



Town of Brookline

Massachusetts

Outdoor Dining Program Regulations and Guidelines

Effective April 1, 2022

(Voted: September 21, 2021)

Restaurant outdoor dining licensed through the Town of Brookline's Common Victualler's Seasonal or Annual Outdoor Seating License ("Outdoor Seating License") are subject to these Outdoor Dining Program Regulations and Guidelines ("Regulations") as terms and conditions of Outdoor Seating Licenses. Violation of these terms and conditions may result in the revocation of a restaurant's Outdoor Seating License or other sanctions against the Outdoor Seating License or another of the restaurant's Town licenses.

PROGRAM ELIGIBILITY AND APPLICATION REQUIREMENTS:

- Must be a ground-floor brick-and-mortar food establishment with a common victualler license.
- Must have adequate adjacent parking space or sidewalk space to comply with the outdoor dining program's placement, design, and accessibility criteria (see guidance provided in the Outdoor Dining Design Guidelines section below).
- Must comply with these Regulations and with all other applicable State and local law and Town policy, including, but not limited to, the Town of Brookline's [Noise By-Law](#), Town of Brookline's Prepared Food Regulations, the Town of Brookline's Sales of Alcoholic Beverages Regulations, the patio guidelines of the Alcoholic Beverages Control Commission (ABCC) if the licensee wishes to serve alcohol to patrons seated outside, and all laws governing access by people with disabilities.
- Must comply with the application process described below.
- Restaurants wishing to sell alcohol to patrons seated in licensed premises covered by the Outdoor Seating License must be duly licensed to do so by the Town and ABCC under a liquor license. In the event a restaurant's liquor license does not currently cover the outdoor seating area, the restaurant must submit an ABCC application for an alteration of the licensed premises and obtain required approvals before an application for an Outdoor Seating License can be approved.
- Restaurants seeking an annual Outdoor Seating License must comply with applicable Plumbing Code requirements pertaining to the number of outdoor seats. Please contact Karl Dabritz, Plumbing and Gas Fitting Inspector, in the Building Department at 617-730-2105 or kdabritz@brooklinema.gov with any questions about how your outdoor seating might impact Plumbing requirements for your restaurant establishment.

- Contact the Licensing Clerk, Tiffany Souza, tsouza@brooklinema.gov, with any questions regarding your eligibility for an Outdoor Seating License.
- Submitting an application is an acknowledgement that the establishment understands and agrees to all applicable terms and conditions and all applicable laws and guidance, including these Regulations. If an establishment is not compliant, the Town may revoke or suspend its authorization for outdoor seating or take other sanctions against the licensee's license(s). License and permit fees will not be refunded.

OUTDOOR SEATING LICENSE TYPES:

- | | |
|----------------------|---------------------|
| ▪ Annual On-Street | ▪ Annual Sidewalk |
| ▪ Seasonal On-Street | ▪ Seasonal Sidewalk |

Seasonal outdoor seating is permitted from April 1 – November 15 (7.5 months). Protective concrete jersey barriers will be installed by the Town in early April and removed after November 15. It may take several days for DPW to install and remove all of the jersey barriers for seasonal outdoor seating areas.

It is possible obtain a combination of seasonal and annual outdoor seating licenses (for example, an annual sidewalk license and a seasonal on-street license), but fees must be paid for both license types.

OUTDOOR DINING DESIGN GUIDELINES:

Outdoor Seating Area Placement Guidance:

