

Chapter 6 - ALCOHOLIC BEVERAGES

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Article VI. – Outdoor Seating

Sec. 6-83.- Purpose and Intent

The town council may allow by permit any liquor license holder to have outdoor seating subject to the provisions of this section. This ordinance is not intended to prohibit any lawfully existing outdoor seating predating the enactment of this ordinance. Any holder of a liquor license that lawfully maintained outdoor seating prior to the enactment of this ordinance shall be allowed to continue such lawful preexisting outdoor seating, but shall be required to comply with the application and review process outlined in this ordinance.

(1) The liquor license holder shall file an application with the town clerk for a permit by the town council to allow outdoor seating. The application shall include:

- (a) The name of the licensed premises, the street address, the assessor's plat and lot, the types of licenses issued to the establishment and the number of indoor tables and seats.
- (b) The proposed number of tables and seats for the outdoor seating area, as well as any menu offerings, if any, for the outdoor seating area.
- (c) A site plan, showing the location of the proposed outdoor tables and seating, and any additional structures, parking areas or other site changes to the property.

Sec 6-84.- Outdoor seating requirements

(1) The permit application shall first be referred to the building and zoning official(s) for approval and issuance of any necessary permits. If parking requirements cannot be met on the subject property, an alternative parking plan must be submitted. Approvals from the building and zoning official(s) shall be forwarded to the town council.

(2) The permit application shall be referred to the chief of police and fire chief for review and a report to the town council for a determination of whether the requested outdoor seating will have an impact on safety of pedestrians, motor vehicle traffic or off-street parking in the immediate area.

(3) The liquor license holder must be in good standing with the Town of Tiverton including but not limited to being current on tax payments and no outstanding license violations.

(4) Any validly issued outdoor seating permit shall be permitted during such times as determined by the Tiverton Town Council, and the renewal thereof shall be upon application to the town

council for the regular monthly November meeting of the town council at which licensing renewals are heard.

(5) If food is served for consumption on the licensed premises outdoors, the license holder shall be required to amend his or her victualing license pursuant to the terms of the ordinance.

(6) The licensee shall also be required to execute an agreement indemnifying the town and holding the town harmless for any and all liability, claims and causes of action arising from the license holder's use of outdoor seating and/or service. The indemnification and hold harmless agreement shall be in such form as approved by the town solicitor.

(7) Any liquor license holder that is not connected to Town sewer shall be in compliance with the regulations of the Rhode Island Department of Environmental Management and other applicable state law with regard to handling waste disposal for the capacity of both the indoor and outdoor seating; provided, however, that an applicant seeking a new license or an applicant seeking an expansion shall demonstrate compliance as indicated on the DEM OWTS permit on file in building official's office or provide a DEM System Suitability Determination attesting to the number of seats allowed. Said documents shall be forwarded to the Town Council as part of the application process.

(7) Employees will clear tables and monitor adjacent areas for litter on a regular schedule.

(8) All lighting shall be focused directly onto the seating area and away from abutting properties.

Chapter 22 - Businesses

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Article III – Victualing Licenses

Sec. 22-11. - In general

The Tiverton Town Council shall issue victualing licenses to all victualing houses as defined in Rhode Island General Laws, title 5, chapter 24. The Town Council retains all powers for approving, renewing, conditioning, suspending, and revoking victualing licenses within the Town as provided by state law.

Add definition for single service articles (take-out food)

1. All food and beverages shall be in disposable containers.
2. No achoholic beverages served
3. No tableside service by staff
4. Not more than six (6) seats inside the premises that could be used for waiting patrons

Sec. 22-12.- Outdoor seating.

The town council may allow by permit any licensed restaurant or victualing house to have outdoor seating subject to the provisions of this section. This ordinance is not intended to prohibit any lawfully existing outdoor seating predating the enactment of this ordinance. Any holder of a victualing license that lawfully maintained outdoor seating prior to the enactment of this ordinance shall be allowed to continue such lawful preexisting outdoor seating, but shall be required to comply with the application and review process outlined in this ordinance.

Applicants for outdoor seating for single service articles shall be exempt from the requirements of section 22-13 (2) through (9). As used in this section, the term "single service article" shall mean a victualing licensed premises where the following conditions are met: (1) All food and beverages are served in disposable containers; (2) No alcoholic beverages are served; (3) There is no tableside service by staff; and (4) There are not more than six (6) seats inside the premises that could be used for waiting on patrons.

Sec 22-13.- Victualing Application License Requirements

(1) All new victualing license applications and renewal applications shall be filed with the town clerk. The application shall include:

(a) The name of the licensed restaurant or victualing house, the street address, the assessor's plat and lot, the types of licenses issued to the establishment and the number of indoor tables and seats, along with the menu offerings for the indoor seating area.

(b) The proposed number of tables and seats for the outdoor seating area, as well as the menu offerings for the outdoor seating area.

(c) A site plan, showing the location of the proposed indoor and outdoor tables and seating, and any additional structures, parking areas or other site changes to the property.

(1) The permit application shall first be referred to the building and zoning official(s) for approval and issuance of any necessary permits. If parking requirements cannot be met on the subject property, an alternative parking plan must be submitted. Approvals from the building and zoning official(s) shall be forwarded to the town council.

(2) The application shall be referred to the chief of police, fire chief for review and a report to the town council for a determination of whether any requested outdoor seating will have an impact on safety of pedestrians, motor vehicle traffic or off-street parking in the immediate area.

(3) The licensed restaurant or victualing house must be in good standing with the Town of Tiverton including but not limited to being current on tax payments and no outstanding license violations.

(4) Any validly issued victualing license and/or outdoor seating permit shall permit operations during such times as determined by the Tiverton Town Council, and the renewal thereof shall be upon application to the town council for the regular monthly November meeting of the town council at which licensing renewals are heard.

(5) If alcoholic beverages are proposed to be served outdoors, the restaurant or victualing house shall be required to request an amendment to its liquor license to include outdoor seating area as part of the premises licensed for the sale and consumption of alcoholic beverages.

(6) The licensee shall also be required to execute an agreement indemnifying the town and holding the town harmless for any and all liability, claims and causes of action arising from the restaurant or victualing house's use for outdoor seating and service. The indemnification and hold harmless agreement shall be in such form as approved by the town solicitor.

(7) Any victualing license holder that is not connected to Town sewer shall be in compliance with the regulations of the Rhode Island Department of Environmental Management and other applicable state law with regard to handling waste disposal for the capacity of both the indoor and outdoor seating; provided, however, that an applicant seeking a new license or an applicant seeking a an expansion shall demonstrate compliance as indicated on the DEM OWTS permit on file in building official's office or provide a DEM System Suitability Determination attesting to the number of seats allowed. Said documents shall be forwarded to the Town Council as part of the application process.

fifteen percent (15%) or greater expansion of existing seating shall be required to provide a DEM suitability statement to the Town Council as part of the application process.

(8) Employees will clear tables and monitor adjacent areas for litter on a regular schedule.

(9) All lighting shall be focused directly onto the seating area and away from abutting properties.