



City of Newburyport

Application Form -- License to Occupy Outdoor City Property

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

Date Submitted: _____

Business Name: _____

Business Owner: _____

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

Property Owner: _____

Outdoor Tables Quantity: _____ Dimensions: _____ Material: _____

Outdoor Chairs Quantity: _____ Dimensions: _____ Material: _____

Mrchdse. Dsplys. Quantity: _____ Dimensions: _____ Material: _____

Proposed Days/Hours of Operation: _____

Check all that apply:

- Applicant requests approval for food consumption.
- Applicant requests approval for alcohol consumption.
- Applicant requests approval for occupancy of public parking space(s).

Attach the following materials:

- 1) Evidence of liability insurance with minimum coverage in the amount of one million dollars (\$1,000,000) per occurrence / three million dollars (\$3,000,000) aggregate, naming the City of Newburyport as co-insured, and in force for the entire approved period of occupancy.
- 2) A 8½-inch x 11-inch sketch 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) Separation between customer seats at one table from customer seats at any other table of no less than six feet;
 - d) All relevant obstacles such as streetlights, signs, trees, etc.; and
 - e) Means to demarcate any areas proposed for the service of alcohol.

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@cityofnewburport.com
- 2) The deadline for applications is the close of business on the first business day of April. For example, such deadline for the year 2021 shall be 4:00 pm on April 1.

Processing:

- 1) Due to the ongoing COVID-19 pandemic emergency, processing fees for applications are waived for the year 2021.
- 2) Applications will be **initially reviewed by the City Council** which will make recommendations to the Licensing Board. 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 **Licensing Board will then conduct a public hearing** on each application and determine whether to approve, approve conditionally, or deny it. The Licensing Board may not approve an application without a favorable recommendation by the City Council.
- 4) 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.
- 5) Any license issued may be revoked at any time by majority vote of the City Council, meaning six votes in favor of revocation, 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 Tables, Chairs,
and/or Merchandise Displays on City Property**

- 1) A minimum of five-feet of pedestrian clearance must be maintained for public pedestrian access. Tables, chairs, merchandising displays, and/or all enclosure materials used to create a demarcated area for serving alcohol may not impede this required pedestrian clearance.
- 2) Tables, chairs, merchandise displays, and/or enclosure materials to create a demarcated area for serving alcohol must maintain a minimum of 5-feet of pedestrian clearance from streetlights, signs, trees, benches, garbage barrels, or other sidewalk obstacles.
- 3) Tables, chairs, merchandise displays, and/or personal property used to demarcate an area cannot interfere with curb ramps, driveways, fire escapes and/or doorways.
- 4) All tables, chairs and/or merchandise displays that are chained, roped, or otherwise tethered together after business hours must be untethered during business hours.
- 5) Placement of tables, chairs, and/or merchandise 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 tables, chairs, and/or merchandise displays outdoors on city property is revocable at the discretion of the City of Newburyport.
- 7) Initial licenses, unless revoked, shall remain effective for a period of one (1) year, commencing on May 1.
- 8) A renewal license with no material changes from the previous year's license may be issued for a period of two (2) years subject to administrative approval by the City Clerk, also commencing on May 1.
- 9) A renewal license with material changes from the previous year's license shall be processed in the same manner as an initial license.