



OFFICE OF THE MAYOR
FRAMINGHAM, MA.

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FRAMINGHAM CITY COUNCIL

ORDER NO. 2019-098-001
REQUEST OF THE DOWNTOWN FRAMINGHAM INC.

UPON THE REQUEST OF DOWNTOWN FRAMINGHAM INC., THE CITY OF FRAMINGHAM, THROUGH THE FRAMINGHAM CITY COUNCIL, IT IS SO ORDERED:

That the City Council votes to adopt a Central Business District Sidewalk Usage Ordinance designed to activate downtown sidewalks through various uses to promote the use and enjoyment of the City's public space, enhance tourism within the City and will increase handicapped accessibility to storefront businesses in the Central Business District. The full text of the Ordinance follows this Order.

FIRST READING:

YEAS: Cannon, Giombetti, Grove, King, Richardson, Rossi, Shepard, Sisitsky, Steiner, Torres, Tully Stoll
NAYS: None
ABSTAIN: None
PASSED IN COUNCIL: OCTOBER 29, 2019

SECOND READING:

YEAS: Cannon, Giombetti, Grove, King, Richardson, Rossi, Shepard, Sisitsky, Steiner, Torres, Tully Stoll
NAYS: None
ABSTAIN: None
PASSED IN COUNCIL: NOVEMBER 7, 2019

A True Record, Attest:

11/8/19
Date Approved
Lisa A. Ferguson
Lisa A. Ferguson, City Clerk

12/6/19
Date Approved
Yvonne M. Spicer
Yvonne M. Spicer, Mayor

CITY OF FRAMINGHAM SIDEWALK BUSINESS USE ORDINANCE

Activation of downtown sidewalks through various uses, mainly sidewalk cafes, will promote the use and enjoyment of the City's public spaces; will enhance tourism within the City, and will increase handicapped accessibility to storefront businesses in the Central Business District.

ENABLING LEGISLATION

A. USE OF PUBLIC WAYS

A.1 The Mayor shall have the jurisdiction in relation to the use of public ways for any temporary obstruction or projection in, under or over the same. The Director of Public Works (DPW) shall also have the powers and perform the duties conferred or imposed by statute in relation to the use of parts of public ways for the storage and sale of merchandise.

A.2. Sidewalk usage by businesses shall be temporary in nature and designed so that the entire sidewalk business usage structure and its furniture, including but not limited to chairs, tables, fencing, bollards and planters, can be easily removed during periods of non-use. Furthermore, the City reserves the right to require the User to remove the sidewalk furniture if and when it determines it to be necessary.

B. PUBLIC PROCESS

B.1. Every owner/application (hereinafter "User") for a sidewalk café and usage will be subject to review and approval through the Board of License Commissioners and any other required associated approval authorities.

B.2. The power granted to the Board of License Commissioners shall be interpreted to mean that a Sidewalk Business Use License, Maintenance, and Indemnity Agreement will be granted only after a public hearing and endorsed by the members of the Board of License Commissioners with final approval by the Mayor.

B.3. Sidewalk usage must be appurtenant and contiguous to the main storefront. It may not extend beyond the frontage face of the storefront except through express, written permission of an adjacent storefront property owner. The City reserves the right to require that more than four (4) feet of sidewalk be made available for passersby during certain hours of the day, or days of the week in order to accommodate pedestrian traffic.

B.4. To prevent additional encroachment onto public space (and to contain the sale of alcohol within the cafe area), the sidewalk business usage area must be separated from the pedestrian walk space with a system of enclosure, such as decorative fencing with removable bollards.

B.5. No portion of a sidewalk usage area may be used for any purpose outside its requested intended use, which may include product display, café seating, entertainment, and signage. The hours of operation for the sidewalk business usage area shall be approved by the City of Framingham Board of License Commissioners and will be incorporated into Sidewalk Business Use License, Maintenance, and Indemnity Agreement.

C. COMPLIANCE WITH STATE AND LOCAL LAWS AND REGULATIONS

C.1. All sidewalk usage areas must comply with all applicable federal, state, and local laws and regulations, including Americans with Disabilities Act. Unobstructed public sidewalk clearance must be not less than four [4] feet in width at all points.

D. APPROVALS

D.1. Upon determination by the Licensing Coordinator that the project is within the pre-approved zones where sidewalk business use is allowed, the Department of Public Works shall have review responsibility for general use of a public way in areas under their jurisdiction.

D.2. The DPW will inform the User if an underground vault exists below the space where the proposed sidewalk furniture will be placed. In the event that there is an underground vault, the User shall not obtain a license agreement for the sidewalk usage until such time as the DPW is satisfied that there is no risk that the sidewalk usage structure will collapse.

D.3. The Inspectional Services Department shall have review responsibility for the placement of all sidewalk furniture and signage. The Inspectional Services Department shall inspect for compliance with accessibility per 521 CMR – Architectural Access Board Rules and Regulations.

D.4. It shall be the User's responsibility to provide to the Board of License Commissioners, before the scheduled public hearing, written proof that it has obtained all requisite permits, specifically the Departments of Public Works and Inspectional Services.

D.5. The User who is granted a Sidewalk Business Use License, Maintenance, and Indemnity Agreement shall bear all financial responsibility for any and all improvements necessary to the public space, both