



## Town of Greenfield, Massachusetts Public Ways Regulations

### **§1 Purpose**

The purpose of this regulation is to ensure safe passage by foot or vehicle within the Town of Greenfield and to minimize or eliminate clutter and unsightly displays within the public way.

### **§2 Authority**

Applicable Massachusetts General Laws and Town of Greenfield Home Rule Charter §6-9

### **§3 Definition**

A public way is any way or passage that has been laid out and accepted by the Town, County, or Franklin Regional Council of Government for the free and unobstructed right of travel of the public, including the sidewalk and tree belts within the limits of the street or highway layout.

### **§4 Applicability**

No one may place objects or conduct activities within the public way without first obtaining a permit from the Board of License Commissioners. This does not apply to any one employed by the Town, Franklin Regional Council of Government, or Commonwealth while in the performance of public duties.

### **§5 Limitations**

Any permitted temporary or semi-permanent use of public ways:

1. may not obstruct visibility of pedestrians or vehicles to safely travel within/along the public way
2. may not interfere with access to sidewalks, parked vehicles, driveways, wheelchair ramps, or doorways
3. must be located in such a manner as to maintain a clear and continuous minimum six-foot wide pedestrian travel area on sidewalks, unless otherwise specifically allowed by the permit  
It is the responsibility of the permittee to ensure maintenance of this swath at all times.
4. overhead uses must provide a minimum vertical clearance of 7' above the sidewalk
5. objects must be constructed in such a way that they will not be moved by wind, etc
6. objects may not be bolted or otherwise attached to the ground, sidewalk, street, or any utility pole, street light, sign, tree, branch, or other public street furniture. Exceptions are U.S. Postal service mail boxes, rural mailboxes, (and newspaper tubes with permit).
7. all outdoor seating, displays of merchandise, or other temporary uses of the public way must be removed from the public rights of way after business hours, unless otherwise specifically allowed by the permit
8. permittee is responsible for removing all litter associated with temporary/semi-permanent use and must maintain the area in a clean condition



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### **§6 Conditions**

All permits are

1. site specific
2. non-transferable
3. contingent on maintaining liability insurance:  
The permittee shall maintain a comprehensive liability policy in an amount to be determined by the Licensing Commissioners for the continuance of the permit. The Town shall be notified in writing at least 15 days prior to any cancellation or change to such policy. Said policy shall (1) include the Town of Greenfield as an additional insured, (2) apply as primary insurance, (3) shall stipulate that no other insurance effected by the Town will be called on to contribute to a loss, and (4) if said policy is cancelled, terminated, suspended, or materially changed, the permit shall be suspended until such time as compliance with the requirements of this section have been fully satisfied.
4. all permits shall expire on December 31<sup>st</sup> of each year unless an earlier date is specified

### **§7 Liability**

The permittee shall indemnify, defend, and hold the Town of Greenfield, its agents, officers, attorneys, employees, and officials harmless from any and all claims, causes of action, injuries, or damages arising from any acts on the part of the permittee, their agents, officers, employees, or anyone rendering services on their behalf. This indemnity shall include all reasonable costs and attorney's fees incurred in defending any action covered by this provision.

Any person violating any provisions of this regulation shall be liable to the Town for any expenses incurred by the Town, including related costs to make repairs to the public rights of way, administrative costs, legal expenses, and any loss or damage occasioned by the Town by reason of such violation.

### **§8 Enforcement**

The provisions of this regulation may be enforced by any available means in law or equity, including but not limited to all Massachusetts General Laws applying to public ways and enforcement by non-criminal disposition pursuant to M.G.L. c.40 §21D. When enforced through non-criminal disposition, the penalties shall be \$100.00 per each violation, with each calendar day constituting a separate violation.

Any permittee violating any provision of these regulations or any of the conditions of their permit will be subject to a civil penalty of \$100.00 for the 1<sup>st</sup> offense, \$200.00 for the 2<sup>nd</sup> offense, and \$300.00 for the 3<sup>rd</sup> and subsequent offense(s), &/or suspension or revocation of their permit.



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Any object placed in the public way in violation of the above two paragraphs will be subject to immediate removal by the Police Department or other authorized person(s) at no expense or liability to the Town.

**§9 Validity**

If any section, paragraph, subdivision, clause, or provision of these regulations shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause, or provision so adjudged and the remainder of these regulations shall be deemed valid and in effect.

**These regulations shall supersede all previous regulations dealing with use of the public ways.**