



## Town of Shrewsbury Rules and Regulations for Outdoor Dining

Adopted March 8, 2022

### **1. Overview of the Rules and Regulations**

Pursuant to Board of Selectmen licensing authority under MGL Chapter 140, Section 2, the Board adopts the following rules and regulations which are intended to protect public health and safety and to provide restaurants and food service vendors one-stop permitting for approval of outdoor dining on public or private property. The Rules and Regulations may be amended from time to time without notice at the Town's discretion.

### **2. Definitions**

Restaurant with Indoor and Outdoor Service: A covered or uncovered portion of a restaurant which is not completely enclosed within the building; is used primarily for the consumption of food and/or drinks by the patrons of the restaurant; and is not larger than 50 percent of the indoor dining area.

### **3. Fees**

There is a flat fee of \$50.00 for an Outdoor Dining Application, payable annually to the Town of Shrewsbury.

### **4. Hours of Operation**

Outdoor dining operation will be allowed daily between the hours of 6:00 AM and 11:00 PM, unless otherwise restricted by the condition of a permit.

### **5. Conditions of Approval**

The Board of Selectmen shall make their determination on whether to issue an Outdoor Dining Permit based on the following:

- a. A valid common victualler license approved by the Board of Selectmen.
- b. Valid Board of Health permits.
- c. A completed outdoor dining Application approved and signed by the Building Inspector, Police Chief, Fire Chief, Town Planner and the Board of Health Agent.
  - The Building Inspector shall approve the location/ placement of all outside furniture, including but not limited to tables, chairs, umbrellas, host/hostess stands and barriers, to ensure safe and adequate ingress and egress.
  - The Applicant must submit a site plan of the proposed outdoor dining area during the application process. While an engineer or other design professional is not required, the perimeter dimensions of the outdoor dining area, width of aisles, locations of entrances/ exits, etc. must be clearly marked on the plan. Complete and accurate

dimensions and information may streamline Town staff's review of the application. A site plan of the proposed outdoor dining area shall also be in conformance with all of the below conditions:

- d. Establishments shall accommodate handicapped persons in the outside dining areas, and shall include dimensions and grading on the plan to show compliance per Section 521 CMR (<https://www.mass.gov/law-library/521-cmr>).
- e. Outdoor dining areas shall be enclosed and clearly delineated by means of a rope, chain, fence or other similar device, that will be specified on the plan.
- f. Protection barriers may be required at the discretion of Town staff on a case-by-case basis where the edge of any dining area would encounter or has the potential to encounter motor vehicles, such as restaurants using a section of a parking lot. Examples of protection barriers include but are not limited to water-filled barriers, concrete barriers, bollards, heavy planters, self-built planters weighted with sand bags, etc.
- g. The outdoor dining area shall not infringe on a four (4) foot pathway on the sidewalk which shall be left unobstructed for exclusive use by pedestrians. The four (4) foot aisle must be free from obstacles such as light poles, trash receptacles, bike racks, fire hydrants, trees, sign posts, bollards, etc. An applicant requesting a permit that would leave an unobstructed aisle less than four (4) feet wide would also need further approval by the Town's ADA Coordinator.
- h. If the outdoor space is on private property, a letter from the landlord granting the right to utilize the space is required. Please note: a letter from a landlord/property manager allowing a restaurant to use *public* space (such as a public sidewalk) that is maintained by the landlord is not sufficient. Only the Town may authorize use on public property.

## **5. Compliance**

If an application is approved by the licensing authority:

- a. Relevant Town department representatives shall conduct a joint inspection prior to the opening of the outdoor dining area for service to the public.
- b. Alcoholic beverages may not be served in the outside dining area unless the appropriate license is first obtained and/or modified to include the permitted area and only after obtaining approval from the Board of Selectmen and the Alcohol Beverage Control Commission.
- c. Dining furniture must remain inside the designated permitted dining area at all times.
- d. Permitted establishments are required to pick up debris, sweep and wash the designated dining area at the end each business day during the outside dining season.
- e. No smoking of any kind, including the use of electronic cigarettes, is allowed in the designated dining area.
- f. Adequate trash receptacles and policing by staff for trash in the outdoor dining will be provided. It is recommended that paper or plastic plates, cups or dinnerware not be used in the outside dining area to minimize litter
- g. Businesses must use their own trash and recycling receptacles.