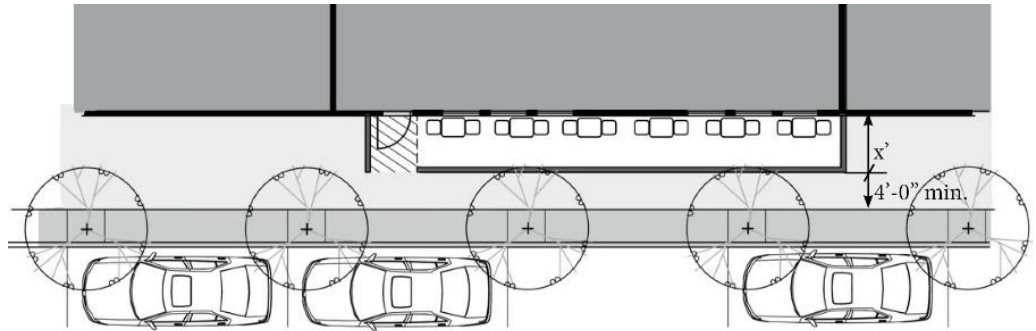
- Seating is generally limited to the area immediately adjacent to a business' storefront.
 - In some circumstances, outdoor seating areas can extend in front of adjacent businesses. Adjacent property owners and tenants must provide a letter supporting this use with the application submitted to the Select Board.
- Curbside seating (see Outdoor Seating Configuration B below) is generally preferred for outdoor seating on the sidewalk, as it maintains the primary sidewalk area for pedestrians. Outdoor dining adjacent to the building will be considered where it would not negatively impact the pedestrian route of travel.
- Outdoor dining areas on the sidewalk must:
 - Retain a 4' minimum but 5' preferred sidewalk width that is clear of any obstructions.
 - Maintain required sidewalk width. Previously approved setups may require modifications.
 - Retain a 2' distance from, and may not cover or shade, the trunk or branches of a public shade tree.
 - Retain heaters at a 5' distance from the trunk or branches of a public shade tree.
 - Be removed when a Town department, utility company or other contractor needs to access the space for installation, construction, repair, or in response to an emergency.
 - Be removed for events approved by the Select Board within the public way if determined to be a public safety concern.
- Outdoor dining areas in the parking lane must:
 - Be limited to 2 usable curbside parking spaces. (Note: A 3rd parking space will be used to accommodate a transition barrier. See Outdoor Seating Configurations C-E for reference.)

- Be installed 2 feet to the right of the edge line (as measured from the inside edge of the white parking space markers) and not obstruct adjacent Bike/LIT or motor vehicle travel lanes.
- Accommodate the placement of 2-ft-wide jersey barriers, which will be installed by the Town.
- Meet PROWAG and MAAB accessibility requirements with either a proposed ramp or a platform constructed to be sidewalk level.
- Maintain access to utilities and curbside drainage.
- Be removed when a Town department, utility company or other contractor needs to access the space for installation, construction, repair, or in response to an emergency.
- Must be removed for events approved by the Select Board within the public way if determined to be a public safety concern.

