



City of Medford

Office of Planning, Development and Sustainability

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2022 Outdoor Dining Guidelines City of Medford

Definitions

- Outdoor Seating: Any seating, and accessories thereto, provided by and for the exclusive use of a restaurant and their patrons during the licensed operation hours of the restaurant, and located outside of a permanent structure.
- Public Street Seating: Outdoor Seating located in the public street or on city-owned public property or on private property with a public sidewalk easement to extend the width of the public street.
- Sidewalk Seating: A type of Public Street Seating that is located on a paved surface intended for and accessible to pedestrians.
- Parklet Seating: A type of Public Street Seating that is located in the paved roadway, typically in the parking lane or other unused lane of the roadway.
- Accessible Route: A continuous, unobstructed path connecting all accessible elements and spaces within or between buildings or facilities. Interior accessible routes may include corridors, floors, ramps, elevators, lifts, and clear floor space at fixtures. Exterior accessible routes may include parking, access aisles, curb cuts, crosswalks at vehicular ways, walks, ramps, and lifts.
- Access Aisle: An accessible pedestrian space between elements such as parking spaces, seating, or desks that provide clearances complying with 521 CMR.
- Temporary Curb Ramp: When temporary modifications are utilized to overcome level changes created by curbs. Ramps shall not exceed a maximum slope of 8.3% (521 CMR 24).
- Equipment: Any and all seating, tables, structures, and other furnishings placed by the business in the outdoor seating area.

Application Submission, Review and Approval

1. Restaurants with permits that have designated outdoor areas may continue to use those areas and are not required to apply for an Outdoor Dining license, provided that they comply with all applicable laws concerning the service of food and drink at their establishment and all applicable laws. Restaurants that wish to expand existing permitted outdoor dining areas may require City approval.
2. Restaurants wishing to expand their premises to include outdoor areas for dining and/or alcohol service, are required to apply for approval to use any outdoor dining space; provided

- further, that the Board of License Commissioners shall approve an expansion of the licensed premises to include outdoor seating for a liquor license.
3. Applications are submitted to the Office of Planning, Development and Sustainability.
 4. All taxes, fees or fines owed to the City of Medford must be paid prior to application.
 5. Once application is received it will be forwarded to the Outdoor Dining Review Committee to review and determine application completeness and compliance with licensing requirements.
 6. A complete application includes the following documentation:
 - a. Worker's Compensation Insurance Affidavit.
 - b. Certificate of Insurance demonstrating that the outdoor area is adequately insured and showing the City of Medford as an Additional Insured on your business liability insurance.
 - c. A neatly drawn plan depicting the precise dimensions and location of the outdoor dining area; the arrangement of outdoor dining furniture, perimeter fencing, umbrellas, and any other obstruction, and the width of sidewalk available for pedestrian and wheelchair passage.
 - d. A description or photographs of proposed furniture and materials shall be provided upon request of the Review Committee.
 7. The Review Committee may impose conditions on each license as it determines to be appropriate and in the best interest of the city.
 8. Upon licensing approval, the Mayor's Office and/or Office of Planning, Development and Sustainability will provide applicant with an approval notice.

Licensing Requirements and Conditions

1. Seats, tables, barriers, signs, stands, etc. may only be located in the public way according to the plans in the approved license.
2. All components of the license area shall meet all requirements of the ADA and MAAB (521 CMR: <https://www.mass.gov/law-library/521-cmr>); this includes, but is not limited to, access aisles, approaches to seating from sidewalk and clear floor space, and at least one accessible table. The Review Committee will consider any issues related to ADA/MAAB requirements that arise and may require the applicant or licensee to revise the outdoor seating plan.
3. All building entrances, crosswalks and adjacent sidewalks shall be connected by an accessible walkway (521 CMR 20 & 22).
4. The licensed areas that also include a license to serve alcohol shall be located to meet current City of Medford License Commission and ABCC regulations.

5. The licensed areas shall only be located in front of or beside/alongside the licensee's storefront, unless written permission is granted by the neighboring storefront and/or property tenant, and the neighboring property owner.
6. Unless otherwise already authorized, no outdoor entertainment, including live or recorded music, will be allowed in the outdoor area unless the applicant already has an entertainment license allowing such entertainment in the outdoor area or if the City grants permission after a public hearing.
7. The outdoor area shall physically abut the primary premises, such that wait staff and patrons shall not have to cross streets, private property or parking lots to access the outdoor area, and must be clearly visible by management from inside the establishment, unless the licensee dedicates management personnel to the area.
8. The standard accessible route width along pedestrian sidewalks shall not be reduced to less than 48".
9. The standard access aisle between tables and through the seating area shall not be reduced to less than 36".
10. Parklet Seating that remains at roadway grade (typically 3"- 6" below sidewalk grade) or is not level with the sidewalk shall include a temporary curb ramp.
11. Parklet Seating, including the plastic or concrete barrier, shall not extend any further into the roadway than the painted parking lane lines or 7', whichever is greater.
12. All elements of the Parklet Seating shall remain a minimum of 6" in distance away from the outside edge of the adjacent bike or travel lane. If different, this minimum shall govern over the parklet seating width stated previously.
13. Parklet Seating shall include barriers separating the seating from the roadway. Generally, an angled concrete barrier should be used at the front edge of the parklet (from an oncoming driver) to redirect errant vehicles. Barriers alongside the parklet and at the back end (after a vehicle has passed) of the parklet may be required as well. Some exceptions apply and will be evaluated on a case-by-case basis. Types of barriers provided to businesses are subject to safety and availability. Common barrier types include concrete and water filled plastic (white or orange).
14. Parklet Seating may not be located within 10' of a fire hydrant. Certain treatments may be added/included to allow for flexibility to this guideline.
15. Parklet Seating may not be located within a vehicle, bicycle or any other travel lane. In some cases, there may be opportunities to shift travel lanes, typically by restricting parking on the opposite side of the street as well. This situation may occur where a parklet is located at a corner where the side street may be suitable to accommodate this. Mid-block parklets are typically not conducive to this type of treatment. The City shall assess travel lane adjustments on a case-by-case basis.
16. Parklet Seating may not be located within 5' of a crosswalk. Certain treatments may be added/included to allow for flexibility to this guideline.

