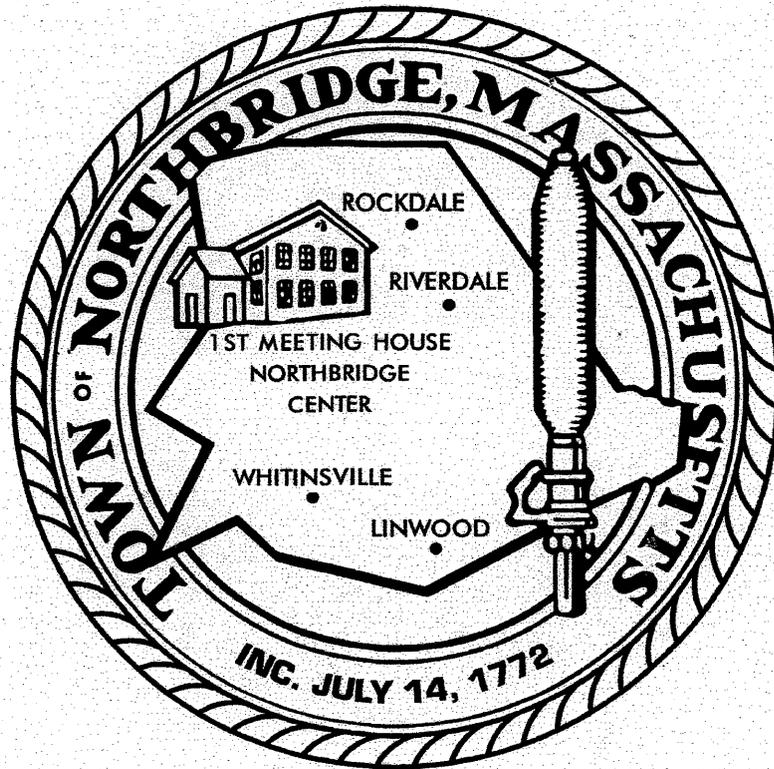


Town of Northbridge Board of Selectmen



Rules & Regulation Use of Public Sidewalks & Ways

Adopted by vote of the Northbridge Board of Selectmen on February 26, 2007.

All provisions of these rules and regulations shall be in effect beginning forty-five (45) calendar days following the above date. Effective date is April 2, 2007.

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APPLICATION FOR PERMIT

I. PERMITTING AUTHORITY AND IMPLEMENTATION

In order to protect the integrity of all public rights-of-way, assure protection of all structures and utilities within and adjacent to these rights-of-way, and provide optimum safety and convenience and unrestricted access for the public; permission in accordance with the rules and regulations herein described must be obtained from the Northbridge Board of Selectmen hereinafter referred to as the "Board", before placing any object or item upon or above any public sidewalk or way.

A. Authority

The authority for this requirement is found in the Code of the Town of Northbridge as follows:

§ 6-104. Permit required to place objects over streets and sidewalks.

No person, unless required by law so to do, shall, without a written permit from the Board of Selectmen, post, display, place or affix in any manner any sign, banner, placard, shade or awning on or over any street or sidewalk.

§ 6-110. Authority to require indemnification.

The board or officer issuing permits for the use of streets or sidewalks may, in its discretion, demand a suitable cash deposit, surety bond or insurance indemnity policy, to save the town harmless from all liability of any nature whatsoever caused directly, or indirectly by such use of the streets or sidewalks.

§ 5-107. Fees and charges by municipal agencies.

A. Any municipal agency which is otherwise authorized to issue a license, certificate or permit, or to render a service or to perform work for a person or class of persons, may from time to time fix a reasonable fee for the license, certificate, permit or for rendering the service or for performing the work in the manner provided in MGL C. 40, § 22F.

B. Implementation

All provisions of these rules and regulations shall be in effect beginning forty-five (45) calendar days following the date of adoption by the Northbridge Board of Selectmen. Any existing use of public ways regulated under these rules and regulations shall be required to obtain a permit within sixty (60) calendar days following the effective date of these rules and regulations.

C. Term of Permit and Fees

Permits shall be issued for a term of one calendar year or portion of a calendar, if issued in mid-year, and shall be renewable during the month of December of each year for the following calendar year. Permits issued during the calendar during which these rules and regulations are adopted shall expire at the end of December of that calendar year. (Example: If these rules and regulations are implemented in calendar year 2007, all licenses issued during 2007 shall expire on December 31, 2007.) The annual permit fee shall be twenty-five dollars (\$25.00) paid by check to the "Town of Northbridge".

D. Suspension of Permit

The Town, through the designated Enforcing Authority, reserves the right to suspend or revoke a permit for violation of these rules and regulations. One (1) documented incident of failure or unwillingness to comply with these regulations shall result in a written warning and six months of probation during which time the

permittee's compliance shall be monitored. Once on probation, one (1) documented incident of failure to comply with these rules and regulations shall result in suspension of the permit for six (6) months followed by six (6) additional months on probation to be served after reinstatement of the permit. If a second violation occurs during the probationary period, permit shall be revoked.

