



TOWN OF NORWOOD

TEMPORARY OUTDOOR DINING RULES AND REGULATIONS

May 21, 2020

ARTICLE I - GENERAL

Section 1 - Purpose and Scope

The 2020 COVID-19 pandemic has caused not only a public health crisis; it has also triggered a worldwide economic crisis. Public health requirements for social distancing have placed new burdens and challenges on the business community to provide more physical space between customers and staff. In an effort to respond to the new social distancing requirements, the Board of Selectmen have adopted temporary outdoor dining regulations that will allow local restaurants to establish outdoor seating on sidewalks, parking lots, on street parking spaces, or landscaped yard areas around their restaurants to provide more space for seating their patrons and picking up To-Go orders. These regulations will be in effect until further notice.

Outdoor dining areas of appropriate design, configuration and appearance can be an attractive amenity throughout the warmer months of the year. Outdoor dining license applications will be reviewed by Town staff and the General Manager, final approval from the Chairman of the Board of Selectmen is required. Licenses must be reapplied for annually so as to assure that they remain in compliance with terms of the original approval and are adequately maintained from year-to-year.

Section 2 - Design and Appearance

Outdoor dining areas must be distinguished from their surroundings by some form of perimeter fence or barrier. Appropriate perimeter materials include, but are not limited to demountable wrought-iron fences, bollards and chains, or individual planters of wood, masonry, or terra cotta. The public sidewalk or street may not be damaged by the installation of any perimeter treatment. Cafe umbrellas are allowed; umbrellas and furniture

should be of a design appropriate to the character of the building. Trash receptacles should be integrated in the design and materials with other outdoor cafe elements. The restaurant operator is responsible for managing all trash generated from the outdoor dining area; trash receptacles shall be provided. The ground in and around the outdoor seating area shall be kept clean of food and trash.

Pick up stations for to-go orders shall be clearly shown on the plan, including any proposed temporary parking spaces. The Town will consider requests for using on-street parking spaces for temporary parking while an order is being picked up. The Town does not guarantee the use of any on-street parking spaces for such use.

Restaurants may apply for outdoor dining OR outdoor pickup areas but not space for both.

Section 3 - Pedestrian and Wheelchair Passage

These temporary regulations allow the restaurant operator to place outdoor dining tables and chairs, umbrellas, lighting, service equipment, perimeter fences or barriers to occupy the entire sidewalk. The Department of Public Works (DPW) will erect temporary barriers on the street to allow for the passage of pedestrian and wheelchair traffic around the portion of sidewalks devoted to outdoor seating.

Section 4 - Outdoor Food Preparation

Outdoor food preparation is not allowed unless specifically authorized by the Health Department.

Section 5 - Alcoholic Beverages

Approval of an outdoor dining area shall not to be construed as an approval for the alteration or extension of premises where alcoholic beverages are served. The serving or consumption of alcohol outside of the premises of a duly licensed establishment to serve alcohol must be approved by the Board of Selectmen on a case by case basis.

Section 6 - Temporary Seating & Parking Relief

Due to the seasonal and temporary nature of an outdoor dining area and reduced occupancy loads required by emergency regulations, the seating within an outdoor dining area will not be interpreted as an increase in the number of seats serving a restaurant or eating establishment, and will not be counted towards any off-street parking requirement.

The approval of an outdoor seating area is subject to change if a neighboring business has requested use of the sidewalk. The restaurant operator may be required to work with the Town and an abutting business owner to accommodate the needs of abutting businesses.

ARTICLE II - SUBMISSION AND APPROVAL OF APPLICATIONS

Section 1 - Application Procedure

Applications for outdoor dining licenses shall be submitted to the Health Department. The

Health Department will review the application and plan for outdoor seating and will consult with the Building, Fire, Police and Planning Department. All plans must comply with any applicable Massachusetts Governor's orders, Massachusetts Department of Public Health orders and guidance documents for social distancing and for food services establishments. If the outdoor seating plan is acceptable and the application form is complete, they will forward it to the General Manager for review and recommendation. Outdoor seating permits may include conditions of approval such as daily cleaning and maintenance of the outdoor seating area. If additional information is needed or a revision to the seating plan is required, they will contact the applicant. Applications shall be submitted on the attached form along with a plan for the outdoor seating area and an insurance certificate as described below. Final approval by the Chairman of the Board of Selectmen is required.

