

## GUIDELINES FOR ALLOWING DINING AND ALCOHOL CONSUMPTION ON PUBLIC SIDEWALKS

1. Applicant must first obtain an **obstruction permit** from the Department of Public Works authorizing use/obstruction of public way at specific location (Chapter 12, Section 11).
  - Schematic diagram showing proposed location of tables and chairs and all other physical features in area.
  - Permits are entirely discretionary and subject to immediate revocation by Commissioner for any reason including but not limited to failure to comply with conditions of permit, failure to maintain permitted area, selling food or alcohol in violation of any rule or regulation of the City or State.
  
2. Permitting Criteria:
  - Permits only authorized from April through October.
  - No permits allowed within twenty-five (25) feet of fire hydrants or bus stops.
  - No permits allowed within ten (10) feet of parking spaces designated for handicap or disabled parking and taxi stands.
  - No permits allowed within five (5) feet of crosswalk, handicap ramps, driveways or intersections.
  - This sidewalk obstruction permit allows only the placement of obstructions on the sidewalk in the permitted area as set forth herein and **does not** authorize the permit holder to serve food or beverages or allow the consumption of such within the permitted area.
  - Permit holders wishing to serve or allow the consumption of food or beverage within the permitted area must obtain prior approval from the City of Worcester License Commissioner located in Room 308 of Worcester City Hall, 455 main Street, Worcester MA.
  
3. All Permits conditioned upon:
  - Indemnity Agreement signed.
  - Liability Insurance Policy naming City as additional insured.
  - Maintenance of area permitted by permittee.
  - No advertising in outside area on chairs, tables, or otherwise.
  - Compliance with following conditions:
    - a. No tables or chairs to overhang or extend onto curb.
    - b. At least five (5) foot width must be maintained at all times along the sidewalk outside of the permitted area.
    - c. All tables, chairs and fencing must be removed by 11:30 p.m. and during inclement weather.

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4. Applicant applies to License Commission for extension of premises.  
Application consists of the following:
  - Permit for Public Works with schematic diagram showing permitted location.
  - Alcoholic beverages cannot be served outside a licensed establishment unless and until an application to extend the licensed premises has been approved.
  - An application to extend the premises must describe the area in detail: dimensions, number of tables and chairs, occupancy figures inside area and outside area, bars, if any, etc.
  - It is essential that the licensee have control of the area in order to preclude service to underage persons, to intoxicated persons, etc. The premises must be enclosed by a fence, rope or other means to prevent patrons or members of the public from wandering in and out.
  - The outdoor area must be contiguous to the licensed premises and the licensee should have a view of the outside premises from inside. Egress from the inside to the outside must be clearly established. This will assure safe, uninterrupted service of alcoholic beverages.
  - The outdoor area must have adequate exits in case of emergency.
  - The licensing authorities should consider the type of neighborhood and the potential for noise in the environs.
  - Preferred are outdoor areas where alcohol is served to patrons who are seated at table and where food is also available.
  - All applications for extension of premises subject to Chapter 138 requirements of necessity for public need.

## Indemnification

### **Indemnity Provision**

The \_\_\_\_\_, with a principal place of business located at \_\_\_\_\_; (hereinafter "Licensee") agrees to indemnify and hold harmless the City and its officers, agents and employees from and against all suits, actions or claims, civil or criminal, of any character brought because of any injury or damage received or sustained by any person, persons or property arising out of, or resulting from the existence of any obstruction, or arising out of, or resulting from any asserted negligent or intentional act, error or omission of Licensee or its agents, servants or employees, occurring in the performance of this Agreement. The indemnification required hereunder shall not be limited by reason of the specifications of any particular insurance coverage under this Agreement.

{indemnification}