic or other signs located within the street or sidewalk right of way.
- 11. 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.
- 12. Trash containers must be placed in the outdoor dining area and emptied as needed.
- 13. Adequate visual warnings must be maintained of any hazard to an employee or a member of the public that may be encountered in the outdoor dining area, including a warning of any curbs, ramps or other changes in elevation in the outdoor dining area and the sidewalk.
- 14. The Director of Public Works may suspend, revise or amend any guideline(s) to the extent required by the public interest.

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.

Acknowledgment ☐

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.

Applicant Signature: _____

Date: _____

Property Owner Signature: _____

Date: _____ (In lieu of a signature a separate letter or email of authorization can be provided)

SITE PLAN APPLICATION SUBMITTAL PROCESS AND REQUIREMENTS

- All applications and supporting documents must be submitted through the West Hartford Permit Portal*:
 - <https://cv.westhartfordct.gov/CityViewPortal/>
- The fees associated with the application are \$150.00 + \$50.00/1,000 square feet of expanded or new outdoor dining square footage (or fraction thereof) + \$60.00 DEEP fee.
- An Operational Narrative (**Please use the Operational Narrative Guide document to help you structure your narrative and to ensure all required information is included**).
- A detailed plan which accurately depicts all elements of your outdoor dining area (**contact Planning staff for a base plan that can be marked-up based on your predetermined outdoor dining area boundary**).
- The plans and narrative submitted must provide sufficient detail to demonstrate compliance with sections **177-37.2** and **155-26 (B)** of the Town Ordinances.

**If you have not already done so, you must register as a Portal user. Once registered, select "Apply for a Planning Permit" and select "Site Plan". Follow the prompts from there to input all relevant application information. When you reach the "Upload Document" section, please upload the aforementioned documents in the corresponding fields (Application Form, Project Narrative and Site Plan). The final step is to pay fees. At the time of application submittal, fee payment will be partial. Once the application is received and reviewed for completeness by staff, the remaining fees will be made payable.*

NOTE: If this is a renewal application for use of the R.O.W, please do not submit through the Portal. Instead, please email to Parking Operations Manager Michael Kipphut at Michael.Kipphut@WestHartfordCT.gov. At this time, there is no fee for renewal or for use of the R.O.W., but the Town reserves the right to impose one in the future.

Subsequent to application approval, but prior to opening your outdoor dining area to customers, you must call the Planning and Zoning office at (860) 561-7555 to schedule an inspection.