



City of Boston  
Mayor Martin J. Walsh  
Licensing Board

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Executive Secretary:  
Lesley Delaney Hawkins

## **THE CITY OF BOSTON'S INTERDEPARTMENTAL ADVISORY REGARDING OUTDOOR DINING AND THE USE OF APPROVED HEATERS BY LICENSEES**

Issued: September 15, 2020

On May 21, 2020, the Licensing Board for the City of Boston (the "Board") in collaboration with an interdepartmental team including, but not limited to, the Boston Fire Department, the Inspectional Services Department, the Boston Transportation Department, the Public Improvement Commission, the Department of Public Works, the Office of Economic Development, and the Mayor's Office of Neighborhood Services (the "Interdepartmental Team") launched the City's temporary outdoor dining program (the "Temporary Outdoor Dining Program") in response to the ongoing COVID-19 related public health emergency. The Interdepartmental Team issues this advisory regarding the Temporary Outdoor Dining Program and the use of approved heaters (the "Advisory") by licensees holding active common victualler food only and common victualler with alcoholic beverages licenses (the "Licensees").

The Advisory and forthcoming interdepartmental guidance is subject to change at the City's discretion based on incoming public health metrics as well as any future guidance or requirements issued by the Commonwealth of Massachusetts.

1. The Temporary Outdoor Dining Program has been extended beyond October 31, 2020.
2. The Temporary Outdoor Dining Program on **private property** (i.e. outdoor dining spaces that do not extend onto public sidewalks and parking lanes) has been extended indefinitely for the duration of the ongoing COVID-19 related public health emergency. Licensees previously approved for extensions of their respective licensed premise previously scheduled to expire on October 31, 2020 may continue to operate pursuant to the requirements contained herein and until further notice or until the Board issues further guidance.
3. Licensees utilizing the Temporary Outdoor Dining Program on **non-contiguous spaces** may continue to operate pursuant to the requirements contained herein and until further notice or until the Board issues further guidance.
4. Licensees utilizing the Temporary Outdoor Dining Program on **public sidewalks and parking lanes** may continue the approved use of those spaces until December 1, 2020, weather permitting, or until further notice or until the Board issues further guidance. The Interdepartmental Team may evaluate requests for further extensions of this use on a case by case basis in the coming weeks and months. The City reserves the right to require the immediate removal of all or select installations to accommodate a response to winter storms.
5. **Tents and pop-up canopies are prohibited on public property including sidewalks, parking lanes, and City parks. No exceptions will be made.**
6. Licensees seeking to utilize propane heaters may only do so upon applying and receiving written approval from the Boston Fire Department via the [online application portal](#). The standard fee for this application will be waived on a temporary, non-precedent setting basis. The application via the online portal requires the submission of the following information:

- a. [Number of heaters;](#)
  - b. [Number and size of propane tanks \(maximum allowed propane tank size of twenty \(20\) pounds;](#)
  - c. [Specification sheet for heaters and for metal, vented, and locked storage units;](#)
  - d. [Specific location of the proposed heaters showing the minimum requirement of five \(5\) feet of space between proposed heaters and minimum of five \(5\) feet of space between any entrance or exit and the proposed heaters \(floor plan may be hand drawn\);](#)
  - e. Location of the proposed storage cage for the propane cylinders;
7. Once the complete application is submitted, the Fire Prevention Unit of the Boston Fire Department will review the application, request any additional information, and schedule an inspection of the licensed premise. No propane heaters may be installed or utilized prior to the inspection and receipt of the written approval of the Boston Fire Department.
- 8. Any Licensee utilizing propane without the written approval of the Boston Fire Department or utilizing propane or not in compliance with the Advisory and the forthcoming guidance as it may be amended from time to time will face disciplinary action including but not limited to the revocation of the temporary extension and the suspension or revocation of any annual license issued by the Board.**
9. Public safety is of the utmost importance to the City of Boston. Any Licensee seeking to utilize propane heaters is responsible for reviewing all [applicable regulations and guidelines](#) as the Advisory is not exhausted, however, the Interdepartmental Team emphasizes the following requirements which cannot be waived:
- a. **Propane storage is always prohibited indoors regardless of the circumstances;**
  - b. **Propane storage on the public sidewalk or the public way is always prohibited;**
  - c. **Propane cylinders must be removed from the heaters when not in use and must be stored in approved [metal cages or lockers](#);**
  - d. **Propane heaters are prohibited under tents or any other structure regardless of the circumstances;**
  - e. **Licensees seeking to utilize electric heaters may do so without a permit from the Boston Fire Department, however no wires or extension cords may cross or in any way impede the public way including sidewalks, parking lanes, and City parks.**
10. Licensees interested in the Temporary Outdoor Dining Program that have not previously applied may do so via the [online application process](#). If you need support through this process, please email [smallbiz@boston.gov](mailto:smallbiz@boston.gov) for technical assistance.

The Advisory is issued in response to the ongoing public health crisis related to the spread of COVID-19 (coronavirus) and will be strictly enforced by the Interdepartmental Team. Failure to adhere to any of the above, previously issued orders or advisories currently in effect, or any guidance issued by the City will result in disciplinary action as detailed herein.

**Claims of ignorance of the law or the Advisory are not a defense.**

Please refer to [boston.gov/coronavirus](https://www.boston.gov/coronavirus) for more information on COVID-19. Questions regarding the requirements and process for the Boston Fire Department should be directed to Jenelle Finnerty at (617) 343-3772 or [Jenelle.finnerty@boston.gov](mailto:Jenelle.finnerty@boston.gov) or Kristina Grublin at (617) 343-3447 or [Kristina.grublin@boston.gov](mailto:Kristina.grublin@boston.gov).

Questions regarding the Temporary Outdoor Dining Program or the sale and service of food and/or alcoholic beverages should be directed to the Board's Executive Secretary, Lesley Delaney Hawkins, Esq. at (617) 635-4170 or [Lesley.hawkins@boston.gov](mailto:Lesley.hawkins@boston.gov).

For the Board,

*Lesley Delaney Hawkins*

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Executive Secretary & General Counsel