

TOWN OF BRISTOL

ADOPTED ORDINANCE AMENDMENTS – SEASONAL OUTDOOR DINING

NO. 2023-05

Notice is hereby given that the regular meeting of the Bristol Town Council held on Wednesday evening, March 29, 2023, the following ordinance was adopted

**AN ORDINANCE IN AMENDMENT TO
CHAPTER 25
OF THE ORDINANCES OF THE BRISTOL TOWN CODE**

Ordinance #2023-05 – CHAPTER 25 – STREETS, SIDEWALKS AND OTHER PUBLIC PLACES -
ARTICLE I. - STREETS, SIDEWALKS AND PARKS –

Sec. 25-16 Seasonal outdoor seating on State Street - REPEALED

Sec. 25-17, Seasonal use of public streets for outdoor dining by business establishments.

(a) *Purpose.* The following rules and regulations are intended to protect public health and safety and to provide restaurants and food service vendors one-stop permitting for approval of outdoor dining on public property within the existing on-street parking areas, excluding the handicap spaces.

(b) *Incorporation of Design Guidelines and Manual.* The Town of Bristol Outdoor Dining Design Guidelines and Manual, dated *March 2023* and as may be further amended from time to time by the Town Administrator (the “Manual”) is hereby incorporated by reference, and shall govern the Approval Process, the Operational Requirements, the Construction Requirements and the Design and Material Requirements, except where contrary to any provision of this Section of the Code of Ordinances. In the event of a conflict between the Manual and this Section of the Code, the terms of this Section of the Code shall prevail.

(c) *License required.* Business establishments must make application to the Town Council for an annual license or a temporary day or week license, to use the on-street parking areas, excluding handicap spaces, in front of their establishments for outside dining. Each application shall contain:

(1) The name, address, and owner of the business making application.

(2) The name, address, and owner of the real estate wherein the business is located.

- (3) A line drawing or plot plan stamped by a licensed professional showing the entire parking area to be used along with the number and placement or location of tables and seats thereon and approximate dimensions of each.
- (4) Photos or other graphic representation including color and material of furniture and other accessories (umbrellas, lights, etc.) to be installed.
- (5) A schedule of hours of operation of the restaurant and the outside dining area.
- (6) Proof that the outdoor dining area will comply with applicable building codes, health department regulations, and the Rhode Island Department of Business Regulations (DBR). Alcoholic beverages may not be served in the outside dining area unless the appropriate license is first obtained and/or modified to include the permitted area and only after obtaining approval from the Town Council.
- (7) Establishments shall accommodate handicapped persons in the outside dining areas and shall include dimensions and grading on the plan to show compliance per ADA Regulations. The Building Inspector shall specifically approve the location/ placement of all outside furniture, including but not limited to tables, chairs, umbrellas, barriers, to ensure safe and adequate ingress and egress.
- (8) The area in which tables and chairs may be placed and patrons may be served shall be known as the "designated area." The designated area shall be enclosed and clearly delineated by means of a barrier specified on the plan. The designated area must be clearly delineated by objects such as planters, fences, or other appropriate means. All objects, including dining furniture, must remain entirely within the designated area. No part of the outside dining area, object (s) used to delineate the designated areas or other objects such as the tip of umbrellas shall encroach upon the sidewalk outside the designated area or encroach upon any part of the frontage of the adjacent premises, right-of-way or alley. All patrons must enter and exit through the designated areas. Barriers are required where the edge of any dining area would encounter or has the potential to encounter motor vehicles.
- (9) Proof of liability insurance from a company licensed to do business in the state and in a form satisfactory to the Town Solicitor, of no less than \$1,000,000.00 protecting the Town from all claims and causes of action for personal injury or property damage resulting from use of this license.
- (10) The applicant will obtain and file with the application to the Town Council approval by the Building Inspector, Police Chief, Fire Chief, Public Works Director, and the Community Development Director.

(11) Applicants shall pay a flat fee of \$100.00 per season for such license for Outdoor Dining Application payable to the Town of Bristol.

(d) *Additional rules and restrictions.*

All tables and chairs must be removed from the parking area upon order of the Town Administrator if special events require it or if a significant storm may require it. The entire sidewalk /dining area in front of a business establishment will be kept at all times neat, clean and with debris immediately removed so as not to cause a hazard or annoyance to pedestrians.

(e) *Suspension, revocation, and modification of license and penalty for violations.*

Any infraction of this section will be grounds for fine, suspension or revocation of this license. Individuals or businesses found in violation of the provisions of this section are also subject to a fine for any general offense pursuant to this Code. For imminent public health and safety concerns, , the Town Administrator may suspend or modify any outdoor dining license at any time subject to later review by the Town Council. In addition, the Town Council may , for due cause shown and with notice and hearing, levy a fine, and/or suspend, revoke or modify an outdoor dining license.

This ordinance shall take effect upon its passage.

By Order of the Town Council
Melissa Cordeiro
COUNCIL CLERK