

**CITY OF BEVERLY
TEMPORARY OUTDOOR DINING GUIDELINES & PROCEDURES**

The City of Beverly is accepting applications for outdoor dining, consistent with *COVID-19 Order No. 35 Clarifying the Progression of the Commonwealth’s Phased Workplace Re-Opening Plan*, which, in part, details the process for reopening establishments for on-premises consumption of alcohol, and any subsequent related orders. The City of Beverly supports the use of outdoor areas available to food service establishments, whether public or private, in order to increase the functional capacity of food-service establishments after the COVID-19 emergency shutdown. **Express permission from the City is required prior to opening.**

Businesses interested in using public sidewalk, public street or parking spaces, or private property to serve food and alcohol shall use the procedures and guidelines enclosed herewith.

- A. Submit enclosed application to Darlene Wynne, Planning Director at dwynne@beverlyma.gov.
- B. Application will be circulated to the individuals listed below for review and approval. We will make every effort to expedite review. Approval is not granted until confirmation is sent by the City.
- C. Certify that your establishment complies with the State’s [Mandatory Safety Standards for Workplaces](#) and the [Sector-Specific Safety Standards: Restaurants](#).
- D. Execute “Outdoor Dining License Agreement” with the City of Beverly, when City property is to be used for outdoor dining. This license will be provided upon the City’s approval of your application.

Name	Email Address	Contact for Questions About...
Martha Lewis, Licensing Clerk	mlewis@beverlyma.gov	Liquor licensing
Joe Reale, Health Department	jreale@beverlyma.gov	COVID safety for staff and customers
Darlene Wynne, Planning Director	dwynne@beverlyma.gov	Applications, Using public parking or other public property
Steve Frederickson, Building Inspector	sfrederickson@beverlyma.gov	ADA, accessibility
Ryan Laracy, Fire Prevention Office	rlaracy@beverlyma.gov	Fire Safety
For additional information regarding COVID safety and sector-specific guidance for reopening, go to: https://www.mass.gov/info-details/reopening-massachusetts		

REQUIRED APPLICATION DOCUMENTS

- I. **Basic Information** – fill out the attached form and include it with your submittal.
- II. **Plan** – submit a drawing showing the area you would like to use for outdoor dining that includes the following information and is consistent with the ABCC’s “Guidelines for Extension of Premises to Patio or Outdoor Areas”:
 - a. Dimensions of the public sidewalk, public parking area, or privately owned area you would like to use.
 - b. Distance between the entrance to your restaurant and the outdoor seating area.
 - c. Seating capacity and maximum occupancy.
 - d. Layout of tables and chairs and table dimensions.

NOTE: Tables must be spaced consistent with “Safety Standards and Checklist: Restaurants.”
 - e. Photo or description of barriers to be used around the perimeter of the outdoor dining area. Examples are provided at the end of this document.
 - f. Tents or Coverings. Coverings over sidewalks shall be strictly regulated. Use of tents anywhere requires approval of the Building Department. Umbrellas will be permitted upon review.

The outdoor dining area and barriers must be accessible and meet ADA and Massachusetts Architectural Access Board’s regulations. <https://www.mass.gov/library/521-cmr>. This information is also included in this guidance packet.

- III. **General Standards** – Review and attest to complying with the City’s general standards and guidelines for outdoor dining; include it with your submittal.

BASIC INFORMATION

- 1. Business name:

- 2. Business address:

- 3. Business phone number:

- 4. Owner/manager:

- 5. Owner/manager email address:

- 6. 24-hour contact number (In case of issues outside of normal business hours):

- 7. Business hours of operation:

- 8. How many tables and chairs would you like to put in the outdoor dining area? _____
NOTE: Tables must be spaced consistent with "Safety Standards and Checklist: Restaurants."
- 9. Will you be using umbrellas? YES NO

If YES, note that the minimum height of umbrellas must be 7' as measured from the base to the lowest point of the umbrella as it is open. Advertising is permitted.
- 10. Will you be serving alcohol in the outdoor dining area? YES NO

