

## WISCASSET DOWNTOWN SIDEWALK LICENSE POLICY

The purpose of this policy is to preserve the historic character of the downtown while allowing safe and full use of the sidewalks. The objective is to balance the needs of the public for safe access while giving businesses, organizations and individuals an opportunity to utilize the sidewalks without jeopardizing pedestrians.

For purposes of this policy, downtown sidewalks are defined as those sidewalks on the north side of Main Street from Water Street to Middle Street and on the south side of Main Street from Water Street to the end of the widened sidewalk beyond Middle Street in front of 106 Main Street.

1. The use of downtown sidewalks by merchants shall be allowed only after application and the issuance of a license by the Town Clerk. Licenses shall be issued to merchants only for use of space that is contiguous to their licensed establishment. There is no fee for a license which shall be issued only after the Code Enforcement Officer has determined that the performance standards in section 4 are met. Proof of liability insurance shall be required. Licenses are valid from April 1 to January 1 within any calendar year and must be renewed annually. Licenses are revocable and can be revoked by the Board of Selectmen at any time for any reason.
2. The occasional use of downtown sidewalks by individuals or groups shall be allowed only with approval by the Select Board after submission of an application. There is no fee for a license. Proof of liability insurance shall be required. Licenses are valid from April 1 to January 1 within any calendar year. If there is a conflict over use of a space, a downtown merchant application will be given priority. Licenses are revocable and can be revoked by the Board of Selectmen at any time for any reason.
3. In order to sponsor a more leisurely and pleasant commercial atmosphere in the downtown area, the Town Clerk may issue licenses for the setting of tables and chairs associated with established restaurants or other holders of valid Town-issued victualer licenses. Such licenses shall be free of charge for use of space that is contiguous to their licensed establishment, shall be valid from April 1 to January 1 within any calendar year and must be renewed annually. Licenses shall be issued only when the Code Enforcement Officer has determined that the performance standards in section 4 are met. Licenses are revocable and can be revoked by the Board of Selectmen at any time for any reason.
4. The following performance standards shall be maintained:
  - a. The goods, wares, other merchandise, tables, and chairs are located in front of the specific establishment and outside of the pedestrian access way described below.
  - b. The goods, wares, other merchandise, tables, and chairs are portable.
  - c. The goods, wares, and other merchandise are removed from the sidewalk at the end of the specific operating hours of the establishment.

d. A 50-inch continuous, unobstructed, pedestrian access way shall be maintained for the full length of the downtown sidewalks and shall not include stairs .

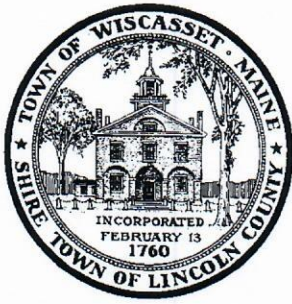
e. There shall be no hindrance or hazard to pedestrian safety or movement, nor with any snow removal or sidewalk sweeping activities of the Public Works Department.

f. There are adequate provisions to collect and remove all waste or litter associated with or resulting from the use or display of said goods, wares, other merchandise, tables, and chairs so that there is no accumulation of waste and litter on the sidewalk.

g. The name of the business on umbrellas, outdoor furniture or elsewhere on the sidewalk is regulated by the Sign Ordinance.

5. The Select Board may permit the service to, and the consumption of alcoholic beverages by, a patron of a facility that has been licensed by the State for the sale and consumption of alcoholic beverages and that the licensed area has been extended to include part of the sidewalk or other public way. When a license has been so approved and issued, all the conditions under Subsection 4 above shall be adhered to. Additionally, the licensee shall comply with the provisions under 28-A M.R.S.A. § 1051(3), which limits the service and consumption of liquor to areas that are clearly defined and approved in the application process by the Bureau of Alcoholic Beverages as appropriate for the consumption of liquor. Outside areas must be controlled by barriers and by signs prohibiting consumption beyond the barriers.

6. At all times the Town of Wiscasset through its Town Manager will retain total rights and control of all activities on the downtown sidewalks. The Board of Selectmen may revoke any license at any time.



# TOWN OF WISCASSET

## DOWNTOWN SIDEWALK USE APPLICATION

Date received: \_\_\_\_\_

Date Approved by: \_\_\_\_\_

1. Name of Business, Organization or Individual \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_ email \_\_\_\_\_

2. Name of Owner or Sponsor \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_ email \_\_\_\_\_

3. Contact Name and Phone \_\_\_\_\_

4. Type of Business, Organization or Event \_\_\_\_\_

5. Proposed use of Sidewalk \_\_\_\_\_

6. Number and Sizes of tables and chairs (if applicable) \_\_\_\_\_

7. Dates of operation: From \_\_\_\_\_ to \_\_\_\_\_ Regular? \_\_\_\_\_ Occasional? \_\_\_\_\_

8. Days and hours of operation

Mon. \_\_\_\_\_ Tues. \_\_\_\_\_ Wed. \_\_\_\_\_ Thurs. \_\_\_\_\_ Fri. \_\_\_\_\_ Sat. \_\_\_\_\_ Sun. \_\_\_\_\_

9. State license for sale of alcoholic beverages (if applicable) No.: \_\_\_\_\_

10. Proof of liability insurance to cover use of downtown sidewalks (attach copy).

11. Attach sketch or marked-up photo of the area to be used with the required space (or number of tables and chairs) indicated.

I represent that all of the above information is true and correct. I have read the attached Downtown Sidewalk Policy and agree that I will comply with all rules and regulations. I acknowledge failure to comply with one or more of the Downtown Sidewalk Policies may result in this permit being terminated.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date