



TOWN OF NORWOOD

566 Washington Street
Norwood, MA 02062

RULES AND REGULATIONS GOVERNING SEASONAL OUTDOOR DINING

Approved: May 21, 2020

Amended: April 10, 2023

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 seasonal 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 the 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, concrete barriers, bollards and chains, or individual planters of wood, masonry, or terra cotta. Approval is required by The Building Commissioner, Fire Chief, or Police Chief. The Building Commissioner, Fire Chief, and Police Chief has the discretion to require specific perimeter material and placement on a

case-by-case basis. The public sidewalk or street may not be damaged by the installation of any perimeter treatment. If funding allows, the Town may provide appropriate perimeter materials to restaurant operators on a case-by-case basis.

When concrete barriers are used, the restaurant operator shall include a plan to beautify the barriers in the application submitted to the Economic Development Department. If the restaurant operator fails to complete the proposed beautification plan included in the application within 30 days of opening the seasonal outdoor dining area, the seasonal outdoor dining permit may be revoked by the Town.

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. The Town will not provide trash containers to restaurant operators. 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 seasonal regulations allow the restaurant operator to place outdoor dining tables and chairs, umbrellas, lighting, service equipment, perimeter fences or barriers to occupy Town owned sidewalk. The Department of Public Works (DPW) may, depending on the availability of funding and materials, 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. The restaurant operator shall maintain adequate accessibility for pedestrians that meet or exceed standards set by the Massachusetts Architectural Access Board and Americans with Disabilities Act of 1990 (ADA). Failure to do so may result in revocation of their seasonal outdoor dining and future seasonal outdoor dining permits. Refunds shall not be provided for restaurant operators who violate this section of the policy.

Section 4 – Seating Accessibility

Dining must be accessible and meet ADA and Massachusetts Architectural Access Board's regulations. At least 5%, but not less than one, of the tables shall be accessible, be on an accessible route, and in compliance with the following:

- A 36-inch (36" = 914mm) access aisle shall be provided between all accessible tables. No seating shall overlap the access aisle. See Fig. 17a.

- Clear floor space as defined in 521 CMR 5.00: DEFINITIONS shall be provided at each seating space. Such clear floor space shall not overlap knee space by more than 19 inches (19" = 483mm).
- Knee Clearances: If seating for people in wheelchairs is provided at tables or counters, knee spaces at least 27 inches (27" = 686mm) high, 30 inches (30" = 762mm) wide, and 19 inches (19" = 483mm) deep shall be provided.
- Height of Tables or Counters: The tops of accessible tables and counters shall be from 28 inches to 34 inches (28" to 34" = 711mm to 864mm) above the finish floor or ground.

The restaurant operator shall maintain adequate accessibility for restaurant patrons that meet or exceed standards set by the ADA and Massachusetts Architectural Access Board. Failure to do so may result in revocation of their seasonal outdoor dining and future seasonal outdoor dining permits. Refunds shall not be provided for restaurant operators who violate this section of the policy.

Section 5 - Outdoor Food Preparation

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

Section 6 - 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 7 - Temporary Seating

Temporary Seating plans and additional occupant load to be approved by the Building Commissioner and must meet the requirements set forth in the MA State Building Code for Egress, and the MA plumbing Code for Lavatory Facilities.

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 Economic Development Department. The Board of Selectmen staff and the Economic Development, Building, Fire, Police, Public Works, and Community Development Departments will review the application and plan for outdoor seating. All plans must comply with any applicable Massachusetts Governor's orders, Massachusetts Fire Code, Massachusetts State Building

Code, 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. 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.

Under no circumstances may a restaurant operator be provided with an outdoor dining permit if their plans incorporate the usage of on street parking spaces as dining areas on Washington Street between Howard and Guild Streets. Restaurant operators in this section of Washington Street may receive outdoor permits if their plan uses a Town owned sidewalk as an outdoor dining area.

Section 3 – Seasonal Outdoor Dining Season

The seasonal outdoor dining season is May 1 through November 15 each year. The Board of Selectmen may alter this timeline on an annual basis.

The Public Works Department will collect Town owned barriers, ramps, etc. as soon as possible. All outdoor dining materials and equipment used by the restaurant operator shall be removed from parking spaces and sidewalks within three (3) days of the end of the outdoor dining season.

Section 4 - 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 5 - Approval by the Chairman of the Board of Selectmen

Following receipt of a favorable recommendation from the Board of Selectmen staff and the Economic Development, Building, Fire, Police, Public Works, and Community Development Departments, , 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.

Section 6 – Lease Agreement

All seasonal outdoor dining permits holders that plan to use Town owned property, like sidewalks or parking spaces, must enter into a lease agreement for real property with the Town of Norwood. Town Counsel and the General Manager’s Office will develop the template lease agreement.


ARTICLE III - AMENDMENTS

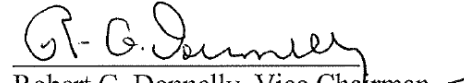
These rules may be amended by a majority vote of the members of the Board of Selectmen provided such an amendment is presented in writing at a regular meeting and action taken thereof at a subsequent regular meeting.


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.

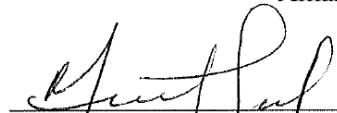
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