If YES, contact Martha Lewis, License Board Agent at mlewis@beverlyma.gov or 978-605-2333 regarding the process to extend your premises to allow the sale and consumption of alcohol in the outdoor dining area.
- 11. Will you be using public property (e.g. sidewalk, parking space, or other) to serve food or sell product? YES NO

If YES, a license will be provided upon approval of your application.
- 12. I have submitted my self-attestation to the Division of Labor and Standards and will have a copy visible and present at my establishment? YES NO

If NO, indicate when you intend to submit the self-attestation.
- 13. If my restaurant is reopening after being closed, I have had a conversation with Joe Reale, Health Department, regarding reopening safely. YES NO

Responsibilities of the Restaurant

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

1. Adherence to the plans and documents submitted, reviewed, and approved;
2. Submission of self-attestation regarding, and compliance with, the General and Sector-Specific Safety Standards;
3. Procurement of tables, chairs, disinfecting stations, and any other physical items that will be inside the outdoor dining area;
4. Procurement and installation of temporary barriers to be placed around the perimeter of the outdoor dining area identifying the space and providing a buffer from pedestrian traffic; and
5. Providing evidence of liability insurance over the new dining space to the City.

Rights of the City of Beverly

The City of Beverly reserves the right to revoke its permission to allow the outdoor dining area for the following reasons:

1. The operation of the outdoor dining area is not in compliance with submitted safety protocols;
2. The operation of the outdoor dining area is negatively impacting pedestrian travel along the public sidewalk and/or public way and/or is not facilitating safe passage in accordance with Americans with Disability Act requirements.
3. The Health Agent, Chief of Police, and/or their designees determine that the operation of the outdoor dining area is negatively impacting public health and safety.

Signature of applicant

Date

Print Name

GENERAL STANDARDS

Procedures

1. The design of all outdoor seating or sales areas, proposed advertising, and operation plan shall be reviewed administratively by a City of Beverly set of staff that includes the Building Commissioner, Health Director, Planning Director, Police Department, Fire Department, and Solicitor's Office.
2. Restaurants must receive approval from the City of Beverly Licensing Board for the expansion of premises of an existing license if alcohol is to be served.
3. Drawings do not need to be drawn by an architect or engineer, but shall include actual dimensions (in feet or inches).
4. Restaurants must provide a minimum amount of insurance in the amount of one million dollars (\$1,000,000.00) per occurrence combined single limit, which shall cover any accident, injuries, or damage suffered on, about or within the premises including the outdoor seating area or as a result of the exercise of rights granted pursuant to this Permit. The Certificate of Insurance shall be in the name of the City of Beverly as an additional insured, and the original Certificate shall be provided with the application prior to starting operation.

Building, Health, and Safety Codes

5. The indoor and outdoor dining areas of the restaurant comprise one facility, and combined seating may not exceed the establishment's seating capacity prior to March 1, 2020.
6. A minimum of 3' of accessible sidewalk area must be left open for handicap access, including but not limited to pedestrian and wheelchair passage. The Commissioner of Buildings reserves the right to determine whether adequate space exists for the creation of an outdoor dining area or outdoor sales area.
7. Seating and service areas shall not obstruct safe, easy, and uninterrupted passage of pedestrians on the sidewalk or in the roadway (if the City decides to implement that option), as well as access to and from the tables and into/out of the restaurant for service and use of restrooms.
8. Restrooms shall be available to patrons as otherwise required.
9. The establishment shall be consistent with the Mandatory Workplace Safety Standards and Industry Specific Safety Standards set forth by the State.
10. Only battery operated candles may be used on outdoor dining tables and no open flames of any type will be allowed under tents, per order of the Beverly Fire Department.
11. Electricity will be permitted in outdoor dining areas. *[Insert standard language regarding electricity compliance.]*

Use of Public Space

12. All establishments must execute a license with the City for the use of any public property prior to beginning operation. This license will be provided upon approval of your application.