## **6. Enforcement**

- a. Violations of any of the above conditions could result in the revocation of the Outdoor Dining Permit by the Board of Selectmen.

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## APPLICATION

*Application Fee(s) Payable to: Town of Shrewsbury*

### CONTACT INFORMATION

Business name:	
Business address:	
Business phone number:	
Owner/manager:	
Owner/manager email address:	
24-hour contact number: (In case of issues outside normal business hours)	

### BUSINESS INFORMATION

Business hours of operation:	
Is this business currently approved to operate as a restaurant? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Do you have a current common victualler license? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Are all health inspections current and valid? <input type="checkbox"/> Yes <input type="checkbox"/> No	

### DINING INFORMATION

Is the proposed outdoor dining area on private property? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Is a letter from the landlord granting the right to utilize private space provided? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Have you attached a plan of the proposed dining area? <input type="checkbox"/> Yes <input type="checkbox"/> No	
How many tables and chairs would you like to put in the outdoor dining area?    ____ tables    ____ chairs	
Will you be using umbrellas? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Describe the type of barrier/fencing which will surround the seating area***: _____ _____ _____	
<i>***NOTE: Refer to ABCC Patio Guidance. It is recommended that photos of the proposed barrier/fence be provided</i>	
Will there be food preparation or storage occurring in the exterior area of the premises? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If so, please describe the type and location of such storage and preparation: _____ _____ _____	
Will there be lighting in the exterior area of the premises? <input type="checkbox"/> Yes <input type="checkbox"/> No	

If so, please describe the type and location of such lighting:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Does this business have a current license for on-premises consumption under G.L. c. 138 § 12 (Pouring License)?  Yes  No

If so, what type of license do you currently hold?

Restaurant  Hotel  Club  Tavern  General-on-Premise  Other \_\_\_\_\_

Do you intend to serve alcohol in the outdoor dining area?  Yes  No

**Town Approval Signatures Required**

\_\_\_\_\_  
Building Inspector

\_\_\_\_\_  
Planning Department

\_\_\_\_\_  
Fire Chief

\_\_\_\_\_  
Town Engineer

\_\_\_\_\_  
Police Chief

**TOWN OF SHREWSBURY LIABILITY DISCLAIMER  
FOR OUTDOOR DINING LICENSE ON PUBLIC PROPERTY**

By exercising the privileges of this License in serving persons with food and alcoholic beverages, the Licensee is potentially exposed to significant liability for injuries and damages to the persons served or to others who are injured or damaged by the persons served. Your acceptance and exercise of this License will be deemed to be acknowledgement that you are aware of this potential liability.

If the outdoor dining area will occupy Town-owned land or a portion of the public right of way, the Applicant must first deliver to the Town evidence of general liability insurance in amounts of no less than \$1M for a single occurrence and \$2M in the aggregate for bodily injury or property damage claims and the Town shall be named as an additional insured. The Applicant shall by signature below the Applicant agrees that it shall indemnify and hold harmless the Town of Shrewsbury, its agents and employees, from and against any and all claims, losses or causes of action for personal injuries or damages and/or property damages arising from the use of the Town-owned property or public right-of-way.

The Town of Shrewsbury, the Board of Selectmen acting as the Local Licensing Authority, and the Board of Health, its employees, officers and affiliates shall not be liable to the Licensee to others f injury or damage shall result from the exercise of this License.

**Signature of Applicant:** \_\_\_\_\_ **Date:** \_\_\_\_\_