

Sec. 25-10. Use of sidewalks for dining and other purposes by business establishments; licensing.

(a) *License required.* Business establishments may make application to the town council for an annual license or a temporary day or week license, to use sidewalks abutting their establishments for outside dining or sales. 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 showing the entire sidewalk area, the placement or location of tables, chairs or racks thereon and dimensions of each.
- (4) 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 for all claims and causes of action for personal injury or property damage resulting from use of this license.
- (5) In addition, the applicant will obtain and file with the application a covering letter of approval from the chief of police.
- (6) Applicants shall pay a fee for such license as set forth in the fee schedule in section 11-1.

(b) *Displays of merchandise for sale.* Any person displaying merchandise for sale on any public right-of-way or sidewalk is subject to the following provisions:

A merchant shall be allowed to display goods, wares and merchandise on the sidewalk in front of a retail store in the following manner:

- a. No more than 50 percent of the linear feet in front of the store shall be used for display purposes.
- b. The display area shall be no more than 36 inches from the outside wall of the retail store.
- c. The goods, wares or merchandise in the display area shall not exceed a height of six feet.

d. Any retail store located on or at an intersection of two or more streets shall not display any goods, wares, or merchandise in such a manner that will obstruct the vision of any operator of a motor vehicle, pedestrian, or bicycle on or approaching said intersection.

e. Regardless of any other conditions, a 36-inch public right-of-way shall be maintained at all times on public sidewalks and thoroughfares.

f. All display merchandise on a sidewalk must be removed during such times as commercial promotional events or public celebrations are to take place in an area where a licenseholder conducts his or her business.

(c) *Outside dining.* No license shall be allowed for outside dining if the sidewalk is less than nine feet wide, measured from the curb to the closest point on the outside wall of the building. For sidewalks between nine feet to 12 feet in width, tables and chairs must be placed close against the building in such a manner as to provide a minimum of seven feet of unobstructed passage width for public use. For sidewalks in excess of 12 feet in width, tables and chairs must be placed close against the building in such a manner as to provide a minimum of eight and one-half feet of unobstructed passage width for public use.

(d) *Additional rules and restrictions.* All tables, chairs, racks and merchandise must be removed from the sidewalk or right of way whenever the business is closed. Absolutely no alcoholic beverages are to be served on the sidewalks at any time. The entire sidewalk 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. No license issued under this section shall be valid on the day of the Bristol Fourth of July Celebration in any year.

(e) *Revocation of license and penalty for violations.* Any infraction of this section will be grounds for immediate revocation of this license. For such cause and subject to later review by the town council, the town administrator may revoke or modify any sidewalk license at any time. In addition, the town council may at any time revoke or modify a sidewalk license without cause. Individuals or businesses found in violation of the provisions of this section are also subject to a fine not to exceed \$50.00 for the first offense, a fine not to exceed \$100.00 for the second and subsequent offenses in addition to any other fine assessed pursuant to this Code.

(Code 1972, § 20-11; Ord. No. 1999-22, 12-15-99)