OUTDOOR SEATING CONFIGURATIONS

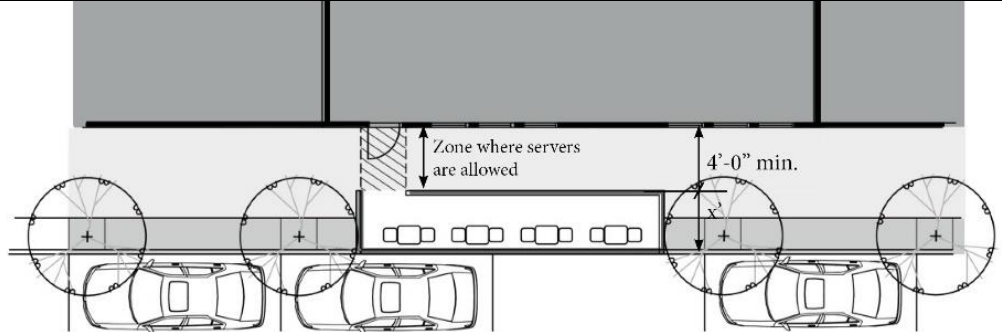
A) Façade Seating

Outdoor seating located on the sidewalk immediately adjacent to a building



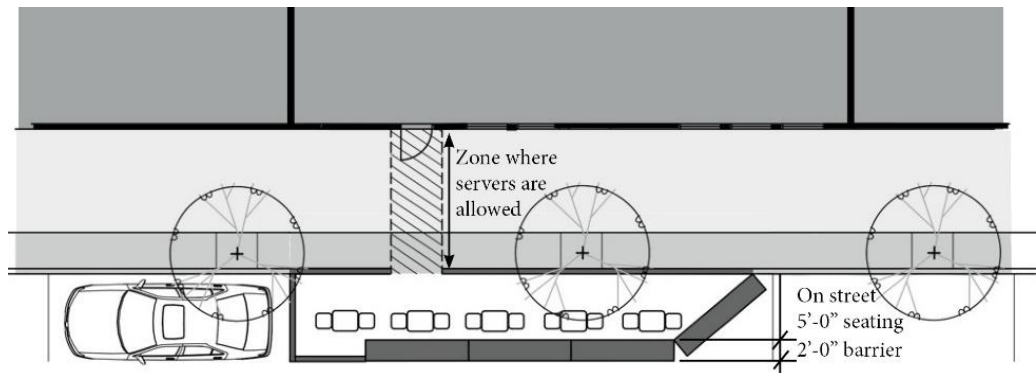
B) Curbside Seating

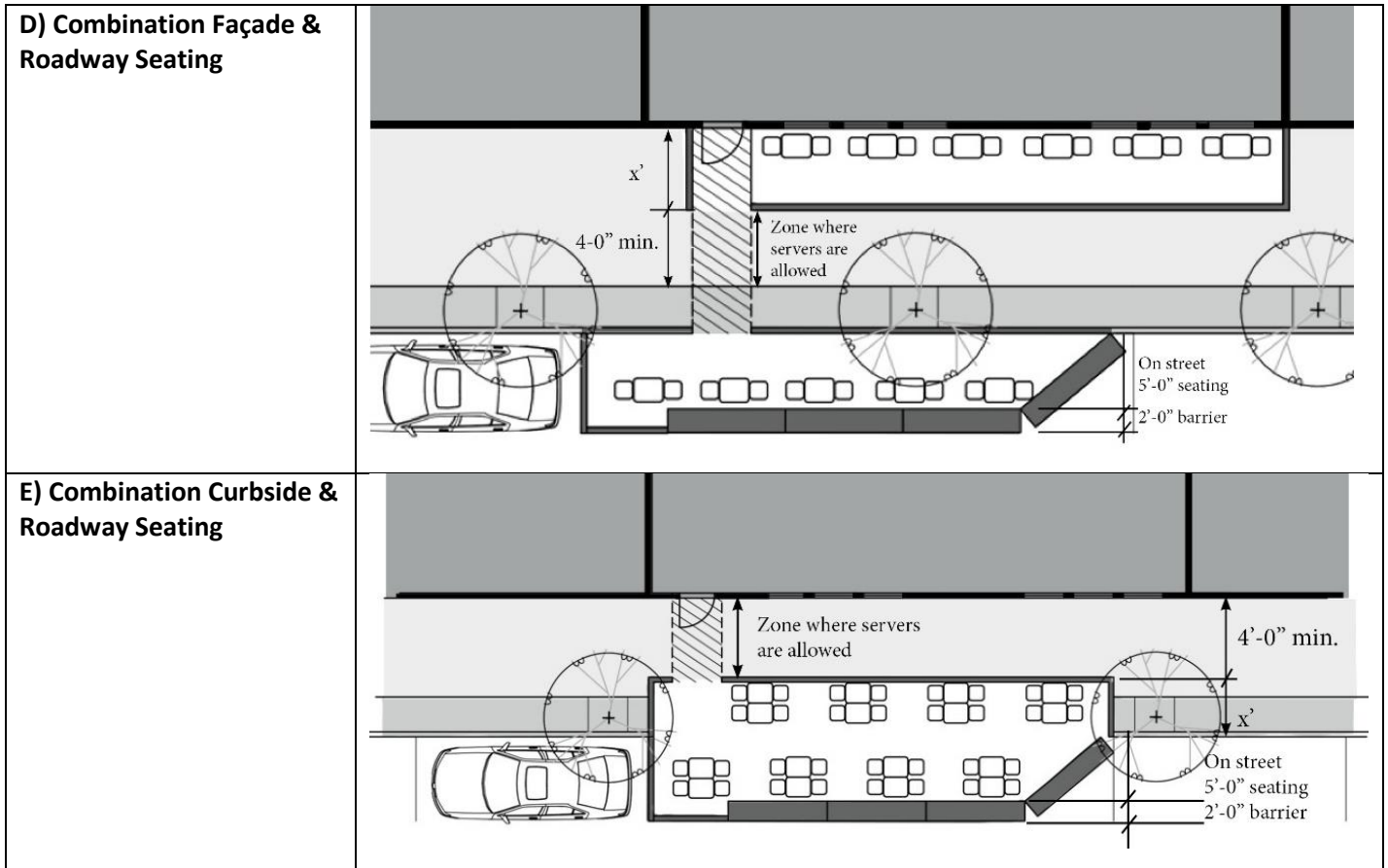
Outdoor seating located on the sidewalk along the curb



C) On-Street Seating

Outdoor seating located in parking spaces in front of a restaurant storefront. Cannot exceed more than two parking spaces. Must be fortified by concrete jersey barriers, which the Town will provide and install as part of an On-Street Outdoor Seating License fee.





