



**Town of Barnstable
Regulatory Services
Licensing Division**

200 Main Street, Hyannis, MA 02601
www.town.barnstable.ma.us
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Regulatory Service Director
Richard Scali

Consumer Affairs Supervisor
Elizabeth G. Hartsgrove

Consumer Affairs
Officer
Therese Gallant

Administrative
Assistant
Margaret Flynn

OUTDOOR DINING CHECKLIST

Date: _____

Property Address: _____

Name of Establishment: _____

CHECKLIST

- _____ TOB Outdoor Dining Application, signed off by all divisions
- _____ Description of seating arrangement
- _____ Floorplan approved by Building Commissioner
- _____ 3 photographs showing front, side views with proposed table and chairs
- _____ Copy of menu
- _____ Certificate of Liability Insurance
- _____ \$50.00 Fee Received
- _____ Original License Agreement
- _____ Current year License Agreement for Sidewalk Cafe

FINAL APPROVALS

Legal: _____

Finance: _____

Town Manager: _____

**Please return all paperwork to
Licensing Division, 200 Main Street, Hyannis**

License Period: _____

Date: _____

Town of Barnstable

OUTDOOR DINING
LICENSE APPLICATION

New Application

Amend

The undersigned hereby applies for a License to conduct business in the Town of Barnstable in accordance with the Statutes of the Commonwealth of Massachusetts and subject to the Ordinances of the License Authorities.

NO BUSINESS MAY PROVIDE OUTDOOR DINING WITHOUT APPROVAL

Name of Applicant/Corporation: _____ D/B/A: _____

Address of Applicant/Corporation: _____ Map/Parcel # _____

Name of Manager: _____ Business phone # _____

Email Address: _____ Cell Phone # _____

Seating

Total # of Seats Existing _____

Total # of Seats Proposed _____

(total means overall # of seats indoors and outdoors)

Facilities/Equipment

of restrooms provided to public _____

Size of Grease Trap _____

Air Curtains Yes No

Hose Bib Yes No

Screens Yes No

Please attach the following:

Brief Description of seating arrangement, types of furniture proposed, hours of operation, projected opening and closing dates.

3 copies of floorplan on 8 ½" x 11"; indicating seating arrangement and showing the proposed separation distance to the curbing, and trees, any rubbish containers and other pedestrian walkway obstacles.

3 pictures (photos) showing front and side views of the proposed outdoor dining area, set with table and chairs that will be used for outdoor dining, and a copy of the menu.

NOTICE: I, the undersigned, certify that the above information which I provided is correct. I have read and fully understand the procedures as established by the Town of Barnstable in accordance with Chapter II, Article 8, Section 2 of the General Bylaws and the Board of Health Regulation #14, and further understand that failure to comply with said procedures may result in the immediate revocation of this permit.

Signature of applicant: _____ Date: _____

For Town use only

Site Plan Review Approval _____ _____	Building Approval _____ _____	Zoning Approval _____ _____
Historical Approval _____ _____	Health Approval _____ _____	Risk Management Approval _____ _____
Licensing _____ _____	Town Manager Approval _____ _____	Comments _____ _____

**GUIDELINES FOR
ENHANCED OUTDOOR DINING & SIDEWALK CAFES
VILLAGE OF HYANNIS**

**Guidelines for obtaining a License for Sidewalk Café
Application form for Sidewalk Café
License Agreement for Sidewalk Café
Board of Health Regulations**

For the purposes of this guideline, Outdoor Dining is considered an accessory use to an existing restaurant and a Sidewalk Café is a temporary seasonal use of public sidewalk space in front of existing restaurants.

Submitted by:

Hyannis Main Street Business Improvement District
P.O. Box 547
Hyannis, MA 02601
(508) 775-7892 phone
(508) 771-0353 fax
December, 2004

**TOWN OF BARNSTABLE, MASSACHUSETTS
VILLAGE OF HYANNIS
SIDEWALK CAFÉ GUIDELINES¹**

(Under Chapter II, Article 8, Section 2 of the Town of Barnstable General ByLaws)

The Town Council finds that the establishment of sidewalk cafes will promote the use and enjoyment of the Village of Hyannis' public space, will enhance tourism within the Village, and increase handicapped accessibility to restaurants.

A. USE OF PUBLIC WAYS

The Town shall have the jurisdiction in relation to the use of public ways for any temporary obstruction or projection in, under or over the same; but such jurisdiction shall be exercised with the written approval of the Town Manager in each instance.

B. CONDITIONS & STANDARDS FOR OCCUPANCY OF PUBLIC WAY

Every sidewalk café shall be **temporary** in nature and designed so that the entire café structure and its appurtenances including but not limited to chairs, tables, fencing, bollards and planters can be easily removed during periods of non-use. Furthermore, the Town reserves the right to revoke the user's license and remove the sidewalk café if and when it is determined to be necessary.

C. PUBLIC PROCESS

Every owner/licensee of a sidewalk café will be subject to review and approval by the Town Manager and Licensing Board. Approval of the Board of Health may also be required under Regulation 14 (see attached). The Town Manager may obtain comments from the Department of Public Works, the Disability Commission, and the Hyannis Main Street Waterfront District prior to issuing a license.

