



GUIDELINES FOR TEMPORARY OUTDOOR DINING ON PRIVATE PROPERTY DURING THE STATE OF EMERGENCY

Temporary outdoor dining areas on private property that have not already received approval from the City, should obtain an Outdoor Event License from the City Clerk in accordance with Chapter 46 of the City Code of Ordinances.

The City Clerk will submit the application for temporary outdoor dining areas to the following City Staff/Departments for review/comments in advance of issuing an Outdoor Event License: Community Development, Fire, and Police. To ensure a timely response to the applicant, City staff will have no more than 3-calendar days to provide comments to the City Clerk on the application. If more time is needed to conduct a review, City staff will notify the City Clerk as soon as possible and/or will find an alternate staff person to conduct the review.

Application:

Applicants for an Outdoor Event License to allow for outdoor dining areas on private property shall submit the following information with their license application. License applications are available from the City Clerk.

Written Narrative: A brief description that includes the following information:

1. The name and address of the restaurant.
2. The Applicant and Owner's contact information.
3. A written description of the proposed temporary outdoor dining area, including the number of tables/seats, boundaries/barriers, hours of operation, existing or proposed lighting, signage, number of parking spaces that might be temporarily encumbered, and food/beverage services. The applicant shall specify if alcoholic beverages will be served.

A Plot Plan: A plan (can be hand drawn) drawn to scale that displays the proposed outdoor dining space, dimensions of travel aisles/walkways, the location and dimensions of tables/seating, the location of nearby parking areas, proposed barriers/fences or buffers between vehicles and the dining area, and any other important site details.

Photos (optional): Color photos that show the area on the site where the proposed dining area will be located.

Termination: Unless earlier terminated for failure to comply with the terms and conditions of the License, the Outdoor Event License shall terminate either on the revocation of the Emergency Declaration by the Governor, or upon the issuance of an Emergency Order authorizing full capacity indoor restaurant seating, which ever shall first occur. Upon any such termination outdoor restaurant dining shall cease, and the outdoor dining area shall be returned to its prior condition and use free of any obstructions or encumbrances not otherwise required for the prior use.



The criteria included below are for City staff to use in reviewing applications for an Outdoor Event License to allow for temporary outdoor dining. These criteria may or may not be applicable depending on the specific proposal and site conditions.

Temporary Nature:

- The proposed outdoor dining area and changes to the site shall be temporary and will be removed at the end of the license period.

Permission to Use Space:

- No portion of the outdoor dining area shall encroach in the City Right-of-Way or on City property without permission from the City.
- The temporary outdoor dining area must occur on the property/lease area of the restaurant, unless written permission to expand beyond that area has been obtained by the property owner. For restaurants within a plaza, shopping center, or other multi-tenant space, the restaurant must receive written permission from the property manager/owner prior to expanding outdoor seating into common parking, pedestrian, or greenspace areas.

Health/Life Safety:

- New outdoor operations cannot result in a total occupancy greater than the originally approved occupancy limit for the restaurant.
- Points of ingress and egress shall not be blocked for any reason.
- All of the Health Department requirements must be met as well.

Circulation of Pedestrians & Vehicles

- The temporary outdoor dining area shall not create a vehicle or pedestrian hazard.
- Shall follow separation distances / limits included in the COVID-19 Protocols.
- No streets, driveways, drive aisles, drive-through, or other means for traffic circulation may be impeded or blocked, unless the applicant has clearly demonstrated alternate traffic circulation patterns that do not pose a safety concern.
- The proposed outdoor dining area and/or any associated furniture or barriers/fencing shall not obstruct vehicle sight distances.
- Fire lanes or other currently restricted areas near buildings (e.g., fire department connection and standpipe areas) shall always remain clear of obstacles. Access to these areas by emergency vehicles shall not be restricted in any way.

Barriers/Fencing:

- The perimeter of the temporary outdoor dining area may need to be clearly defined and properly secured (if serving alcohol outdoors), if located in / near any pedestrian travel ways (e.g., sidewalk, bike path), travel-lanes, parking lot, or parking spaces/area.
- Temporary barriers on the restaurant property to safely delineate the seating area shall not pose a safety hazard to occupants.
- No permanent barriers shall be installed without proper permits or approval from the City.

Furniture / Equipment:

- Proposed tents require additional approval and may require a separate permit(s).
- Permanent plumbing, electrical, and lighting fixtures shall not be installed as part of this temporary license.
- Outdoor furniture and equipment are not allowed to be placed or stored in the public right-of-way or on City property without prior approval from the City.

Parking Requirements:

- The Zoning Administrator may determine that parking spaces required by zoning may be utilized for the term of the license for the temporary outdoor dining area. If the Zoning Administrator determines that required parking may be utilized, this allowance will clearly be stated in the license.
- ADA Parking Spaces shall not be included in the proposed dining area, and required access to/from those spaces may not be impeded by the temporary outdoor dining area.