Outdoor Seating Area Design Guidance:

- Walls along the sidewalk should be attractive, inviting, and maintain sightlines into and out of the outdoor dining area.

 - May consist of fences, railing or planters and should be self-supporting and easily removed from the sidewalk or parking area.
 - Height Limit: 36 inches to 42 inches. Restaurants with existing non-conforming structures may submit a plan to bring structures into compliance by April 1, 2022, if necessary, in lieu of immediate compliance.
 - Enclosures are required if alcohol is served. (See Compliance with Liquor License Service and Consumption Requirements in the General Outdoor Seating Requirements section below.)
 - Non-moveable enclosures may be required in areas where the outdoor dining area has a tendency to expand beyond its permitted area.

- Walls/railings along the roadway should be attractive, inviting, and made of solid materials.

 - May consist of fences, railing or planters and should be self-supporting and easily removed from the sidewalk or parking area.
 - Height Limit: 36 inches to 42 inches. Restaurants with existing non-conforming structures may submit a plan to bring structures into compliance by April 1, 2022, if necessary, in lieu of immediate compliance.
 - Enclosures are required if alcohol is served. (See Compliance with Liquor License Service and Consumption Requirements in the General Outdoor Seating Requirements section below.)

- Non-moveable enclosures may be required in areas where the outdoor dining has a tendency to expand beyond its permitted area.
- Outdoor structures with roofs will require a permit from the Building Department and will be approved on a case-by-case basis. Roof heights on outdoor seating structures must be a minimum of 7 ft and a maximum of 8 ft.
- Outdoor tents 120 square feet or less are allowed.
 - Those in excess of 120 square feet require a permit from the Building Department.
- Electrical wiring for outdoor seating areas must:
 - Be run overhead and have a minimum 10 ft. clearance (use of trees and vegetation is not permitted).
 - Not obstruct the pedestrian path of travel.
 - Obtain an electrical permit for the installation of exterior/weatherproof outlets or for the hardwiring of an electrical device per Mass Electrical Code - 527 CMR 12.00 (amended).
- Outdoor propane heaters require a permit from the Fire Department. (See the Outdoor Heating Elements Safety Requirements section in the General Outdoor Seating Requirements below.)
- No promotional signage or logos shall be allowed on any outdoor dining elements (umbrellas, enclosures, etc.). (See the Signage and Advertising Restrictions section in the General Outdoor Seating Requirements below.)
- All outdoor furniture, plantings, and amenities will be of a high quality and add to the appearance and vibrancy of the public way. Areas that are determined to be in poor condition or of poor-quality materials that detract from the public way will be asked to upgrade or remove the outdoor dining area.

Accessible Seating Requirements:

Restaurants must ensure that outdoor seating areas remain accessible to the public in accordance with the Americans with Disabilities Act (ADA) requirements. This may be accomplished with temporary ramps, access at ground level at the rear of the outdoor seating area, or with an elevated platform flush with the sidewalk. Restaurant owners must submit a seating plan that will meet PROWAG and MAAB accessibility compliance for patrons using wheelchairs and then demonstrate that they have achieved and sustained compliance if the plan is approved.

Outdoor dining must be accessible and meet PROWAG and Massachusetts Architectural Access Board's regulations (available at <https://www.mass.gov/doc/521-cmr-1700-restaurants/download>):