Permittees may appeal any suspension or revocation, in writing, to the Board of Selectmen within thirty (30) calendar days of written notification by the Enforcing Authority. The Board will make a determination based upon information submitted by the permittee and the Enforcing Authority and may request that the permittee appear before the Board to provide additional information regarding the appeal.

Probationary periods may not be appealed.

II. REQUIREMENT FOR OBTAINING PERMIT

Public sidewalks are intended to provide for the free and unrestricted passage of pedestrians including those on foot and those mobility impaired persons who employ crutches, canes, wheel chairs, walkers and other mobility aids. To that end, these regulations are established to control the use of sidewalks and ways for other purposes. Permits must be obtained by any person, business, organization or other entity (herein after referred to as "person") before any public sidewalk or way can be used for display of merchandise, placement of signs or other advertisements or for placement of tables, chairs, benches or similar items associated with the conduct of a business activity. Any of the above uses as well as the installation of awnings or banners over sidewalks and the conduct of construction activities must be permitted in advance.

A. Definitions. As used in these regulations, the following terms shall have the meanings indicated:

AWNING -- A roof like shelter, made of fabric and which may be retractable, that extends over a doorway, window or the facade of a building in order to provide protection, as from the sun or weather.

BANNER -- A strip of cloth upon which a sign is printed or painted.

BUILDING -- Any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals, property or business activity.

PERSON -- Includes an individual, corporation, society, association, partnership, trust or other entity, public or private.

RIGHT-OF-WAY -- The line determining the street or highway limit of public ownership.

SIDEWALK: -- The paved surface located within the right-of way intended for the passage of pedestrians, including wheelchair ramps and other accommodations for the handicapped or disabled.

SIGN -- Any material, structure or part thereof or any device attached to a building or structure or painted or represented thereon, composed of lettered or pictorial matter, or upon which lettered or pictorial matter is placed and is intended for display of an advertisement, notice, directional matter or name, and includes sign frames, billboards, sign boards, illuminated signs, pennants, fluttering devices, projecting signs or ground signs.

SIGN AREA -- The area of a sign consisting of the entire surface of any regular geometric form or combinations of regular geometric forms, comprising all of the display area of the sign and including all of the

elements of the matter displayed, but excluding supporting or structural members not bearing advertising matter.

SIGN, FREESTANDING -- A sign or sign support structure that is not attached to or part of a building or structure.

SIGN, GROUND -- A sign supported by a pole, uprights or braces which are placed in or on the ground.

SIGN, PORTABLE OR MOBILE -- A sign that is designed and intended to be transported from place to place and is not permanently affixed to the ground or to a building or structure. Portable signs may or may not have wheels.

SIGN, TEMPORARY -- A sign which is intended to advertise community or civic projects, real estate for sale or lease or other special events on a temporary basis.

WAY: -- That portion of the public right of way that is not part of the paved roadway or sidewalk.

Other terms used in these regulations shall have the meanings defined in the Town of Northbridge Zoning Regulations, Chapter 173, Article II, Section 173-2, which are incorporated herein by reference.

B. Administration and enforcement.

1. Administration. The Building Inspector is hereby designated as the administrator of this program for the Board of Selectmen. The Building Inspector will administer the program under the direction of the Town Manager.
2. Enforcement. The Building Inspector is hereby authorized to enforce these rules and regulations and is the designated Enforcing Authority. In addition, any authorized representative of the Town may likewise enforce the requirements of these rules and regulations. Authorized representatives of the Town shall include but not be limited to the Town Manager or designated representative, police officers, firefighters, Public Works employees and the Building Inspector's designee.

III. REGULATED ACTIVITIES:

The following activities as described hereinafter are allowed under these rules and regulations and require the issuance of a permit.

A. Outdoor Dining

1. Outdoor dining may be located on public sidewalks adjacent to or abutting the indoor restaurant which operates the outdoor dining. Outdoor dining shall extend no further than the actual street frontage of the operating restaurant. Outdoor dining will be permitted only between April 15 and November 15 of each year. All items shall be removed from the public sidewalk during the non-permitted period. Notwithstanding the above permitted period, all items shall be immediately removed when a snowfall of one or more inches is forecast or occurs.
2. Outdoor dining operation shall provide not less than four contiguous feet of sidewalk Exclusive of curbing clear of obstructions to allow unimpeded pedestrian traffic. At street corner intersections there shall be a minimum of eight feet of unobstructed sidewalk. Obstructions shall include, but not be

limited to, light poles, traffic signal poles, fire hydrants, utility structures and street signs. Further, the location of outdoor dining cannot obstruct the clear sight distance for vehicles or access to crossings for the disabled.