D. LOCATION OF SIDEWALK CAFES

1. The sidewalk café must be appurtenant and contiguous to the main restaurant or food service facility. To provide safe adequate circulation for patrons, the sidewalk café area shall be **no less than fifteen (15) square feet per table. The Town shall require a minimum of six (6) feet of open sidewalk passageway between the café area and curb of the street. Where street trees, street-side trash receptacles, or other utilities are installed on the public sidewalk, a minimum of five (5) feet of open sidewalk passageway shall be required between the café and the said utility in order to accommodate pedestrian traffic.**²

¹ This ordinance is based on models obtained from the City of Boston. Church Street Marketplace BID (Burlington, VT), Laconia, NH, Durham, NH and South Miami Beach, FL.
² Boston ordinance requires only 4 feet; Hyannis utilities, street trees, etc. are within 26" of curb.

2. The size of the café may be no wider than the licensee's storefront.
3. To prevent additional encroachment onto public space and to contain the sale of alcohol within the café area, the licensee shall be required to provide separation from the pedestrian walk space through a temporary system of enclosure, such as removable fencing or bollards with connecting chains, unless the Licensing Board determines that a temporary separation system is not necessary.

E. LIMITATIONS ON USE

1. No portion of a sidewalk café may be used for any purpose other than dining or circulation. Outdoor cafes may serve full meals.³ No-one shall be seated in an outdoor café for the sole purpose of drinking alcohol. The hours of operation of outside cafes shall be determined by the Town Manager (and Licensing Board if alcohol is served) and will be incorporated into the license agreement with the Town of Barnstable.
2. Tents or other fully or partially enclosed permanent or temporary structures are not allowed. Umbrellas may be provided as cover for table and chairs but must be located entirely within the sidewalk café area. Attached awnings shall meet the requirements of all applicable Town of Barnstable General Ordinances.
3. Licensees that do not provide table service must provide a trash container complimentary in appearance to the café, and the litter shall not be subsequently dumped into the Town litter containers. The tables must be consistently policed and trash regularly removed.
4. Licensees shall ensure that no tables, chairs, other temporary or permanent apparatus or structures are placed over utility vaults or emergency equipment connections on the premises.

F. COMPLIANCE WITH LAWS AND STATUTES

1. Sidewalk cafes must comply with all applicable federal, state and local laws and regulations, including the Americans with Disabilities Act.

G. LOCAL BOARD'S REVIEW

1. All sidewalk cafes must be approved by the Licensing Board for new food establishments, changes to the described area in an existing Common Victualler's permit, and where alcohol is being served in the sidewalk café area.
2. All sidewalk café applications must also be approved by the Town Manger. The Town Manager may place conditions on a license based on comments received from said agencies in Section C above.

H. LICENSE AGREEMENT

1. The licensee of a sidewalk café shall bear all financial responsibility for any and all improvements necessary to the public space, both within and surrounding the sidewalk café area. At no time and for no reason shall public funds be expended for improvements designed to benefit the User. In addition, a **license agreement** between the licensee and the Town of Barnstable shall be required. The agreement shall address liability; maintenance and trash removal concerns.

³The Boston ordinance requires that Outdoor Cafés serve dinners

2. Indemnification Standards: The licensee hereby covenants with the Town to indemnify and save harmless the Town against all claims and demands of all persons for damages, costs, expenses or compensation for, on account of, or in any way growing out of the use and occupancy by the Applicant, his patrons, and or invitees of the license area, or by any reason of any act of neglect of said user, its officers, agents, and employees, or by reason of any violation of any term or specification contained in the License Agreement or in any license or permit necessary in the said use and occupancy of the licensed area.
3. Insurance Requirement: The user's ability to operate the sidewalk café shall be conditioned upon the user obtaining and maintaining liability insurance for the period covered by the license. The minimum amount of insurance shall be in the amount of One Million (\$1,000,000.00) Dollars per occurrence combined single limit, which insurance shall cover any accident, injuries or damage suffered on, about or within the premises or as a result of the exercise of rights granted pursuant to this Agreement. The Certificate of Insurance shall be in the name of the Town of Barnstable as an additional insured, and the original Certificate shall be provided to the Town Manager prior to obtaining any permits.

I. LENGTH OF LEASE

1. A license for the use of the public space shall be seasonal and valid from April 1st* through November 15th of each year.
2. Licenses issued for sidewalk cafes by the Town shall require that the licensee adhere to all applicable rules, regulations and laws governing the use of public space, and the operation of the café. Licenses issued relative to the sidewalk cafes will be subject to renewal on a yearly basis. The Town reserves the right to revoke the license for violations or other uses of public spaces deemed necessary at any time.

J. FEE FOR LEASING SPACE

1. Taking into consideration that the Town is to incur NO costs relative to the sidewalk café, the licensee understands that construction, maintenance, utilities and other amenities relative to this license shall be the responsibility of the User. The application fee for use of public space shall be \$50.00 per season of use.
2. By accepting this license the licensee specifically acknowledges that the licensee shall be solely responsible for any and all costs of whatever kind and nature, and the Town shall not be responsible or liable for any such costs or be requested to reimburse the licensee for such costs in any respect or to any extent.

* amended from May 1 on February 19, 2010