



# City of Nashua

Public Works Division  
9 Riverside Street  
Nashua, NH 03062

Fax (603) 589-3169

February 15, 2023

Dear Business Owner,

Outdoor dining in Nashua begins on March 15, 2023. We are currently issuing permits for the upcoming season. Attached is an Outdoor Dining Permit application along with regulations and rules. Sidewalk Outdoor Dining will run through November 15, 2023. However, Expanded Outdoor Dining will end on August 25<sup>th</sup> to allow for Main Street paving this fall.

Please remember that a five foot unobstructed path must be maintained on the sidewalk in front of your dining area for pedestrians. In addition, all outdoor dining permit holders are responsible for sweeping and maintaining the cleanliness of the sidewalks they are encumbering at all times. Thank you for your cooperation and I wish you a successful outdoor dining season.

Please contact 589-3120 with any questions and email the completed application to:  
[EngROWPermits@nashuanh.gov](mailto:EngROWPermits@nashuanh.gov)

Sincerely,  
City of Nashua

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Administration Business Office (603) 589-3140	Street Department (603) 589-4750	City Engineer (603) 589-3120	Parks-Recreation Department (603) 589-3370	Solid Waste Department (603) 589-3410	Wastewater Treatment Plant (603) 589-3560
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## City of Nashua

Division of Public Works  
9 Riverside Street  
Nashua, NH 03062  
603-589-3140 Fax 603-589-3169

### Annual Outdoor Dining Permit Application Permit Valid from March 15<sup>th</sup> thru November 15<sup>th</sup> – Sidewalk March 15<sup>th</sup> thru August 25<sup>th</sup> - Expanded

Please complete the attached application. Your application will be reviewed by Public Works, the Fire Department and Environmental Health. Please submit your application to the Division of Public Works by email to: EngROWPermits@nashuanh.gov. We ask that you allow the City 7 business days to review and issue a permit.

<b>Business Name:</b>	<b>Business Contact:</b>
<b>Street Address:</b>	<b>Business Phone/Fax:</b>
<b>Business E-Mail:</b>	<b>Cell Phone:</b>

Signature of the applicant confirming that all information on this application is accurate and correct and that he/she has read and understands *The Rules and Regulations for Outdoor Dining* and that any violation of the Outdoor Dining Regulations may result in citations, fines, and/or revocation of Permit.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

#### Application Requirements

- A sketch or diagram depicting the proposed outdoor dining area including the proposed number and location of tables, chairs, decorations and other equipment, pedestrian access points to the dining area, and how the dining area will be separated from the rest of the sidewalk. Include all physical features in the immediate vicinity including driveways, wheelchair ramps, fire hydrants, trees, poles, etc. Label the name of the street, width of the sidewalk, length and width of the area being utilized for outdoor dining and demonstrate compliance with all applicable setbacks.
- Certificate of Liability Insurance \$1,000,000 per occurrence/\$2,000,000 aggregate-the City of Nashua must be listed as both the certificate holder and as additional insured.
- Place of Assembly Permit from the Fire Department (no additional application required)
- All permits issued to use a public sidewalk for outdoor dining are subject to the *Rules and Regulations for Outdoor Dining*.

Are you requesting to serve liquor outside? Yes  No

*For Office Use Only* Date Received \_\_\_\_\_

Public Works  
Reviewed By: \_\_\_\_\_  
 Approved  Denied  
Date: \_\_\_\_\_

Fire Marshal  
Reviewed By: \_\_\_\_\_  
 Approved  Denied  
Date: \_\_\_\_\_

Environmental Health Department  
Reviewed By: \_\_\_\_\_  
 Approved  Denied  
Date: \_\_\_\_\_

## Extended Outdoor Dining Worksheet

### Contact Information

Company Name \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_

*Street Address*

*City*

*State*

*ZIP Code*

Phone: \_\_\_\_\_ Email \_\_\_\_\_

Point of Contact: \_\_\_\_\_

### Extended Outdoor Dining Questions

By selecting YES, the applicant acknowledges that the extended outdoor dining season is between May 1<sup>st</sup> and August 25th, and any tables, chairs or outdoor dining enhancements may be removed and disposed of at the applicant's expense if not promptly removed from the encumbered area at the conclusion of the outdoor dining season?

YES

NO

By selecting YES, the applicant acknowledges they have read and agree to comply with the City of Nashua's Rules and Regulations for Outdoor Dining and other City Requirements.

YES

NO

By selecting YES, a certificate of insurance has been provided

YES

NO

By selecting YES, you have supplied a written communication showing you have the property owner's permission for outdoor dining in the area you provided below.

YES

NO

### Applicant's Signature

I certify that my answers are true and complete to the best of my knowledge. I understand false and misleading information may result in the termination of extended outdoor dining occurring in the encumbered area.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

The space below should be used to provide a drawing of the proposed outdoor dining area, with City infrastructure noted, including but not limited to parking kiosks, planters, benches and any parking spaces included in the requested area.

