



Permit & License Center
200 Orange Street, Room 501
Phone: 203-946-5758

<https://www.newhavenct.gov/gov/depts/building/>
<https://www.citysquared.com>



Justin Elicker
Mayor

OUTDOOR SEATING RULES AND REGULATIONS

OUTDOOR SEATING RULES

- Customers shall be served only when located at tables. No bars.
- No outdoor food or beverage prep shall be permitted.
- No amplified live or recorded music or other sound systems are permitted.
- Outdoor area must close no later than 10:00 p.m. (Sunday-Thursday) or 11:00 p.m. (Friday and Saturday).
- Must maintain a clear path for pedestrians:
 - a minimum of 6 feet Downtown
 - 4 feet elsewhere.
- Must maintain 4 feet between tables, distance measures closest chair to closest chair.
- Failure to abide by these rules can be cause for the City of New Haven to revoke an outdoor seating license.
- Patio space and tents shall not block fire department access.
- Barriers, if provided, must be 30 inches minimum height and shall not be permanent.

TENT REQUIREMENTS

- Tents of all sizes must be labeled on the site plan and a specification sheet must be included.
- Tents over 900 sq. feet and/or hosting 50 or more people require a Building Permit that is separate from this application.
- All tents must comply with the following:
 - No sides
 - No heaters under the tent
 - No cooking under the tent
 - Electricity is permitted with an Electrical Permit via the Building Department
 - Any tent (or contiguous tents) in excess of 10,000 SF should not be closer than 12 feet to another structure.
 - No smoking, fireworks, or open flames of any kind shall be permitted in any tent or shelter.
 - NO SMOKING signs shall be posted.
 - No flammable liquids or gases (this includes LP gas) shall be brought into any tent.
 - Fire extinguishers are required.
- Additional requirements may be imposed by the City Departments reviewing this outdoor seating application or any Building Permit Application.

TEMPORARY APPROVAL

Any approval granted for a new outdoor dining area, or approval for a modification to an existing outdoor dining area, is a temporary license only for space in the public right-of-way. It is the responsibility of the applicant to apply for, maintain, and renew any other licenses or permits that it may require from other City departments, including, but not limited to, the Health Department, the Office of Building Inspection & Enforcement, the Fire Department, the Zoning Division of the City Plan Department, or the Transportation, Traffic and Parking Department, to operate legally in an outdoor seating area.

All information submitted with this application is true and accurate to the best of my knowledge. The applicant understands that the City will consider that this application is complete only when all information and documents outlined under "Standards and Submission Requirements" have been submitted. In addition, by signing below, the applicant confirms his or her understanding of any the terms or conditions that apply to the license if approved.



STANDARDS AND SUBMISSION REQUIREMENTS

1. This Application

- a. The applicant's name, address, email address, and phone number.
- b. The public right-of-way location or address for which the applicant is seeking outdoor seating:
 - i. Sidewalk space
 - ii. Parking space
- c. The period for which the applicant is seeking outdoor seating:
 - i. The Regular Period (April 1 through November 30)
 - ii. An Additional Period (December 1 through March 31)
- d. Any narrative in the space provided.
- e. Additional pages, illustrations, and specification sheets as necessary.

2. A Detailed and Dimensioned Site Plan, which must include:

- a. A description and charted listing of the number, location, and type of any furniture (seats, tables, flooring, fencing), tents, buffers, screening, waitstaff stations, waste receptacles, or other applicable furniture that the applicant seeks to locate in its requested specific location or address in the public right-of-way.
- b. A detailed and dimensioned sketch, schematic, or diagram depicting the applicant's proposed outdoor seating plan containing the clearly-labeled arrangement of all furniture and other amenities in relation to fixed objects, e.g., buildings, roads with names, abutters' names, trees, street signs, curbs, building entrances and exits, standpipes, and fire hydrants.
- c. An outline of the maximum area.
- d. The path to be used by waitstaff for service to and from the kitchen.
- e. Additional pages with descriptions, pictures, cut sheets, or specification sheets that will assist the City Departments with their review of the application. Failure to include details can result in delays and follow-up questions from City Staff before the application is considered complete.
- f. Additional pages with examples of signage to be provided for parking spaces and signage with public health information as required by the Health Department.

