



CITY OF FRANKLIN, NEW HAMPSHIRE

"Three River's City"

Outdoor Dining License Application

Please complete the following application and submit it to the Planning, Zoning, Building Office, along with the required fee (\$25 minimum fee for areas 100 square feet or less; \$1 additional fee per square foot for every square foot over 100 square feet).

Choose all that apply (proposed location of chairs/tables for outdoor dining):

- | | |
|---|--|
| <input type="checkbox"/> Private property (no fee required) | <input type="checkbox"/> Public Property |
| <input type="checkbox"/> Will include seasonal use of outdoor heaters | <input type="checkbox"/> Requesting use of City parking spaces for seating |

Address of proposed Outdoor Dining Area ("Area"): _____

Assessor's Map: _____ Lot: _____ Block: _____ Zoning District: _____

Applicant Name: _____

Mailing Address (Street/City/State/Zip): _____

Phone number(s): _____

Email: _____

Signature: _____

Property Owner (of where business is located) Name: _____

Mailing Address (Street/City/State/Zip): _____

Phone number(s): _____

Email: _____

Signature: _____

Please check the following boxes as they are completed.

- Dimensioned site plans are attached to this Application depicting the following:
 - a) The existing conditions, including a depiction of public infrastructure such as curb lines, light poles, bike racks, street trees, tree grates, manhole covers, meters, licensed A-frame signs, adjacent on-street parking and loading zones, adjacent accessible sidewalk curb cuts and the like,

 - b) The proposed table/chair layout plan for outdoor dining dimensioned routes of travel within the outdoor dining area and on the adjoining public sidewalk, as well as detail sheets for the proposed enclosure system, tables, chairs, lighting, trash receptacles, and the like.
 - a) The proposed dining area including the proposed number and location of tables, chairs, decorations and other equipment, pedestrian access points to the dining area and how the dining area will be separated from the rest of the sidewalk.
 - b) Include all physical features in the immediate vicinity including driveways, wheelchair ramps, fire hydrants, trees, poles, etc.
 - c) Label the name of the street, width of sidewalk, length and width of sidewalk being utilized for outdoor dining and demonstrate compliance with all applicable setbacks.

- Copy of license from New Hampshire Liquor Commission, if applicant intends to serve alcohol.

- Certificate of insurance \$1,000,000 per occurrence/\$2,000,000 aggregate - the City of Franklin must be listed as both the certificate holder and additional insured. The certificate must be valid throughout the period of the permit.

The City Manager will not review incomplete applications. All questions must be answered and all applicable check boxes must be checked. Failure to do so shall result in an incomplete application which will not be processed. The undersigned attests that the supplied information is accurate and complete and requests that the City Manager proceed with processing this application under the requirements of the City of Franklin Ordinance ****.

****CITY OFFICIALS USE ONLY**** DO NOT WRITE IN THIS SPACE****

Payment: Amount Paid: \$ _____ Date: _____
Cash: Y/N Check: Y/N (check # _____)

Department Signoff: Please Sign, Print, Date:

Police Dept:	_____	_____
Fire Dept:	_____	_____

MSD Dept:	_____	_____

Planning Dept:	_____	_____

Finance Dept:	_____	_____

City Manager:	_____	_____

City of Franklin
Outdoor Dining Policy
Rules and Regulations
(adopted 7/10/2023)

Introduction

The City of Franklin recognizes the importance of outdoor dining to the vitality and success of our downtown. The outdoor dining rules and regulations are in place to promote the health, safety and welfare of our residents and visitors.

Required Approvals

Outdoor dining is not allowed without the prior written approval of the Municipal Services Department and Fire Department.

Application Requirements

1. An Annual Outdoor Dining Permit Application which includes approvals from Municipal Services, Fire Department (Assembly Permit).
2. A sketch or diagram depicting:
 - a) The proposed dining area including the proposed number and location of tables, chairs, decorations and other equipment, pedestrian access points to the dining area and how the dining area will be separated from the rest of the sidewalk.
 - b) Include all physical features in the immediate vicinity including driveways, wheelchair ramps, fire hydrants, trees, poles, etc.
 - c) Label the name of the street, width of sidewalk, length and width of sidewalk being utilized for outdoor dining and demonstrate compliance with all applicable setbacks.
3. Certificate of Insurance \$1,000,000 per occurrence/ \$2,000,000 aggregate - The City of Franklin must be listed as both the certificate holder and additional insured. The certificate must be valid throughout the period of the permit.
4. Copy of license from New Hampshire Liquor Commission, if applicant intends to serve alcohol.

Standard Conditions

1. Permits shall be in effect from the date of issuance (not before April 15) through November 15 and must be renewed on an annual basis.
2. For the period from November 16 through the following April 14, all chairs, fencing, umbrellas, tables and other equipment must be removed from the public sidewalk, public parking stalls, or public park.