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## **City of Nashua**

### **Division of Public Works**

#### **Rules and Regulations for Outdoor Dining**

**Approved by the Board of Public works on June 25, 2015**

##### **Introduction**

The City of Nashua recognizes the importance of outdoor dining to the vitality and success of our downtown. The outdoor dining rules and regulations are in place to promote the health, safety and welfare of our residents.

##### **Required Approvals**

Outdoor dining on a public sidewalk is not allowed without the prior written approval of the Division of Public Works, Fire Department and the Environmental Health Department.

##### **Application Requirements**

1. An Annual Outdoor Dining Permit Application which includes approvals from Public Works, Fire Department (Assembly Permit) and Environmental Health.
2. A sketch or diagram depicting the proposed dining area including the proposed number and location of tables, chairs, decorations and other equipment, pedestrian access points to the dining area and how the dining area will be separated from the rest of the sidewalk. Include all physical features in the immediate vicinity including driveways, wheelchair ramps, fire hydrants, trees, poles, etc. Label the name of the street, width of sidewalk, length and width of sidewalk being utilized for outdoor dining and demonstrate compliance with all applicable setbacks.
3. Certificate of Insurance \$1,000,000 per occurrence/ \$2,000,000 aggregate – The City of Nashua must be listed as both the certificate holder and additional insured. The certificate must be valid throughout the period of the permit.

##### **Standard Conditions**

1. Permits shall be in effect from the date of issuance (not before March 15<sup>th</sup>) through November 15<sup>th</sup> and must be renewed on an annual basis.
2. For the period from November 16<sup>th</sup> through the following March 14<sup>th</sup>, all chairs, fencing, umbrellas, tables and other equipment must be removed from the public sidewalk.

3. For the period from March 15<sup>th</sup> through the following November 15<sup>th</sup>, all chairs, fencing, umbrellas, tables, and other equipment shall be removed from the sidewalk during inclement weather and upon 24 hour notice from the Division of Public Works.
4. Outdoor dining is permitted until 12:45 a.m.
5. Permit is to be posted in public view and is not transferable.
6. An outdoor dining permit does not increase the maximum number of patrons allowed inside the eating establishment. The outdoor permit is only for the additional outside seats.
7. Outdoor dining areas shall be setback five (5) feet from a crosswalk, handicap ramp, driveway or intersection.
8. A five (5) foot clearance for pedestrians required on all sidewalks at all times. The 5 foot aisle must be a clear path that does not include any obstructions such as light poles, fire hydrants, sign posts, bollards, etc.
9. Permitted area must be contiguous to the licensed premises and maintained.
10. If alcohol is served, outdoor dining shall be separated from public pedestrian space on the adjacent municipal sidewalk by an enclosure system consisting of heavy duty black decorative metal materials or equivalent as approved by the Director of Public Works. The minimum height of the enclosure shall be 30 inches and the maximum height shall be 36 inches.
11. Businesses must use their own trash and recycling receptacles. Sidewalks will be cleared of all debris after close of business.
12. Outdoor dining shall not damage sidewalks, curbing, bike racks, street trees, light poles, trash containers or other City infrastructure.
13. The sidewalk shall be completely free of snow and ice along the entire sidewalk from building to curb in front of the establishment.
14. Umbrellas without logos are permitted as long as they don't extend beyond the permitted area.
15. Canopies over the sidewalk are not permitted.
16. Heaters are not permitted as per Fire Marshall.
17. Decorations must be fire retardant and meet NFPA 701 Standards. No decorations permitted except those approved on the site plan. No loosely hanging material.
18. Fire alarm pull stations may not be obstructed.
19. Candles with small globes are permitted.
20. Sufficient lighting is required. Extension cords are not permitted.
21. No Smoking.

### **Environmental Health Conditions**

The Environmental Health Department will approve outdoor food service operations and cleaning operations, with the area to be left in a clean and sanitary condition at all times and garbage contained at all times in covered receptacles. The area shall be left in clean condition at close of business with all garbage removed in its entirety from the area and any ground debris swept up at close of daily business. No food preparation, grilling, service windows, service counters or wait stations shall be allowed in the area and no condiments, paper products or the like shall be stored in the outdoor area. The Environmental Health Department shall review/approve that kitchen and bathroom facilities are sufficient to support the additional outdoor seating. All outdoor dining activities must be in compliance with Ch.170 Food-Service Establishments and NFPA 101. All applicable regulations apply and at a minimum in compliance with all state laws.

### **Compliance**

All outdoor dining permits are subject to revocation by the City for failure to comply with the conditions of the permit, ordinance or any rules and regulations established by the Board of Public Works, Fire Department or Environmental Health. Public Works exceptions may be granted by the Board of Public Works.