

## **Restaurant Ordinance**

### **§ 83-1. Definitions.**

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meanings given:

RESTAURANT - A food service establishment that meets all of the following criteria:

1. Customers are served only when seated at tables or counters within a completely enclosed building, including the sale of alcoholic beverages under the provisions of a State restaurant permit;
2. No customers are served in motor vehicles;
3. Customers are not served primarily at take-out type counters regardless of whether the food is intended to be consumed on or off the premises; and
4. Any food take-out service is clearly incidental to the primary permitted use of serving customers seated at tables or counters.

SEASON or SEASONAL – A period of time beginning on the 4<sup>th</sup> Monday in May and ending on the ending on the 2<sup>nd</sup> Monday in October each year.

OFF-SEASON – A period of time beginning on the 2<sup>nd</sup> Monday in October and ending on the 4<sup>th</sup> Monday in May each year.

OUTDOOR DINING – Any outdoor café, sidewalk café or outdoor eating/service area accessory to and abutting a restaurant.

### **§ 83-2. Type of Restaurant Permitted**

Only a restaurant as defined in this chapter is permitted within the Borough of Litchfield. All other types and manners of food service establishments, such as those commonly known as drive-thru restaurants and fast-food restaurants, are prohibited.

### **§ 83-3. Seasonal Outdoor Dining Annual Permit Required.**

Seasonal outdoor restaurant dining shall be allowed by annual permit as specified herein. No restaurant shall use the public sidewalk for any dining purposes without a permit. No restaurant shall engage in outdoor dining during the off-season. This article applies to outdoor dining regardless of whether alcohol is served.

### **§ 83-4. Information Required on Application for Annual Permit**

Applications for an annual permit to engage in seasonal outdoor dining on a public sidewalk shall be made to the Warden of the Borough of Litchfield on a form provided by the Borough.

Applicants must apply for a new permit to engage in seasonal outdoor dining each year. Applications must include the following information:

- A. The owner of the restaurant establishment and their contact information;
- B. The permittee's name and contact information;
- C. The property owner's name and contact information;
- D. A scale drawing showing the area intended for outdoor dining. The plan shall show the limits of the dining area, remaining sidewalk, utility structures and any other sidewalk obstacles, with location of tables and chairs and access point to outside area;
- E. A signed Hold Harmless Agreement. The agreement will be provided by the Borough for the signature of the establishment owner or authorized agent;
- F. Copy of certificate of insurance as required by Hold Harmless Agreement; and
- G. Any additional information deemed necessary by the Borough Warden.

#### **§ 83-5. Regulations.**

Restaurants granted a permit shall comply with the following rules:

- A. Outdoor dining may only be conducted seasonally, as defined in this chapter. No outdoor may be permitted during the off-season, as defined in this chapter.
- B. The seasonal outdoor dining area may be located entirely or partially on the public sidewalk directly abutting the area permitted for restaurant use, subject to the receipt of all other necessary approvals relative thereto including, but not limited to, Town of Litchfield Planning and Zoning Commission and the Torrington Area Health District.
- C. The seasonal outdoor dining area shall not create interference with, hazards to, or visibility problems for Pedestrians on sidewalks. Outdoor dining area shall provide not less than (six) 6 contiguous feet of sidewalk clear of obstructions to allow unimpeded pedestrian traffic. At street corner intersections there shall be a minimum of 8 (eight) feet of unobstructed sidewalk. Obstructions shall include, but are not limited to, light poles, traffic signal poles, fire hydrants, utility structures, parking meters, street furniture, trash receptacles and street signs.
- D. The outdoor dining area shall not be located within or interfere with any parking or loading areas. Further, the location of outdoor dining cannot obstruct the clear sight distance for vehicles or access or crossings for the disabled.
- E. Any non-vegetative shading devices shall be of a non-permanent type (e.g., umbrellas, retractable awnings) and shall be safely anchored.

- F. The restaurant shall be responsible each day for cleanup of all trash (both on-site and off-site) generated by the outdoor dining area. Outdoor trash receptacles are subject to approval from the Historic District Commission.
- G. Tables and chairs in the outdoor dining area shall be so located as to maintain proper access to the building for emergency services.
- H. Aside from individual table lighting, there shall be no additional exterior lighting installed without approval from the Historic District Commission.
- I. At the end of each outdoor dining season, all tables, chairs, trash receptacles, etc., shall be removed from the outside of the premises.
- J. Any signs on outdoor umbrellas, awnings, chairs or otherwise shall comply with current Borough, Historic District Commission, Town and Planning & Zoning rules and regulations.
- K. The seasonal sidewalk outdoor dining area shall open no earlier than 8:00 a.m. and close no later than 9:00 p.m.
- L. This permit is not assignable.

**§ 83-6. Temporary Discontinuation of Outdoor Dining Permit**

The Borough of Litchfield reserves the right to temporarily order the discontinuance of the operation of outdoor dining at any time because of anticipated or actual problems or conflicts in the use of the sidewalk area. These situations include, but are not limited to festivals, parades, marches, road races, severe weather events, repairs to the street or sidewalk, or any other emergencies occurring in the area. To the extent possible, the permittee shall be given prior written notice of the time period during which operation of outdoor dining will not be permitted by the Borough, but failure to give notice shall not affect the right of the Borough to prohibit outdoor dining at any particular time.

**§ 83-7. Revocation of permit.**

- A. A permit may be revoked for any of the following reasons:
  - (1) Violation of any regulation under § 83-5 of this chapter;
  - (2) Failure of the applicant to maintain good order and proper conduct of outdoor dining patrons;
  - (3) False information supplied with the application;
  - (4) Any activity or event which is at variance with information submitted in the application process or which causes the outdoor dining operation to be in noncompliance with § 83-4 or § 83-5 of this chapter.

B. If a violation of any of the requirements of this article is not corrected within 24 (twenty-four) hours of notification to the owner/permittee, the permit issued may be revoked.