



**TOWN OF MAYNARD
SELECT BOARD
EXTENSION OF PREMISES: OUTDOOR DINING ON
MUNICIPAL PROPERTY
Date Approved: January 4, 2022**

1. PURPOSE STATEMENT

The purpose of these Regulations is to set forth the expectation of the citizens of Maynard as to the conduct of the Extension of Premises License Holders.

2. ENABLING AUTHORITY

These Regulations are promulgated under the authority of the Select Board of the Town of Maynard under the Bylaw Chapter 21 Sections 16 and 17. Public parking spaces are managed by the Select Board.

3. FEE

	Parking Space Fee (per space)	Sidewalk Fee
Annual Rate	\$225	\$100

4. TERM AND APPLICATION PROCESS

The license term is April 1– December 1, unless sooner revoked. All applications will be reviewed by Town staff representing the Office of Municipal Services, Town Administrators Office, Department of Public Works, Police Department, and Fire Department. The Select Board will consider applications annually during a regularly scheduled public meeting.

5. RIGHTS OF THE TOWN

Application approval is at the discretion of the Select Board and may not be locally appealed. Reasons for denial include, but are not limited to:

1. The application is for a business, which does not have the appropriate licensure for service of food, and where applicable, alcohol, including all requisite licenses/permits, such as: (1) alcohol license for on-premises consumption; (2) food permit; (3) common victualler.
2. The operation of the outdoor dining area cannot, as presented, block egress/ingress to a public area.

3. The operation of the outdoor dining area cannot, as presented, be in compliance with safety protocols.
4. The outdoor dining area cannot, as presented, facilitate safe passage in accordance with Americans with Disability Act requirements.
5. The Health Division., Chief of Police, Board of Health, Department of Public Works, Building Commissioner, or their designees determine that the operation of the outdoor dining area may negatively impacting public health and safety.

When considering a request for outdoor dining in a public area, the Town will review and determine whether the request is in the public's interest. The public way includes the sidewalk and street. The factors the Town will evaluate include, but are not limited to, safety considerations, the effect on surrounding businesses and residents, access considerations, provisions of public space, parking considerations, access to utilities, and any upcoming construction or street changes. The Town will reject the use of any public way for outdoor dining if a location is deemed unsafe for the use.

The Town reserves the right to revoke its permission to allow the use of municipal property for outdoor dining for the failure to comply with any aspects of the permit, non-compliance with applicable laws or where public health and safety may be impacted. The Town also reserves the right to assess any costs or fines associated with the removal of structures/equipment pursuant to these rules and other applicable codes or bylaws:

6. RESPONSIBILITY OF THE RESTAURANT

The restaurant, through its owner and/or manager, is responsible for the following as it pertains to the use of the municipal property for outdoor dining:

1. Alcoholic beverages cannot be served outside of a licensed establishment unless and until an application to extend the licensed premises has been approved by the Alcoholic Beverages Control Commission (ABCC).
2. No improvements shall be made to or placed on municipal property prior to Town licensing and approval from the Select Board. This license shall be considered separate and distinct from others issued by the Town, including those for common victuallers. Unauthorized improvements will be removed by the Town at the owner's expense.
3. An application to extend the premises must describe the area in detail, including dimensions, seating capacity, and maximum occupancy.
4. Physical barricades surrounding/framing outdoor premises are **required** for establishments serving alcoholic beverages and are encouraged for all other outdoor dining.
5. The outdoor area must be contiguous to the licensed premises with either (a) a clear view of the area from inside the premises, or, alternatively (b) the licensee may commit to providing management personnel dedicated to the area.
6. Upon approval, the applicant must execute any and all documents prepared by the Town documenting its right to occupy the proposed outdoor premises.

7. Outdoor areas serving alcohol shall also offer food service consistent with the ABCC requirements.
8. The applicant must procure tables, chairs, disinfecting stations, and any other physical items that will be used in the outdoor dining area.
9. The applicant must provide evidence of liability insurance to the Town covering the proposed dining space.
10. No improvements made shall impede, endanger or interfere with pedestrian traffic: **a minimum width of four feet of unobstructed passage** shall be provided.
11. No improvements nor activities associated with the establishment are permitted **within five (5) feet** of any marked or unmarked crosswalk or handicapped ramp; or within five (5) feet of any fire hydrant, fire lane, or call box.
12. Lighting for outdoor premises is subject to approval during the permitting process.
13. Any proposed outdoor speakers or music are to be included as part of this application.
14. The applicant shall not deviate from the plans and documents submitted, reviewed, and approved without authorization by the permitting authorities.
15. All areas with outdoor dining service shall be clear from people at 10:00 PM.