3. For the period from April 15 through the following November 15, all chairs, fencing, umbrellas, tables, and other equipment shall be removed from the public spaces during inclement weather¹, and upon 24-hour notice from the Municipal Services Department.
4. Outdoor dining is permitted 8:00 a.m. until 11:00 p.m.
5. Permit is to be posted in public view and is not transferable.
6. An outdoor dining permit does not increase the maximum number of patrons allowed inside the eating establishment. The outdoor permit is only for the additional outside seats. Place of Assembly numbers may/may not be affected by the addition of outdoor dining.
7. Outdoor dining areas shall be setback five (5) feet from a crosswalk, handicap ramp, driveway or intersection.
8. A five (5) foot clearance for pedestrians is required on all sidewalks at all times. The 5-foot aisle must be a clear path that does not include any obstructions such as light poles, fire hydrants, sign posts, bollards, etc.
9. The following on-street parking spaces shall not be available for outdoor dining: Handicapped parking spaces, loading zone spaces, bus stops, law enforcement only parking spaces, or spaces reserved for the State of New Hampshire.
10. All building entrances shall remain unobstructed.
11. Expanded outdoor dining areas shall be laid out in such a way that they maintain compliance with the requirements of the Americans with Disabilities Act (ADA).
12. Permitted area must be contiguous to the licensed premises and maintained.
13. If alcohol is served, outdoor dining shall be separated from public pedestrian space on the adjacent municipal sidewalk by an enclosure system consisting of heavy duty black decorative metal materials or equivalent as approved by the Municipal Services Director. The minimum height of the enclosure shall be 30 inches and the maximum height shall be 36 inches, or as approved by the City.
14. Businesses must use their own trash and recycling receptacles. Sidewalks will be cleared of all debris after close of business each day.
15. Outdoor dining shall not damage sidewalks, curbing, bike racks, street trees, light poles, trash containers or other City infrastructure. The use of hardware which punctures publicly owned pavement, poles, siding, etc... is prohibited. It is recommended that metal chairs, tables, and umbrellas are equipped with rubber padding to prevent any

¹ Inclement weather shall mean any weather condition that makes it unsafe or impractical to dine outdoors.

damage. The City also encourages the use of wooden tables to reduce the possibility of any damage.

16. Construction of platforms shall be permitted within parking space dining areas so as to raise the elevation of said dining areas to be consistent with abutting sidewalks. The design of said platforms shall be reviewed and approved by the City Code Administrator and City Engineer, or their respective designees. Said platforms shall not obstruct stormwater flow, or impede access to public or private utilities or other infrastructure. Construction of said platforms shall comply with applicable building codes and permitting requirements.
17. The sidewalk shall be completely free of snow and ice along the entire sidewalk from building to curb in front of the establishment.
18. Umbrellas with preprinted restaurant logos are permitted as long as they don't extend beyond the permitted area. Umbrellas must be kept in good condition, of consistent design and high-quality materials. Umbrellas cannot be torn, tattered, or faded in any manner. Any additional logos on umbrellas is prohibited.
19. Tents / canopies over the sidewalk are not permitted.
20. Heaters require specific approvals from the Fire Chief.
21. Decorations must be fire retardant and meet NFPA 701 Standards. No decorations permitted except those approved on the site plan. No loosely hanging material.
22. Fire alarm pull stations may not be obstructed.
23. Open flames (i.e. – candles, torches, etc.) are prohibited.
24. Sufficient lighting is required. Extension cords are not permitted without prior written consent from the Municipal Services Director. Flashing / strobe lights are prohibited.
25. No Smoking.
26. Barricades may be required and must be approved by MSD, Fire, and Police Departments.
27. Ground coverings are not permitted without the prior written consent from the Municipal Services Director.

Environmental Health Conditions

1. The area is to be left in a clean and sanitary condition at all times and garbage contained at all times in covered receptacles. Use of public garbage bins/dumpster is prohibited.

2. The area shall be left in clean condition at close of business with all garbage and garbage containers removed in its entirety from the area and any ground debris swept up at close of daily business.
3. No food preparation, grilling, service windows, service counters or wait stations shall be allowed in the area and no condiments, paper products or the like shall be stored in the outdoor area.
4. The Fire Department will review that bathroom facilities are sufficient to support the additional outdoor seating. Exterior restrooms (porta potty) may be required.
5. The State of NH may review kitchens with regards to ability to support the additional outdoor seating.
6. All outdoor dining activities must comply with NFPA 101. All applicable regulations apply and at a minimum in compliance with all state laws.

Compliance

1. All outdoor dining permits are subject to revocation by the City for failure to comply with the conditions of the permit, ordinance or any rules and regulations established by the City/City Departments.
2. Exceptions may be granted on a case-by-case basis.
3. Applicants who consistently stain or otherwise damage public infrastructure may be held responsible for the cleaning and/or repair of impacted City Property.
4. All outdoor dining furniture must be removed from sidewalks, bump-outs, City properties, and parking spaces upon conclusion of the outdoor dining season. Furniture that is not removed by applicable deadlines may be subject to removal and disposal at the business owner's cost.
5. It is the Permittee's responsibility to ensure that all movable items within the outdoor dining area are secured against wind or theft. The City accepts no liability for lost, stolen or damaged property.

City Authority

1. The City may terminate or alter use or configuration of outdoor dining areas on the public sidewalk, bump-outs, City properties or within on-street parking spaces in order to facilitate public or private construction projects, road closures associated with special events or festivals, or any other public purpose, including, but not limited to, forecasted severe weather events.

2. The “outdoor dining season” may be permitted on a year-round basis on city-owned land in accordance with an applicable license agreement with no additional fee so long as all furniture and tents are adequately roped, braced and anchored to withstand prevalent weather conditions. The restaurant shall be required to maintain the outdoor dining area safe for public travel and use, which includes ensuring that it is free from snow and ice during operations.
3. The City may suspend, terminate or modify this outdoor dining program at any time.