3. Certificate of Insurance

- a. An insurance certificate:
 - i. Indicating that the licensee has liability insurance in the amount of \$1,000,000.00 per occurrence and \$2,000,000.00 general aggregate.
 - ii. Listing the City of New Haven as an additional insured; the following language must be included: *"The City of New Haven is named as an additional insured with respect to Outdoor Seating at (street name) New Haven, CT."*
- b. Coverage must be effective for the year in which the license is requested.

4. **Filing Fee:** There shall be no filing fee for this application. Please note that, during the Regular Period, the fee for a sidewalk space is \$160/year and the fee for a parking space is \$240/year, and that, during an Additional Period, the fee for a sidewalk space is \$20/month and the fee for a parking space is \$30/month. There will be no partial month payments.

The application will not be considered complete unless ALL items mentioned on this page are provided for.

THE CODE OF THE CITY OF NEW HAVEN
TITLE III. CODE OF GENERAL ORDINANCES
CHAPTER 17 – LICENSES AND PERMITS
ARTICLE XII. – OUTDOOR SEATING
Regulations

The City has enacted these regulations pursuant to its authority under Title III, Chapter 17, Article XII, Section 17-12.5 of the City's Code of Ordinances.

Sec. 17-12.5.1. - Definitions.

For the purposes of these regulations, the following terms shall have the following meanings:

- (a) *Applicant* means: the owner or operator of a café, restaurant, or other commercial retail establishment that wants to secure a License from the City.
- (b) *City* means: The City of New Haven and any of its employees. Wherever the title of a City officer, official, or employee is used in this article, the title of the officer, official, or employee shall mean and include such person, his or her deputy, or other authorized subordinate or designee.
- (c) *Director* means: the Director of Parks and Public Works of the City, or such person as the Director shall designate.
- (d) *Outdoor Seating* means: any seating or other related furniture, appurtenances, and/or obstructions established within the Public Right-of-Way for the purpose of food or beverage consumption.
- (e) *License* means: an Outdoor Seating license that the City grants to an Applicant pursuant to these regulations.
- (f) *Licensee* means: the recipient of a License that the City grants pursuant to these regulations.
- (g) *Public Right-of-Way* means: (1) the public sidewalk, or (2) any parking space or other public area that is part of a public avenue, boulevard, road, or street.

Sec. 17-12.5.2. - Duration.

- (a) The City shall license Outdoor Seating each calendar year from April 1st through November 30th (the "Regular Period") in the Public Right-of-Way.

- (b) Notwithstanding subsection (a) above, the City also shall license Outdoor Seating from December 1st of a given year through March 31st of the following year (an “Additional Period”) in the Public Right-of-Way.

Sec. 17-12.5.3. - Application.

- (a) To apply for a License, an Applicant must submit a written application, in a form that the Director shall require, which shall include, but may not be limited to, the following elements:

- 1) A written proposal, containing:
 - i. The Applicant’s name, address, email address, and phone number;
 - ii. The specific location in the Public Right-of-Way for which the Applicant is requesting Outdoor Seating;
 - iii. Whether the Applicant is seeking a License for the Regular Period or an Additional Period; and
 - iv. A description and listing of the number and type of furniture (seats, tables, flooring, fencing) and any other amenities that the Applicant seeks to locate in its requested Outdoor Seating location.
- 2) A detailed and dimensioned sketch, schematic, or diagram, using design guidelines which the Director, at his sole and absolute discretion, may develop, depicting the Applicant’s Outdoor Seating plan containing the arrangement of all furniture and other amenities in the Outdoor Seating location in relation to fixed objects including, but not limited to, trees, street signs, curbs, building entrances and exits, standpipes, and fire hydrants. Submittal must be clearly labeled.
- 3) A certificate or other valid proof of insurance for the specific location of the proposed Outdoor Seating, pursuant to Section 17-12.5.4 below.

