

TOWN OF MANCHESTER, VERMONT
6039 Main Street, Manchester Center, VT 05255

APPLICATION FOR COMMERCIAL USE OF TOWN OWNED SIDEWALK FOR OUTDOOR DINING

APPLICATION DATE ____/____/20____		PARCEL NUMBER: MAP/BLOCK/LOT ____/____/____		COMMERCIAL ZONING DISTRICT <input type="checkbox"/> COMMERCIAL 1 <input type="checkbox"/> COMMERCIAL 3	
BUSINESS NAME			LANDOWNER NAME		
CONTACT NAME			CONTACT NAME		
PHYSICAL LOCATION OF BUSINESS			LANDOWNER STREET/MAILING ADDRESS		
STREET/MAILING ADDRESS			CITY OR TOWN		STATE
CITY OR TOWN			STATE	ZIP	PHONE NUMBER
PHONE NUMBER			E-MAIL ADDRESS		

DATE(S) OF OUTDOOR DINING USE (between 5/15-11/15)	HOURS OF REQUESTED USE (between 8AM to 10PM)
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GENERAL INFORMATION FOR OUTDOOR DINING:

- Existing number of seats (zoning and water & sewer) your business is currently permitted for: _____
- Proposed number of outdoor seats (excluding temporary child height chairs): _____
- Number of tables: _____
- Dimensions of tables (in inches): _____
- Color of tables and chairs: _____
- Material of tables and chairs (metal, etc.): _____
- Are you planning to use umbrellas or an awning: YES NO
 If yes, please provide size, material etc.: _____

- Are you planning to use temporary fencing around the area? YES NO
- If approved, will there be alcohol served on Town sidewalk? YES NO
- If approved, will there be smoking allowed on Town sidewalk? YES NO

WHAT OTHER EQUIPMENT OR SIGNS ARE YOU PROPOSING TO LOCATE ON TOWN SIDEWALK?
WHERE WILL THE EQUIPMENT (INCLUDING TABLES AND CHAIRS) BE STORED WHEN NOT IN USE?
PLEASE INCLUDE THE FOLLOWING: <ul style="list-style-type: none"> <input type="checkbox"/> Color photographs of all proposed equipment including tables, chairs, fencing, umbrellas, etc. <input type="checkbox"/> A diagram of the area proposed to be used including measurements in inches (include measurements of the sidewalk that will be maintained for pedestrians) <input type="checkbox"/> Certificate of Insurance for not less than \$1,000,000 naming Town as additionally insured <input type="checkbox"/> Copy of your State of Vermont business and sales tax license

Sidewalk licenses valid for not more than one year. Applicants must reapply each year. Selectboard approval is required.

I have read the entire Commercial Sidewalk Policy and agree to abide by all the terms and conditions in the Policy and all other relevant Town policies without exception.

Waiver of Liability, Assumption of Risk, and Indemnity Agreement

Waiver: In consideration of permission to use Town owned sidewalks (herein "Town" and that includes its agencies, departments, divisions, offices, officers, employees, and agents), for myself, my heirs, personal representatives or assigns, we do hereby release, waive, discharge, and covenant not to sue the Town, from liability, from any and all claims, including negligence resulting in personal injury, accidents or illnesses (including death), and property loss arising from, but not limited to use of Town sidewalks. We further recognize and acknowledge that any such claim is barred by the doctrine of sovereign immunity.

Assumption of Risks: Use of Town sidewalks is being provided at no cost to us and we acknowledge that the Town is not serving as a landlord or business partner. Use of Town sidewalks carries with it certain inherent risks that cannot be eliminated regardless of the care taken to avoid injuries. I hereby assert that our participation is voluntary and that we knowingly assume all such risks.

Indemnification and Hold Harmless: I also agree to INDEMNIFY AND HOLD the Town HARMLESS from any and all claims, demands, actions, suits, procedures, costs, expenses, damages and liabilities of any description, including attorney's fees brought as a result of my involvement at and to reimburse the Town for any such expenses incurred.

Severability: We agree that the foregoing waiver and assumption of risks agreement is intended to be as broad and inclusive as is permitted by the law of the State of Vermont and that if any portion thereof is held invalid, it is agreed that the balance shall, notwithstanding, continue in full legal force and effect.

Acknowledgment of Understanding: We have read this waiver of liability, assumption of risk, and indemnity agreement, fully understand its terms, and understand that I am giving up substantial rights, including my right to sue. We acknowledge that we are signing the agreement freely and voluntarily, and intend by our signature to be a complete and unconditional release of all liability to the greatest extent allowed by law. We have also read the Town's COMMERCIAL SIDEWALK POLICY, and agree to abide by them without exception. I understand that failure to comply with the terms of the POLICY and this license shall result in the suspension or termination of this license without any recourse or appeal.

Applicant Signature

Date

Landowner Signature

Date

Return application to: Town of Manchester at:	
Fax: 802-362-1314	Email: j.okeefe@manchester-vt.gov
Drop off at: Town Hall-Town Manager's Office	Mail to: 6039 Main Street, Manchester Center, VT 05255

FOR TOWN USE ONLY: <input type="checkbox"/> License Granted <input type="checkbox"/> License Denied	
Conditions (or reasons for denial) _____ _____	<input type="checkbox"/> Photos received <input type="checkbox"/> Diagram received <input type="checkbox"/> COI received <input type="checkbox"/> VT Business/Sales tax rcvd.
_____ Town Manager Signature	_____ Date of Issue