

BOROUGH OF MIDDLETOWN RESTAURANT SIDEWALK DINING PERMIT APPLICATION

Please refer to the Consolidated Fee Schedule as amended on our website at www.middletownborough.com for a copy of our current fees.

Applicant Name: _____
Relationship to Business: _____
Applicant Address: _____
Applicant Phone Number: _____
Business Name: _____
Business Address: _____
Business Phone Number: _____
Property Owner: _____

Describe Proposed Outdoor Furniture. List quantity, colors, materials, types:

	Qty	Description
Chairs:	_____	_____
Tables:	_____	_____
Umbrellas:	_____	_____
Partition:	_____	_____
Other:	_____	_____

Please complete and submit the information below:

- Proof of licensure by the Pennsylvania Liquor Control Board authorizing the sale and consumption of alcoholic beverages in the restaurant sidewalk dining area, if applicable.
- Proof of liability insurance in the amount of \$100,000 per individual and \$300,000 per occurrence.
- A detailed/sketched site plan on 8-1/2 x 11 paper; not to exceed 24 x 36. All sidewalk obstructions shall be noted and detailed dimensions shall be clearly shown.
- A photograph of proposed Restaurant Sidewalk Dining area.
- A photograph of vendor specification of proposed furniture.
- A photograph of vendor specification of proposed partition and detail of how far it will extend onto the sidewalk.

Submit this application along with the above items to: Borough of Middletown, 60 W. Emaus Street, Middletown, PA 17057. (NOTE: Submittal of an application is not an approval to set up outdoor dining.)

This is to certify that I, _____, the Applicant, have read the Restaurant Sidewalk Dining Provisions as set forth in Chapter 235, Streets and Sidewalks, Article IX (as amended) and desire to obtain a Restaurant Sidewalk Dining Permit.

A permit is issued on the basis of a calendar year and written application for renewal must be made in each new calendar year. Permit fees and renewal fees are not subject to proration.

Restaurant sidewalk dining areas shall only operate from 10:00 a.m. to 10:00 p.m. during the permitted months of use (April 1 through October 31).

The following conditions must be met prior to the issuance of a permit to operate a restaurant sidewalk dining area and continued compliance with the rules and conditions is required during the term of any permit issued:

1. Serve no food or beverages to a patron in a restaurant sidewalk dining area unless that patron is seated at a table.
2. Outdoor furnishings located in a restaurant sidewalk dining area shall be limited to nonpermanent partitions, tables, chairs, umbrellas, canopies and safely operated heat lamps.
3. All outdoor furnishings must be removed from the restaurant sidewalk dining area at the close of business each day and stored within an interior structure when the area is closed per business hours. No outdoor furnishings shall be placed in a restaurant sidewalk dining area outside the season of operation.
4. A nonpermanent, rigid, aluminum or resin, partition shall be used to separate the restaurant sidewalk dining area from the unobstructed pedestrian sidewalk. The height of the partition shall be 36 inches. The partition shall be black or white in color.
5. High top and pub style table and chair sets are prohibited.
6. Any sign placed in the restaurant sidewalk dining area must meet the requirements of Chapter 260, Zoning, Article XVII, Signs, of the Code of the Borough of Middletown.
7. The restaurant sidewalk dining area shall be maintained in a clean manner and kept free of all trash and debris.
8. Permittees shall not use the pedestrian walkway for the service of food or beverage or the conduct of any other business.
9. The holder of a permit to operate a restaurant sidewalk dining area shall control the noise created by the operation of the restaurant sidewalk dining area, including but not limited to, the conduct of patrons, or any other disturbances prohibited by Chapter 185, Noise, Article I, Noise Disturbances, of the Code of the Borough of Middletown.

10. Alcoholic beverages served in the restaurant sidewalk dining area shall not be transported outside of the restaurant sidewalk dining area.

11. No alcoholic beverage shall be consumed directly from its original bottle, can, carton or other original packaging.

Failure to comply with the requirements of Chapter 235, Streets and Sidewalks, Article IX, Sidewalk Obstructions, the above conditions, and any other provisions of the Borough Code incorporated herein, may result in the revocation of a permit by the Borough Manager. Borough Council may revoke a permit without cause.

Restaurant sidewalk dining area permits are not transferrable. Changes in ownership/operation require reapplication for a permit.

I, _____, the Applicant, acknowledge that any and all documents and plans submitted with this application may be subject to the Pennsylvania Right to Know Law (RTK) and copies of same may be made public in response to a request under the RTK Law or to Borough officials and I authorize the Borough to do so.

I agree to defend, indemnify and save harmless the Borough of Middletown and all of its elected officials, appointees and employees from any and all loss, liability, damages or judgments resulting from any claims made against any of them by reason of, or in connection with, operation of a restaurant sidewalk dining area on a public sidewalk. I waive any loss or damage (direct or inconsequential) that may arise from the application of the provisions of the Borough of Middletown Code Chapter 235 and/or the regulations adopted as amended from time to time, and/or any condition or requirements applied or imposed by the Code/Zoning Officer in connection with the Restaurant Sidewalk Dining Permit.

Applicant Signature: _____ Date: _____

A restaurant sidewalk dining area permitted pursuant to the Borough Code and duly licensed for sale and consumption of alcoholic beverages by the Pennsylvania Liquor Control Board, shall not be subject to Chapter 98, Alcoholic Beverages, Article II, Open Containers, of the Code of the Borough of Middletown and the restrictions set forth thereunder.

Borough of Middletown Use Only

Reviewed By: _____ Date: _____
Code/Zoning Officer

Approval Signature: _____ Date: _____
Council President

Permit No.: _____ Effective: _____ Expiration: _____