- (b) Regarding the specific location described in Section 17-12.5.3(a)(1)(ii) above, an Applicant may apply for space on the sidewalk directly in front of its establishment, and/or for the one (1) parking space most directly in front of or adjacent to its establishment, as appropriate.

- (c) Notwithstanding subsection (b) above, if an Applicant wishes to secure a License for one (1) additional parking space and/or for an additional space on the sidewalk, it may apply to the Director by submitting another complete application for such parking space or for such additional sidewalk space, pursuant to Section 17-12.5.3(a) above, and by providing written consent from the property owner that sits directly behind that space on the sidewalk or that parking space, as appropriate. In no case shall an Applicant receive a License for more than two (2) parking spaces, or space on the sidewalk in front of more than two (2) separate properties.

- (d) If an Applicant wishes to secure a License for Outdoor Seating for an Additional Period, pursuant to Sec. 17-12.5.2(b) above, it must apply separately to the Director, in a manner that the Director may prescribe, but which manner of application shall include, without limitation, those requirements contained in Sections 17-12.5.3(a), (b), and (c) above, as appropriate. In addition, such Applicant shall submit with its application a plan for (1) operating and maintaining its Outdoor Seating areas through inclement fall and winter weather, (2) ensuring vehicular and pedestrian safety and visibility, and (3) cleaning up and removing any snow, ice, leaves, trash, or other debris in and around its Outdoor Seating areas as such may occur and accumulate.

Sec. 17-12.5.4. - Insurance.

- (a) Before the City may issue a License, an Applicant shall secure, and provide to the City's satisfaction along with a completed application pursuant to Section 17-12.5.3 above, a certificate or other valid proof of insurance for the specific location of the proposed Outdoor Seating, in the amount of One Million Dollars and No Cents (\$1,000,000.00) per occurrence and Two Million Dollars and No Cents (\$2,000,000.00) general aggregate, or in such other types or amounts as the Director may require, naming the City as an additional insured party with an address 165 Church Street, New Haven, CT 06510.
- 1) If the Applicant is requesting a License for the Regular Period, said insurance shall provide coverage for the period of April 1 through November 30 for the year in which the Applicant is requesting a License, or, if the Applicant is requesting a License for an Additional Period, said insurance shall provide coverage for the period of December 1 of a given year through March 31 of the following year.
 - 2) The Applicant shall ensure that the certificate or other valid proof of insurance:
 - i. Shall contain the following language: "The City of New Haven is named as an additional insured with respect to Outdoor Seating at";
 - ii. Shall state the street name and street number of the specific location for which the applicant is requesting a License; and
 - iii. Shall state the phrase "New Haven, CT".
 - 3) The insurance shall protect the City against all claims resulting from the Licensee's actions and/or negligence.
- (b) The Licensee shall maintain the insurance in full force and effect for as long as its Outdoor Seating exists. The Licensee shall be responsible for any damage caused by the Outdoor Seating to sidewalks or other public property. Should the owner or operator of any establishment with Outdoor Seating change, the new owner or operator shall submit a new and complete application pursuant to Sec. 17-12.5.3 above.

Sec. 17-12.5.5. – General Conditions.

The following general conditions shall apply to all Licenses:

(a) Regarding sidewalks:

- 1) In the Downtown area, defined as the area bounded by the south side of George Street, the east side of High Street, the north side of Grove Street, and the east side of State Street, a minimum of seventy-two inches (72"), which is equal to six feet (6'), of unobstructed width of the sidewalk is required; and
- 2) Outside of the Downtown area, a minimum of forty-eight inches (48"), which is equal to four feet (4'), of unobstructed width of the sidewalk is required.