7. WEATHER AND MAINTENANCE RELATED EVENTS

1. Upon notification of a potential snow or ice weather event, the Town will notify program participants and require that their outdoor dining extension be removed immediately. All materials *must* be removed within 6 hours of the initial notification to the establishment.
 - a. Failure to comply will result in a minimum license suspension of one week (as determined by the licensing authority or its designees).
 - b. The Town of Maynard and those officially acting on its behalf, shall not be liable if damage shall result from weather related road/sidewalk treatment or any other activity deemed by the Town to be in the interest of public safety.
2. Upon notification of a scheduled maintenance event, the Town will notify program participants and require that their outdoor dining extension be removed. The Town will provide as much notice as possible.
 - a. Failure to comply will result in a minimum license suspension of one week (as determined by the licensing authority or its designees).
 - b. The Town of Maynard and those officially acting on its behalf, shall not be liable if damage shall result from weather related road/sidewalk treatment or any other activity deemed by the Town to be in the interest of public safety.
3. Town staff will advise when it is permissible to resume the outdoor dining program as quickly as possible.
4. The decision to terminate the program is at the sole discretion of the Town.

8. REQUIREMENTS FOR ACCESSIBILITY

Dining must be accessible and meet ADA and Massachusetts Architectural Access Board's regulations. <https://www.mass.gov/law-library/521-cmr>

521 CMR 17.00: RESTAURANTS

17.2 SEATING

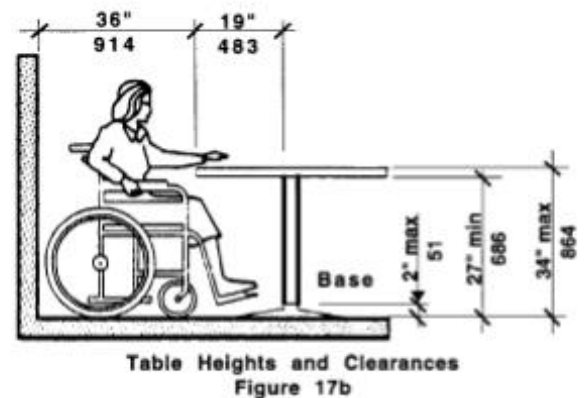
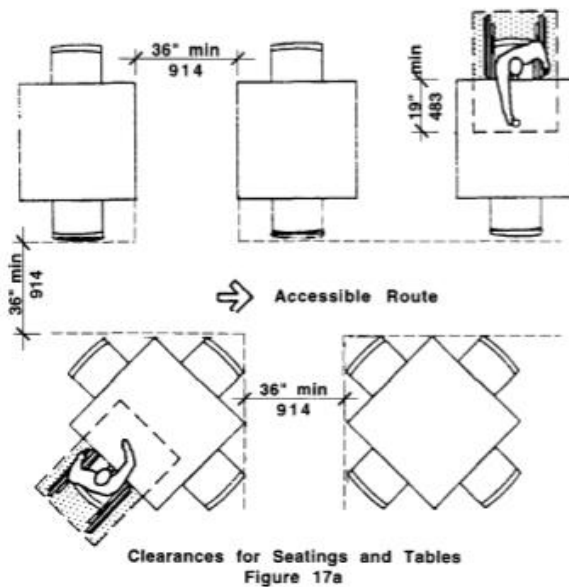
At least 5%, but not less than one, of the tables shall be accessible, be on an accessible route, and in compliance with the following:

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

17.2.3 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). See Fig. 17a.

17.2.4 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. See Fig. 17b.

17.2.5 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. See Fig 17b.



9. GREIVANCE PROCEDURE

1. General complaints regarding outdoor dining can be submitted to oms@townofmaynard.net.
2. After hours complaints regarding noise, lighting, etc. can be reported to the Maynard Police Department 978-897-1011. Police reports will be submitted to the Office of Municipal Services, and the Office of Municipal Services will review the issue with the licensee.
3. Multiple violations of the Extension of Premises Policy may result in revocation of the license by the Select Board.