521 CMR 17.00: RESTAURANTS

17.2 SEATING

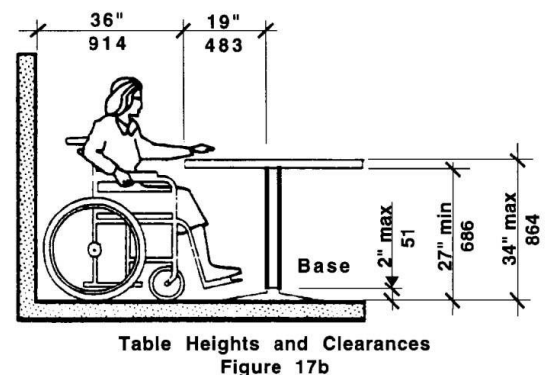
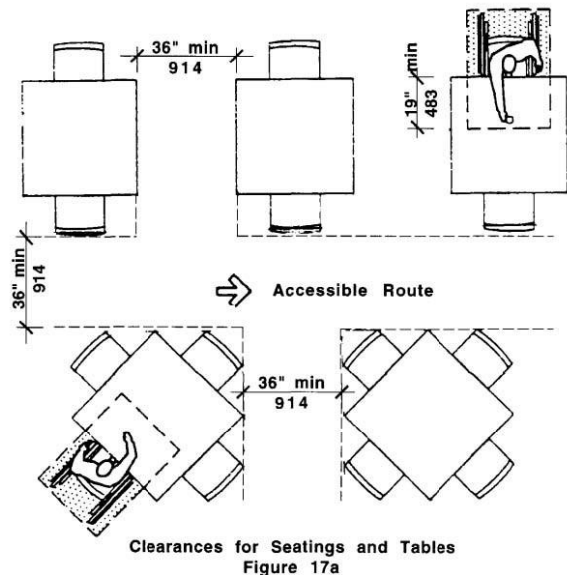
At least 5% but not less than one, of the tables shall be accessible, be on an accessible route, and in compliance with the following:

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.



GENERAL OUTDOOR SEATING REQUIREMENTS: Violation of these requirements will result in steps to revoke your Outdoor Seating License.

Hours of Operation	Outdoor seating areas shall not be occupied or in use beyond the hours of operation stated in the restaurant’s Outdoor Seating License, and no outdoor seating area shall be in use beyond the hours of 7am to 11pm each day.
Noise Control By-law Compliance	All restaurant outdoor seating areas shall comply with General By-Law Article 8.15 regarding Noise Control .
Entertainment	Entertainment in outdoor seating areas shall be duly licensed under a Town Entertainment License and shall comply with all applicable Town regulations, including the Noise Control By-Law.
Adequate Maintenance of the Public Right of Way	<p>A minimum of 48” but 60” preferred of sidewalk clearance must be maintained to always ensure ADA accessibility and a clear pedestrian path.</p> <p>Outdoor dining areas cannot obstruct other street furniture, lamp posts, mailboxes, plantings, street trees and pits, signage, etc. unless permitted.</p> <p>Electrical cord crossing sidewalks at grade are not permitted. All electrical devises crossing sidewalks overhead must have a minimum 10 ft. clearance (use of trees and vegetation is not permitted).</p>
Assembly and Disassembly	<p>Outdoor seating areas must be easy to assemble on site and dismantle for storage or in case of emergency hazard situations (e.g. emergency access to sewer drains or manhole covers).</p> <p>Outdoor seating structures may not be bolted to the public sidewalk, street area, or any other infrastructure owned by the Town without prior approval by the Department of Public Works.</p>
Signage and Advertising Restrictions	While beautification of outdoor seating areas is encouraged (e.g. with flower planters and brightly colored umbrellas), signs and corporate logos (including that of the restaurant utilizing the outdoor dining space) may not be displayed in the outdoor seating area.
Use and Beautification of Concrete Jersey Barriers	<p>The concrete jersey barriers provided by the Town may be painted to beautify the outdoor seating area. Proposed designs must be submitted to the Department of Public Works for approval. Proposals with advertising, logos, etc. will not be approved.</p> <p>Restaurants with Seasonal On-Street Outdoor Seating Licenses are not guaranteed to receive the same jersey barriers each outdoor dining season.</p>
Outdoor Seating Area Enclosure	<p>An outdoor dining area must be enclosed on all sides to separate it from the public right-of-way. Different types of enclosures can be used, such as fencing, bollards, or plant containers, but they must provide visibility between the seating area and the sidewalk.</p> <p>The enclosure must be cane-detectable.</p>
Compliance with Liquor License Service and Consumption Requirements	Alcohol service and consumption in approved outdoor seating areas must comply with all Alcoholic Beverages Control Commission (ABCC) requirements.

