



AGENDA ITEM #: 22-26
COUNCIL MTG OF: March 02, 2022
FROM: Dave Caron, Town Administrator
OFFERED BY: Economic Development Department
PREPARED BY: Elizabeth Robidoux, Planning & Economic Development Assistant
SUBJECT: Amendment to Chapter 134, Section 134-5, Fees

STAFF REPORT
Public Hearing 3-15-22

PURPOSE:

Staff requests Town Council amend Chapter 134, Article II, Outdoor Dining in the Public Way, to create fees for the Outdoor Dining Applications.

TOWN ADMINISTRATOR COMMENTS

The fee structure is proposed pursuant to RSA 41:9-a, which authorizes fees to cover costs for a regulatory program adopted by the Town (Outdoor Dining, Chapter 134 of the Municipal Code)

BACKGROUND

The Economic Development Department has developed a permit process and guidelines for restaurants in the Town of Derry to allow them to offer seasonal outdoor dining. The purpose of establishing the Ordinance is to promote economic vitality in the Town of Derry. The Governor's Emergency Order has been lifted and the Town is transitioning from the Temporary Outdoor Dining Permits to an annual permit which runs from April 1 through October 15 of each year. Permits for restaurants that wish to establish outdoor dining in the public rights of way (sidewalks) are authorized by the Town Council, with review of the permit application and oversight from Planning, Code Enforcement, Health and Fire Prevention. Restaurants wishing to establish outdoor dining on private lots will be required to follow the guidelines set out in the Ordinance, but the permits would be issued through the office of the Town Administrator.

DISCUSSION

When the Outdoor Dining Ordinance was originally approved by Town Council in June of 2020, it was decided to not impose a permit fee, given the pandemic. The applicable section of the Ordinance was held in reserve. Staff recommends an annual permit fee of \$50.00 per application. The proposed amendment is attached.

FISCAL IMPACT

Existing restaurants in the Town of Derry will be able to expand their services to residents of Derry and the surrounding communities, which fosters economic development. The recommended annual fee is \$50.00. Several restaurants have already indicated they wish to take advantage of the opportunity to continue outdoor dining. Additionally, there may be a small amount of revenue generated from inspection fees from Code Enforcement, Fire Prevention, and/or Health Department.

RECOMMENDED ACTION BY COUNCIL

Staff recommends that the Town Council amend Chapter 134, Article II, Section 134-5, Fees of the Town of Derry Code to implement an application fee of \$50.00.

RECOMMENDED MOTION

Please see Resolution #2022-020 for consideration after the March 15, 2022, public hearing.



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