



City of Newburyport

Application Form 2023

Merchant License

Occupy Outdoor City Property

****DO NOT USE THIS APPLICATION FORM FOR EVENTS****

Date Submitted: _____

Business Name: _____

Business Contact: _____

Business Address: _____ **Phone:** _____ **Email:** _____

Property Owner: _____

Outdoor Display Quantity: _____ Dimensions: _____ Material: _____

Outdoor Tent or Quantity: _____ Dimensions: _____ Material: _____

Enclosure Materials

Proposed Days/Hours of Operation: _____

Check all that apply:

- ☐ Applicant requests approval for merchandise display.
- ☐ Applicant requests approval tent/enclosure materials.

Attach the following materials:

- 1) Evidence of liability insurance with minimum coverage in the amount of one million dollars (\$1,000,000) per occurrence, naming the City of Newburyport as co-insured, and in force for the entire approved period of occupancy.
- 2) A clear and legible 8½-inch x 11-inch diagram of the proposed area of occupancy, detailing:
 - a) Perimeter of proposed areas of occupancy, with relevant linear dimensions;
 - b) Public, pedestrian path of travel no less than five feet in width;
 - c) All relevant obstacles such as streetlights, signs, trees, etc.; and
 - d) All tents, enclosures, and displays.
- 3) Written authorization signed by the Applicant's landlord acknowledging and agreeing to the use of the adjacent portion of any public way.

Applications shall be delivered to the Office of the City Clerk by hand, mail, or email:

- 1) Office of the City Clerk
Newburyport City Hall
60 Pleasant Street
Newburyport, MA 01950
(978) 465-4407 ext. 1205
rjones@cityofnewburyport.com
- 2) The deadline for applications is the close of business 7:00 pm Thursday, March 10th.

Processing:

- 1) Application fee \$25.00
- 2) Applications will be reviewed by the City Council. For applications to occupy a city park or playground, the City Council shall not consider or act upon such application until the earlier of (i) having received a recommendation by the Parks Commission regarding such application, or (ii) 30 days from the City Clerk's receipt of such complete application.
- 3) The City has no obligation whatsoever to approve any individual application, each of which shall be processed, reviewed, and a determination thereon made by the relevant City officers, boards, and commissions in their reasonable discretion.
- 4) Any condition of approval and submitted plan shall be in force for the entire duration of any validly issued license.
- 5) Any license issued may be revoked at any time by super-majority vote of the City Council, after a public hearing, for any reason, or no reason.

RELEASE AND INDEMNITY AGREEMENT TO ENCUMBER A PUBLIC WAY

I, the undersigned Applicant or Duly Authorized Agent, hereby agree to RELEASE, DISCHARGE, and HOLD HARMLESS, the City of Newburyport, a municipal corporation of the Commonwealth of Massachusetts, and its officers, employees, agents, and servants from all actions, causes of action, claims, demands, damages, costs, loss of services, expenses and compensation associated with the undersigned's use of the public way or other city property as described herein.

Signature of Business Owner

DATE

City of Newburyport

**Outdoor Displays &
Enclosures**

- 1) A minimum of five-feet of pedestrian clearance must be maintained for public pedestrian access. Tents and all enclosure materials used to create a demarcated area for displaying merchandise may not impede this required pedestrian clearance.
- 2) Tents and all enclosure materials to create a demarcated area for displaying merchandise must maintain a minimum of 5-feet of pedestrian clearance from streetlights, signs, trees, benches, garbage barrels, or other sidewalk obstacles.
- 3) Tents and all enclosure materials used to demarcate an area for displaying merchandise cannot interfere with curb ramps, driveways, fire escapes and/or doorways.
- 4) All enclosure and display materials that are chained, roped, or otherwise tethered together after business hours must be untethered during business hours.
- 5) Placement of tents, enclosure materials, and merchandising displays on city property must conform in all respects to all applicable federal, state, and local laws and regulations, including, without limitation workplace safety rules and other public health regulations.
Please contact the Newburyport Health Department for workplace safety rules specific to your business sector.
- 6) Like any license, permission to place tents, enclosure materials, and merchandising displays on city property is revocable at the discretion of the City of Newburyport.
- 7) Initial licenses, unless revoked, shall remain effective until on or about October 31st and commencing on or about May 1st.

N.B. ODNC098_10_12_2021 is pending in City Council and may amend requirements to this license.