	<p>Outdoor seating areas must be enclosed by a fence, rope, or other means to prevent access from a public walkway.</p> <p>The licensee should have a view of the outside premises from inside the premises, or alternatively the licensee may commit to providing management personnel dedicated to the area.</p> <p>Egress from the inside to the outside must be clearly established to assure safe, uninterrupted service of alcoholic beverages.</p> <p>No alcoholic beverages shall be served or consumed in any areas of the premises that are not included in the approved description of the licensed premises.</p>
Properly Secured Furniture	<p>When not in use, outdoor furniture should be secured together with cable and locks. Furniture should not be stacked or locked to other objects, such as streetlights, street trees, or the enclosure.</p>
Properly Secured Tents, Canopies, and Umbrellas	<p>Tents, canopies, and other shade structures that are 120 square feet in size or smaller may be erected in parking spaces to provide shade for the dining area. The following requirements shall apply to use of tents or shade structures within public spaces:</p> <ul style="list-style-type: none"> ▪ No staking of tents is permitted in public rights-of-way. ▪ Each leg must be weighted down with a minimum of 40 lbs. such that they do not move, blow over, or cause damage in severe weather or high winds. ▪ Weights must be securely attached to canopy roof and canopy leg separately. ▪ Ropes and straps should be high quality. ▪ Bungee or rubber straps are prohibited. ▪ Weights must be on the ground and not dangling. ▪ Weights and lines must be clearly visible and not pose a hazard. ▪ For maximum safety, tents should be secured as soon as they are put up and brought down as soon as weight is removed. Do not leave unsecured tents at any time. ▪ Smoking is prohibited under tents and shade structures. <p>Tents larger than 120 square feet require a building permit and must meet all applicable building code requirements.</p> <p>Tents and canopies must be free and clear of all ignition sources.</p> <p>To avoid damage, in the event of forecasted or sudden weather events such as high winds, torrential rain, ice or snow, tents and canopies shall be removed promptly; or as requested by the Department of Public Works. Restaurants must be aware that tents, canopies, and umbrellas do not have designated snow loads and should not be used if there is snow accumulation. Prior to use, all tents, canopies, and umbrellas should be cleared of accumulated snow.</p> <p>Restaurants shall only utilize umbrellas with a weighted base. Such umbrellas may not extend past the outdoor dining area barriers or obstruct access to or ventilation of utility covers.</p>

<p>Outdoor Heating Elements Safety Requirements</p>	<p>All outdoor heating devices must be Underwriters Laboratory (UL) listed.</p> <p>Propane Heaters: Restaurants that have secured Fire Department approval for temporary use of propane patio heaters through the Liquid Propane Outdoor Heating Pilot Program may use patio heaters in approved outdoor dining areas. Through the Town’s Liquid Propane (LP) Outdoor Patio Heating Appliance Use and Storage Pilot Program, propane heaters shall be allowed on the public way (i.e. sidewalks or parking spaces), subject to securing a permit through the Brookline Fire Department and compliance with the Fire Department’s <u>Liquid Propane (LP) Outdoor Patio Heating Appliance Use and Storage Pilot Program Requirements</u>. Permitting fees for this pilot program have been waived.</p> <p>Electric Heaters: The use of hardwired electrical heating appliances for outdoor seating areas must be permitted by the Town of Brookline’s Electrical Inspector. Plug-in electrical heating elements will be permitted in the public way on a case-by-case basis. Plug-in electrical heating elements must meet the following requirements:</p> <ul style="list-style-type: none"> ▪ Must be used and located per the owner's manual, manufacturer's installation instructions and specifications. ▪ Must be located on the ground at grade. ▪ Shall be rated for outdoor use. ▪ Shall be rated for damp or wet locations. ▪ Cannot be located under a tent or canopy. ▪ Maintain all clearances to combustibles. ▪ Wires may not cross the public sidewalk at-grade. ▪ All electrical devices crossing sidewalks overhead must be a min 10ft clearance (use of trees and vegetation not permitted). ▪ All electric heaters shall be equipped with an automatic shut-off safety feature. ▪ Outdoor rated extension cords shall be used if allowed by manufacturer. <p>Location of Outdoor Heating Elements: No heating elements are permitted under tents, canopies, or awnings. All heating elements must be located at a safe distance from tents, canopies, awnings, and other combustible materials per the manufacturer’s technical specifications and in compliance with the Fire Department’s <u>Liquid Propane (LP) Outdoor Patio Heating Appliance Use and Storage Pilot Program Requirements</u>. Additionally, all heating elements and associated equipment shall be placed in such a way that they do not create a safety hazard for the general public in utilizing the space or passing on the public way.</p>
<p>Lighting and Other Outdoor Electrical Elements Safety Requirements</p>	<p>Outdoor lighting elements must be used and located per the owner's manual and manufacturer's installation instructions and specifications.</p> <p>Building permits must be obtained for the installation of exterior/weatherproof outlets or for the hardwiring of an electrical device per <i>Mass Electrical Code - 527 CMR 12.00 (amended)</i>.</p>