Lighting:

- Temporary lights shall not cause direct glare or other visual obstruction to pedestrians or vehicle drivers along the street and public walkway or nearby residences and should illuminate only the dining area and walkways that connect the building or parking area to the outdoor dining area.

Compliance with Other Regulations:

- The temporary outdoor dining area shall be operated in a manner that meets all requirements of the health department and all other applicable regulations and standards. Food establishments serving alcoholic beverages shall also obtain all necessary permits required by the State Liquor Commission. Licensee shall remain in compliance with the terms and conditions of these guidelines and the outdoor Periodic Event License, to which these guidelines are attached and incorporated by reference.

Compliance with COVID-19 Protocols:

During the Emergency Declaration issued by the Governor due to the Novel Coronavirus (COVID-19) crisis, the Licensee shall comply with the recommendations of the Federal Center for Disease Control, the State of New Hampshire (with specific reference to Executive Order #40, Exhibit C, subsection A), and the City of Keene, with respect to the operation of a restaurant, including but not limited to the following:

- Maintain and monitor social distancing practices of at least six (6) feet for customers and restaurant staff;
- Provide adequate space for patron seating and flow to maintain six (6) foot social distancing practices;
- Use non-porous tables that can be easily disinfected;
- Discontinue the use of table items that cannot be cleaned and sanitized;
- Have access to and utilize hand sanitizer for use between customers;
- Disinfect customer surfaces between customers;
- Remain in strict compliance with the Seating Location Plan, which plan may be further altered or discontinued at the discretion of the City; and
- Follow any other requirements that may be issued by the City and/or the State for health and safety of the restaurant staff and the public.



APPLICATION FOR OUTDOOR PERIODIC EVENT LICENSE

Applicant: _____ Date: _____

Address: _____ Phone: _____

Email address: _____

Location of Event: _____ Start/Finish Times: _____ / _____

Date(s) of Event: _____

Expected Audience Attendance: _____

Description of Event:

Is this the first time your organization has sponsored this event? Yes No

If not, has the person(s) in charge of organizing the event changed since it was last applied

for? Yes No

For events that have been held previously, has the City provided any support or services to

your event? Yes No

If so, please describe:

Please answer the following questions regarding your event by checking the appropriate box:

1. Will there be food vendors at the Event? Yes No
2. Will there be outdoor cooking of food or use of propane? Yes No
3. Will there be outdoor burning (Fire pit) Yes No
4. Will there be temporary signs posted? Yes No

5. Will there be alcohol served or sold at the event? Yes No

6. Will there be a structure erected? (ie. a greenhouse, tent, etc) Yes No

Please provide the size of the structure (ie. 10'X10') _____

7. If a tent or structure will be erected, will there be outdoor seating provided to your attendees? Yes No

8. Will electrical cords be run to the site? Yes No

9. Will you be encumbering parking spaces? Yes No

10. Will there be a need for use of City parking spaces? Yes No

11. Will activities associated with this event take place on Property owned by another private entity? Yes No

If yes, signed permission from the private property owner must be submitted with this application.

REQUIRED FOR ISSUANCE: Along with this application, please submit a plot plan identifying the area you will be utilizing for the event.

I hereby certify that the information listed on this application is complete and accurate:

Signature of Applicant

Typed Name of Applicant

Signature of Property Owner/Agent
Permitting use of the area
(Owner as listed in Assessing Dept.)

Typed Name of Property Owner/Agent

(For Use By City Clerk's Office)

Date Received _____ Fee Received (if applicable) _____

Plot Plan Received Yes No Action Taken _____

Recommendations/Requirements _____

Assistant City Clerk

What is an Outdoor Periodic Event?

Outdoor periodic events include athletic exhibitions, public dances, circuses, carnivals, live performances, exhibitions, promotional activities and any similar periodic activity open and available to the public which is conducted outdoors on private property.

Obtaining a License

The City Clerk is the licensing authority for Outdoor Periodic Event Licenses. To obtain a license, the applicant must complete an application that is submitted to the City Clerk's Office along with the applicable fee. The City Clerk's Office will initiate a review process with various City departments to determine licensing conditions. If deemed necessary, the applicant may be asked to attend a safety protocol meeting with City staff to determine any public safety needs.

The Applicant will be issued a Conditional License indicating other actions they will need to take to finalize their event, such as inspections or other licenses or permits needed from the City of Keene (Food licenses, Sign permits, etc.) The conditions will be event specific and based upon information provided on the application. The City Clerk's Office assists applicants through the process and helps to facilitate communication with the various City departments.

Licenses issued under this section of the City Code are date specific, and can be issued for a series of dates. The application fee for this license is \$30.00. If City resources are required to ensure safety, these costs are passed along to the applicant.

To review the regulations relative to this type of license, please go to the Keene City Code at the following web address:

https://www.municode.com/library/nh/keene/codes/code_of_ordinances

Chapter 46 is the Licensing Chapter.