(b) Licensees must maintain a minimum distance of four feet (4') between tables in Outdoor Seating areas, as measured from the chair of one table that is closest to the chair of another table, in a manner consistent with the minimum distance that the Licensee must follow regarding its indoor seating requirements pursuant to City ordinance and regulation;

(c) Customers may receive food or beverage service, including alcoholic beverage service, and consume beverages, including alcoholic beverages, in Outdoor Seating areas, but only when located at tables;

(d) Locating bars or preparing food or beverages in Outdoor Seating areas, or serving food and beverages, including alcoholic beverages, to persons outside of Outdoor Seating areas from within Outdoor Seating areas is prohibited;

(e) Amplified live or recorded music or other sound is prohibited in Outdoor Seating areas;

(f) Outdoor Seating areas must close no later than 10:00 p.m. Sundays through Thursdays, and no later than 11:00 p.m. on Fridays and Saturdays;

(g) Installation of Outdoor Seating shall not cause or allow the Licensee to violate any state statute or City ordinance, including, but not limited to, any code or regulation of the State Building Code, the State Fire Code, the City's Zoning Ordinance, or the State's Public Health Code;

(h) Outdoor Seating shall not block access by the New Haven Fire Department to fire hydrants, standpipes, or other firefighting infrastructure;

(i) Barriers, if provided, must be thirty inches (30") in minimum height, and shall not be permanent;

(j) Chairs, tables, umbrellas, canopies, and any other objects utilized as part of the Outdoor Seating shall be of quality design, materials, size, elevation, and workmanship both to ensure the safety and convenience of users and to enhance the visual quality of the urban environment; and

(k) All chairs, tables, other related furniture, appurtenances, and/or obstructions in the Public Right-of-Way shall be temporary in nature and not affixed to the ground, a building, or

other permanent structure, shall be easily movable by the Licensee, and shall provide the City with emergency access to any adjacent utilities for repair.

Sec. 17-12.5.6. - Approval.

- (a) The following City departments shall approve all Licenses for a space on a public sidewalk: Transportation, Traffic and Parking Department, Department of Parks and Public Works, Health Department, City Plan Department/Zoning Division, and Fire Department.
- (b) The following City departments shall approve all Licenses for a parking space or other public area that is part of a public avenue, boulevard, road, or street: Department of Parks and Public Works, Health Department, Fire Department, City Plan Department/Zoning Division, and Transportation, Traffic and Parking Department.

Sec. 17-12.5.7. - Appeal.

- (a) Any Applicant whose application has been denied, or that considers itself otherwise aggrieved by a decision of the Director (including, without limitation, denial of an application for an Additional Period or truncated Additional Period), may appeal such in writing on such form as the Director may prescribe, to the Chief Administrative Officer, who shall convene a panel to review, consider, and adjudicate any such appeal brought by an aggrieved Applicant. The result of any such appeal shall constitute the full extent of the administrative process pursuant to this section.
- (b) As used in this Section 17-12.5.7(a) above, “aggrieved” means that the City has approved the application of an Applicant but imposed a material change to it, or placed on it a material condition of approval which the Applicant considers outside of the usual parameters of the criteria for approval, as outlined in these regulations, without reasonable cause arising out of the specific details of the application, or has approved the application but has denied an Additional Period, or has approved the application for an Additional Period but has limited it to a shorter duration than that for which the Applicant applied.

Sec. 17-12.5.8. – Removal.

- (a) The City may take any steps that it deems necessary, including but not limited to ordering a Licensee to remove immediately all chairs, tables, other related furniture, appurtenances, and/or obstructions from an Outdoor Seating area, to address any exigent issues until the City determines and declares that such exigent issues have ended, at which time the Licensee may return its chairs, tables, other related furniture, appurtenances, and/or obstructions to its Outside Seating area.
- (b) If the City declares a storm emergency, including but not limited to an imminent or forecasted weather event, a Licensee shall have twenty-four (24) hours to remove all chairs, tables, other related furniture, appurtenances, and/or obstructions from within its

Outside Seating area, until such time as the City declares that such storm emergency has ended, at which time the Licensee may return its chairs, tables, other related furniture, appurtenances, and/or obstructions to its Outside Seating area.

Approved by the Director of Parks & Public Works

March 29, 2023