3. Furnishings for outdoor dining shall consist solely of movable tables, chairs and decorative accessories. Furnishings must be kept in a state of good repair and in a clean and safe condition at all times.
4. Awnings shall be adequately secured and retractable. Umbrellas over tables must be adequately weighted.
5. Tables, chairs, and all other furnishings or accessories may be left in place overnight during seasonal operation but shall be removed from the sidewalk and stored indoors whenever outdoor dining is not in seasonal operation. It shall be the responsibility of the licensee to secure furnishings and accessories that are left in place overnight.
6. Outdoor heaters, busing stations, trash receptacles, food preparation stations, and music shall not be permitted in the outdoor dining facility.
7. Outdoor dining shall be at the same elevation as the public sidewalk and any exceptions must be approved by the Building Inspector. Paint, carpeting, artificial turf, platforms or other surfaces of any kind shall not be permitted at any time in the outdoor dining facility.
8. One menu board sign may be displayed within the area of the outdoor dining mounted on an easel or other easily removable fixture. The sign shall not exceed six square feet.
9. Outdoor dining operation shall meet all Building Code requirements and Zoning Code Regulations.

B Merchandise Displays:

1. Displays of merchandise for sale will be allowed only during the operating hours of the business. Merchandise will be placed immediately adjacent to the store front. The sidewalk shall not be used for overnight storage. All items shall be removed from the sidewalk at the end of each business day.
2. A minimum 48-inch wide unobstructed path shall be maintained to allow for passage of pedestrians. Care shall be taken to insure that access to crosswalks including wheelchair ramps remain unobstructed at all times.
3. All merchandise displays shall be removed from public sidewalks during snow storms or other weather events or whenever directed by an authorized representative of the Town.

C. Signs: The following requirements are in addition to the provisions of the Town of Northbridge Zoning Regulations, Chapter 173, ARTICLE VII, Sections 173-21 through 173-25 and are applicable to temporary, freestanding, portable or mobile signs as defined above, including banners.

1. No private sign or banner of any type shall be attached to any tree, utility pole, street lighting pole, traffic signal, traffic sign pole, or fence located within the layout of any public way. This restriction includes temporary signs such as special event, yard sale, garage sale, real estate and similar types of announcements or advertisements. Signs as described above may be removed and disposed of by the Town without notice.
2. Signs providing directions or information regarding civic organizations, religious organizations or other not-for-profit community service organizations may be erected within the layout of public ways with the prior approval of the Board of Selectmen and after coordination of the proposed sign design and location with the Building Inspector and/or the Director of Public Works.

3. Ground signs as defined above shall not be permitted within the public right-of-way.
4. Portable or mobile signs may be located within the public right-of-way. Portable signs may be placed within the way, but no closer than four feet from the edge of the roadway pavement. When placed on the sidewalk, portable signs shall be no closer than one foot from the edge of the roadway pavement when the sidewalk extends to the edge of the pavement. Portable signs shall not be placed closer than eight feet from intersections, crosswalks or from wheelchair ramps and in no case shall they be placed in any location where they will restrict the view of oncoming vehicle traffic in either direction. Portable signs placed on the sidewalk shall be removed at the close of each business day. Portable signs shall not exceed 42 inches in height or 24 inches in width or a total area of six square feet per side.

D. Awnings/Banners:

1. Awnings or banners placed over sidewalks shall provide a minimum clearance of seven feet-six inches between the sidewalk and the lowest extent of the awning.
2. To facilitate snow removal, all awnings/banners extending over sidewalks shall be removed or retracted to allow passage of snow removal equipment. The Town will not be liable for damages to awnings/banners resulting from snow removal operations.

E. Construction Activities:

1. A permit shall be required whenever construction activities require the placement of equipment, temporary structures, storage containers, dumpsters and similar items on or over sidewalks and ways.
2. Whenever scaffolding, portable work platforms or high lift equipment are placed on or used over a sidewalk, the permittee shall insure there is a minimum of 36 inches of unobstructed passageway to allow pedestrian traffic. Additionally, whenever overhead work is being performed the permittee shall make provisions to protect pedestrians and passing or parked vehicles from falling debris, tools, and equipment or construction materials. Additionally, provisions shall be made to allow unobstructed access to or egress from neighboring properties, businesses or structures.

IV. SEASONAL RESTRICTIONS

Safety of the public is paramount when authorizing the use of the public way for other uses. To that end, permittees must maintain awareness of weather conditions and take appropriate actions to insure objects placed in the right-of-way do not create hazards. Whenever severe weather conditions are forecast or occur without warning, permittees shall inspect and remove any item which can become airborne or which could otherwise pose a hazard to public safety.

Placement of permitted items on sidewalks and ways shall be subject to seasonal restrictions. Items associated with outdoor dining activities shall be removed between December 1 and April 1 to allow for snow removal operations. Additionally, they shall be removed whenever snowfall greater than one inch occurs.

All awnings shall be removed or retracted to the fully closed position during and following snow storms to allow for snow removal.

All signs located on sidewalks shall be removed during and following snow storms to facilitate snow removal.

The Town does not accept responsibility for damage or loss to property placed within the right-of-way.

V. SEVERABILITY

The provisions of these regulations are severable and, in the event that any provision is determined to be invalid for any reason, the remaining provisions shall remain in full force and effect. If any provision of these regulations is found to be in conflict with any provision of the Zoning Regulations, Chapter 173 of the Code of the Town of Northbridge, the Zoning Regulations shall govern.