	<p>Outdoor rated extension cords may be used if allowed by manufacturer.</p> <p>Electrical cords crossing sidewalks at grade are not permitted. All electrical devices crossing sidewalks overhead must have a minimum 10 ft. clearance (use of trees and vegetation is not permitted).</p> <p>Types of lighting that could blind or significantly distract drivers are not permitted.</p>
Night-time Visibility Requirements	On-street seating areas must be marked with high intensity retro-reflective tape or reflectors to ensure the visibility of patrons and barriers at night.
Access to Public Utilities	Outdoor dining areas must not block fire hydrants or cover any utility or manhole covers. Designs must be approved and full access to utility valves, shut offs and controls must be maintained at all times.
Water Drainage	Outdoor dining areas must not be installed over street drains unless accommodations for water flow are made and approved.
Paving Schedule	Outdoor dining areas should not be installed in locations scheduled for resurfacing or utility work within 8 months of installation.
Restaurant Health and Safety Standards	<p>Restaurants with outdoor seating areas must comply with the Town Tobacco Control By-Law, Art. 8.23 of the Town’s General By-Laws, section 105 CMR 410.600 of Sanitary Code Regulations, regarding garbage and rubbish regulations, as well as provide detailed trash management and pest control management plans for Health Department review.</p> <p>Restaurant outdoor seating areas must also comply with any Brookline Health Department emergency public health regulations or requirements.</p> <p>Smoking in outdoor seating areas is prohibited.</p>
Winter Maintenance Requirements	<p>In the event of ice or snow, the sidewalk must be kept free and clear of all outdoor furniture so that the Town can treat or plow commercial area sidewalks safely and unimpeded by obstructions.</p> <p>Restaurants remain responsible to maintain a minimum of 48”, but preferably 60”, of sidewalk clearance in accordance with ADA accessibility requirements, the Winter Guide for Brookline Property Owners, Businesses, and Residents, and the Town’s Snow Removal By-Law.</p> <p>In addition, in instances of snow accumulation, restaurants are responsible for maintaining their outdoor seating areas and access to those areas, including sidewalks narrowed to less than 6 feet by outdoor seating furniture.</p> <p>All sidewalk seating furniture needs to be removed during snow events. If outdoor seating sidewalk furniture is not removed during a snow event, any time spent by DPW adjusting or cleaning up outdoor seating sidewalk furniture will be charged to the restaurant.</p> <p>The Town encourages restaurants to engage a qualified contractor to ensure that snow is removed in a timely manner.</p>

	DPW will strive to preserve any outdoor seating materials encountered during treatment and clearance of the public way but cannot guarantee that outdoor seating materials will not be damaged in the snow and ice removal process.
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APPLICATION PROCESS:

Submit a **Common Victuallers Outdoor Seating License application**, including the following plans and documentation, to the Town Licensing Clerk, Tiffany Souza, tsouza@brooklinema.gov:

- **A description of the proposed plans and a diagram showing the street, sidewalk, or private property area to be used in relation to the restaurant, conforming to the requirements outlined in these *Outdoor Dining Program Regulations and Guidelines* and detailing:**
 - Eye-level photos of the proposed location.
 - Points of access and egress.
 - How the seating area will meet PROWAG and MAAB accessibility compliance including a demonstration that tables will be PROWAG and MAAB accessible to those using wheelchairs.
 - Materials and design for walls separating the outdoor dining between the pedestrians and the outdoor dining area for those on the sidewalk.
 - Professionally designed plans showing proposed heights, dimensions, etc. for applicants seeking to build structures in on-street outdoor seating areas.
 - Size/type of tables, seats, service stations, and any other items proposed to be placed in the proposed premises extension, such as barriers, planters, fans and heaters; fencing or other barriers to separate patrons from high traffic areas including public sidewalks, if 6' separation is not possible.
 - Existing signs, streetlights, parking meters, street furniture and other items in the proposed extended premises.
 - Property line between Town and private property; and location of buildings in relation to property line, along the entire façade of the building.

- **Health and sanitation management plans:**
 - A detailed trash management and pest control management plan for the restaurant establishment and outdoor seating area.

- **For outdoor seating proposed on public property:**
 - **License Agreement**, unless waived by Select Board's Office. The Town Administrator or designee shall be authorized to sign a License Agreement on behalf of the Select Board.