17. Parklet Seating within 20' of a crosswalk may not have any objects taller than 42" from sidewalk elevation. In certain instances, the City may require lower barriers for traffic or public safety purposes.
18. Parklet and Sidewalk Seating must not interfere with clear sight distances within the sight triangle for approaching or departing sight triangles for turning and stopping. Maintenance of clear sight distances will be assessed on a case-by-case basis by the City.
19. Parklet Seating must include removal sections to access all utility manholes and access structures.
20. Parklet Seating must maintain a clear drainage path beneath the structure and under any temporary accessible ramps to seating in the street level; area beneath must be cleaned on a monthly basis.
21. Use of flashing, yellow, blue, or red lights is prohibited within or on Parklet or Sidewalk Seating installations. Additionally, the City reserves the right to also prohibit any other lights or flashing lights that may be a deterrent from safe driving, cycling, etc. within the street right of way.
22. Business signs and marketing materials may not be posted on Parklet or Sidewalk Seating installations. Artwork is permissible (for example, installations may include painted jersey barriers). Certain colors may be prohibited on the exterior of the barrier. Dark colors such as black are not advised due to not being as visible at night.
23. Nothing shall hang over the sidewalk (umbrellas, signs etc.) below seven 7'.
24. The outdoor area may be provided under awnings or table umbrellas or other cover from the elements, provided, however, that at least 50 percent of the perimeter of any covered dining space must remain open and unobstructed by any form of siding or barriers at all times.
25. Outdoor food preparation shall not be allowed unless approved by the Board of Health in accordance with their procedures and regulations. No food or alcohol consumption shall occur outside the designated area.
26. Animals, except service animals, are not permitted at Parklet or Sidewalk Seating, except for dogs if the license explicitly permits this use.
27. Licensees with a license that includes dog seating must enforce the following:
 - a. Every dog must be leashed and licensed.
 - b. Licensee shall provide bowls of water for the sole use of dogs.
 - c. Employees are not allowed to touch, pet, or handle dogs.
 - d. Dogs are not allowed on furniture.
 - e. Dogs are not allowed to eat from plates.
 - f. Post a conspicuous sign to designate the outdoor dog area.
28. If using a heater, businesses must adhere to the [City of Medford Outdoor Heater Safety Rules and Guidelines](#) for storage and operation.
29. All signs and markings (used for warning vehicles, cyclists, or peds.) shall include the appropriate colors and materials, etc. per the MUTCD.

30. Upon notice by the Building Commissioner, Commissioner of Public Works, or City Engineer, the Equipment in the public way must be removed if the public way needs to be accessed for a public purpose, including but not limited to snow removal, street repair, and utility work. The Licensee also agrees in the event of an emergency, the City may require removal of the Equipment without notice.
31. License violations may result in the revocation of the licensee's license.

COVID-19 Guidelines

1. Businesses are encouraged to follow CDC recommendations, including ensuring 6' of physical distancing between tables and regular disinfection of surfaces.

Insurance Requirement

1. The City assumes no responsibility for any damage to private or public property and licensee expressly releases City from all liability, damage, and cost for any damage to private property within the licensed area. In addition, the licensee agrees to indemnify the City against any claims arising out of or in any way related to its failure to properly clear the public right of way as requested by the City.
2. The licensee shall, prior to the issuance of the license, furnish a certificate of insurance to the city evidencing coverage for workers' compensation insurance. In addition, the licensee shall carry comprehensive public liability and property damage liability insurance and, if applicable, liquor liability insurance, to cover the licensee and its contractors and subcontractors against claims due to accidents which may occur or result from operations under the license. Such insurance shall cover the use of all equipment related to the provision of sidewalk dining services. The comprehensive general liability policy shall insure against all claims and demands for bodily injury and property damage with respect to the sidewalk dining facilities and services and shall be in such form and amount as determined by the city council. The City of Medford shall be named as an "additional insured" in all policies for such insurance. The licensee (and their heirs, successors and assigns in interest) shall also agree to hold harmless, defend and indemnify the City of Medford and its employees and agents from any responsibility, liability and claims arising out of or related to the operations under the license. Where such insurance is renewed or replaced the licensee shall furnish the city with a certificate of insurance evidencing the same.