Furniture & Equipment

- 13. Furniture and perimeter fencing must be made of sturdy materials. Hard and raised barriers are preferred. The City may have access to safety barriers for in-street operations.
- 14. All tables, chairs, umbrellas, or other furniture must be safely secured in a vandal proof manner or must be brought inside every night.
- 15. Tents may be subject to additional standards as reviewed by the Building Inspector and Fire Prevention Office.

Maintenance & Cleanliness

- 16. All tables and chairs, sidewalks, and surrounding areas must be maintained in a clean and safe manner that meets the Mandatory Workplace Safety Standards and Sector Specific Safety Standards: Restaurants.
- 17. The sidewalk in front of the restaurant must be swept daily and kept free of trash. Trash barrels are permitted under this temporary order only; but should be removed from the public space daily.

Operations

- 18. Outside service of food and/or alcohol must stop at 11:00pm.
- 19. Outside music and/or speakers must be turned off at 10:00pm.
- 20. No food preparation shall be done in the outdoor dining area, without approval by the Health Department.
- 21. Outdoor dining shall end no later than November 1, 2020.
- 22. All establishments will be monitored by appropriate City departments and agencies to ensure they comply with the provisions of this policy.
- 23. Outdoor dining and retailer permits may be revoked by any appropriate City department for failure to comply with the provisions of this policy, or if the outdoor dining area becomes dangerous, unsafe, or inaccessible to handicapped persons, or any other breach of the permit conditions or non-compliance with city and state laws/regulations, at any time.

By signing below, I certify that I have read and understand the provisions listed above and I agree to comply with all the requirements of this permit and any attached plans which are mandated by the City of Beverly.

Signed and sealed this _____ day of _____ 2020.

Signature of Owner

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

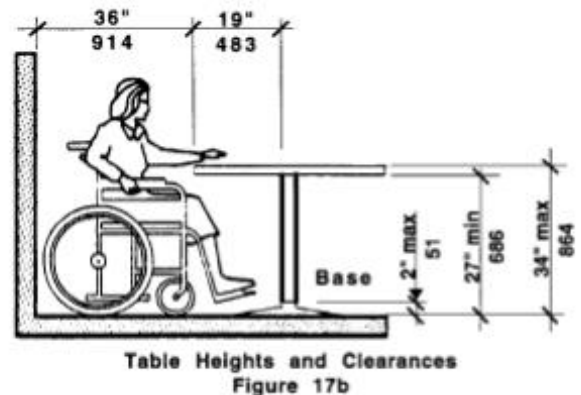
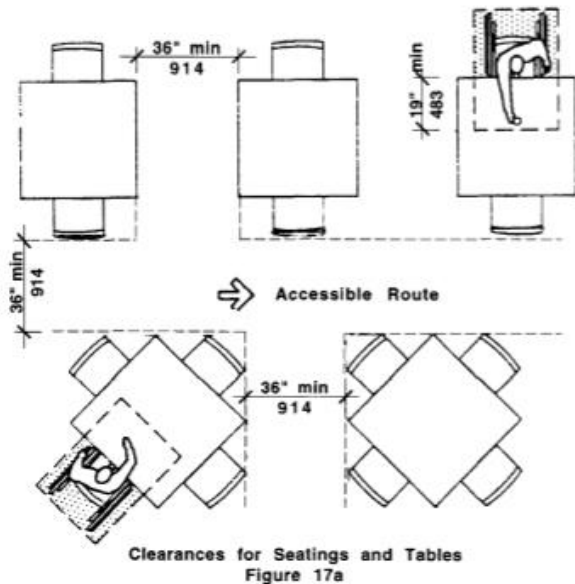
At least 5% but not less than one, of the tables shall be accessible, be on an accessible route, and in compliance with the following:

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.



ACCEPTABLE BARRIERS

Barriers placed around the perimeter of the outdoor dining area must meet the following requirements:

- Height: Between 36" – 38" in height
- Not Permanent: Free-standing, stable, and easily removed
- Continuous Rail: They must have a continuous rail 2" to 6" from the sidewalk or parking space surface
- Base: The base of the barrier must be flat, with less than ½" thickness and placed so that it extends less than 6" into the areas around the outdoor dining area.

SAMPLES OF ACCEPTABLE BARRIERS