Section 2 - Plan Requirements

A neatly drawn plan will be submitted depicting the precise area of the proposed outdoor dining area, the arrangement of outdoor dining furniture, perimeter fencing, cafe umbrellas, outdoor heaters and any other equipment. Areas designated for picking up take-out food shall also be shown on the plan. Tables and chairs shall be separated by at least six feet to provide for social distancing. Take-out food pickup areas shall also be a minimum of six feet from patron seating areas. The restaurant shall follow all other social distancing and virus prevention measures as outlined by the Board of Health, which are not associated with an outdoor seating plan. Smoking is prohibited in all outdoor dining areas.

If a restaurant will be utilizing an existing parking lot or yard area, a plan with the same requirements is required. If a temporary tent or similar structure is proposed, approval of the Building Commissioner is required. Outdoor seating proposed for a parking lot shall not occupy more than 50% of the required parking spaces.

Section 3 - Insurance

The Restaurant Owner shall carry or require that there be carried Workers' Compensation Insurance for all employees and those of its contractors and/or subcontractors engaged in work at the outdoor dining facility, in accordance with the State Workers' Compensation Laws. In addition, the Restaurant Owner shall carry Comprehensive Public Liability and Property Damage Liability Insurance with limits hereinafter set forth to cover the Restaurant Owner and its contractors and subcontractors against claims due to accidents which may occur or result from operations under this Agreement. Such insurance shall cover the use of all equipment related to the provision of outdoor dining services. The Comprehensive Public Liability and Property Damage Liability Insurance shall insure against all claims and demands for personal injury and property damage with respect to the sidewalk dining facilities and services, with limits of One Million Dollars (\$1,000,000) for property damage, One Million Dollars (\$1,000,000) for injury or death to one (1) person, and Two Million Dollars (\$2,000,000) for injury or death of more than one (1) person in a single accident. If such limits are not commercially available at a reasonable cost to the Restaurant Owner, such insurance may be maintained at such lower limits that are commercially available at a reasonable cost; provided, however, that the Restaurant shall notify the Town in advance of

the effective date of any such lower limits. The Town shall be named as an "additional insured" in all policies for such insurance and the Restaurant Owner shall furnish a certificate of insurance to the Town prior to commencing provision of the facilities and services authorized under these regulations. Where such insurance is renewed or replaced the Restaurant Owner shall furnish the Town with a certificate of insurance evidencing the same.

Section 4 - Approval by the Chairman of the Board of Selectmen

Following receipt of a favorable recommendation from the Public Health, Public Safety, Engineering, Planning and Economic Development and other departments as determined by the General Manager, the General Manager shall make a determination that the design and location of an outdoor dining area is suitable to its environs, and that all other requirements (insurance, maintenance, litter control, etc.) of the license have been met subject to final approval by the Chairman of the Board of Selectmen.

Upon approval of an outdoor dining area by the Town, the owner and operator of the restaurant and the Chairman of the Board of Selectmen will sign the License Agreement which has been prepared for these purposes by Town Counsel. Licenses are considered issued administratively only upon signature of the Chairman of the Board of Selectmen.

ARTICLE III - AMENDMENTS

These rules may be amended by a majority vote of the members of the Board of Selectmen provided such amendment is presented in writing at a regular meeting and action taken thereof at a subsequent regular meeting.

ARTICLE IV - EFFECTIVE DATE

These rules were adopted at a regular meeting of the Board of Selectmen on May 26, 2020 and became effective as of that date.

Board of Selectmen
Local Licensing Authority

Paul A. Bishop, Chairman

William J. Plasko

Allan D. Howard

Thomas F. Maloney

David E. Hajjar