- **Certificate of Liability Insurance:** Restaurants with outdoor seating on public property must provide certificate of liability insurance naming the Town of Brookline as an additionally insured party in the amount of \$500,000/\$1 million or in an amount otherwise specified by the Select Board’s Office and effective during the license period.
 - **Certificate of Liquor Liability Insurance:** A certificate of liquor liability insurance in the amount required by Mass. Gen. Laws Ch. 138, s. 12 and Section B(7) of the Town’s Sales of Alcoholic Beverages Regulations listing the Town as an additional insured, demonstrating coverage of the outdoor licensed premises during the license period.
 - **DPW Occupancy permit** for the installation of any permanent or semi-permanent item on public property that does not otherwise operate under a common victualler license.
 - **Emergency Notification Contact:** Restaurants must provide the Town with a valid and reliable email address to receive emergency notifications from the Town, such as snow removal, high wind advisory notifications, etc.
- **Proof of consent by third parties:** Restaurants with proposed outdoor seating on the private property of third parties must submit proof of consent by the third party to for such use, such as a lease or other agreement.
 - Fire Department permit application for any proposed propane heating lamps.
 - Building Department permit application for any tents exceeding 120 sq. ft., on-street structures with roofs, etc.
 - **Outdoor entertainment** shall be duly licensed under a Town Entertainment License and shall comply with all applicable Town regulations, including the Noise By-Law.

OUTDOOR SEATING LICENSE FEES: The Licensee must pay be all required application and license fees in connection with Outdoor Seating License.

	Fee Effective April 1, 2022	Fee Effective January 1, 2023*	Fee Effective January 1, 2024*	Fee Effective January 1, 2025*
Annual On-Street	\$1,285.00	\$4,165.00	\$7,045.00	\$9,925.00
Seasonal On-Street	\$680.00	\$2,360.00	\$4,040.00	\$5,720.00
Annual Sidewalk	\$360.00	\$360.00	\$360.00	\$360.00
Seasonal Sidewalk	\$310.00	\$310.00	\$310.00	\$310.00

* Fee increases must be reviewed and approved by the Select Board prior to implementation.

RESTAURANT OWNER RESPONSIBILITIES:

Regular Maintenance	<ul style="list-style-type: none"> ▪ Cleaning/Sweeping ▪ Trash/Litter removal ▪ Planting/Plant watering
Day-to-Day Management	<ul style="list-style-type: none"> ▪ Daily setup and breakdown of any items that cannot be left out overnight are the responsibility of the owner. ▪ Furniture should be secured together with cable and locks; furniture should not be stacked or locked to other objects, such as streetlights, street trees, or the enclosure.
Immediate and On-going Use of Outdoor Seating Areas	<ul style="list-style-type: none"> ▪ All seating within the public way must be used and occupied within 30 days of authorization. If roadway seating is not used and occupied for any 30-day period, any property within such roadway space may be deemed abandoned and the restaurant must have it removed. The Town may remove the abandoned property after providing a 7-day written notice. Abandoned property will be retained for 14-days. Any restaurant can reapply to the program at any time after removal.
Temporary Removal	<ul style="list-style-type: none"> ▪ Outdoor seating areas may be required to be removed for construction, repair, utility work, or emergency response. ▪ The Town will notify property owners to remove and store items for the planned work. If the property owner does not remove and store the items in the public way, the Department of Public Works shall remove the seating areas. The Town is not responsible for any damage to private property.
Winter Maintenance	<ul style="list-style-type: none"> ▪ Restaurants with approved sidewalk and on-street outdoor seating must provide the Town Licensing Clerk with a valid and reliable email address to receive prompt snow removal and hazardous weather warning notifications. ▪ In the event of ice or snow, the sidewalk must be kept free and clear of all outdoor furniture so that the Town can treat or plow commercial area sidewalks safely and unimpeded by obstructions. The Town is not responsible for any damaged caused to or by outdoor seating areas in the public way. ▪ Restaurants remain responsible to maintain a minimum of 48", but preferably 60", of sidewalk clearance in accordance with ADA accessibility requirements, the Winter Guide for Brookline Property Owners, Businesses, and Residents, and the Town's Snow Removal By-Law. ▪ In addition, restaurants are responsible for maintaining their outdoor seating areas and access to those areas, including sidewalks narrowed to less than 6 feet by outdoor seating furniture. ▪ The Town encourages restaurants to engage a qualified contractor to ensure that snow is removed in a timely manner.