



Town Council Policy Regarding the Control and Regulation of the Public Ways

Under Section 2.14 of the Amherst Home Rule Charter, the Town Council “shall control and regulate the public ways.” (Keeper of the Public Way) Under this authority, the Town Council hereby adopts this policy, which delegates a portion of its authority to control and regulate the Public Ways to the Town Manager and certain other Department Heads under the jurisdiction of the Town Manager. The Town Council reserves the right, at any time, to revise or rescind this policy.

1. Reservation of Public Ways – Town Commons

- a. **Short-Term Event Uses:** Requests for temporary short-term reservations (less than 3 months) associated with specific events (festivals, concerts, etc.), including reservations of the outdoor performing arts venue.
 - i. Town Council delegates the review and action authority to the Town Manager or designee with a monthly report of all non-banner requests and approvals provided to the Town Council.
- b. **Long-Term Event Uses:** Requests for temporary long-term uses (3 months or longer) associated with specific events (holiday structures, etc.)
 - i. Town Council remains Keeper of the Public Way.
- c. **Other Alterations, Changes, and Uses:** Requests for reservations, construction of structures, or other uses that are intended to be permanent, in place 3 months or longer, or that are not associated with specific events but exempting maintenance and repairs conducted in the normal course of business.
 - i. Town Council remains Keeper of the Public Way.

2. Reservation of Public Ways – Parking

- a. **Short-Term Requests:** Requests for short-term reservations (less than or equal to 14 days, either cumulative or consecutive) of any number of parking spots associated with specific needs of a property owner or renter (construction, moving, etc.) or associated with a specific event (garden club, Town fair, festivals on the Common, etc.).
 - i. Town Council delegates the review and action authority to the Town Manager, with a report of all requests and approvals provided to the Town Council monthly.
- b. **Long-Term Requests:** Requests for long-term, temporary reservations (greater than 14 days, either cumulative or consecutive, but not permanent).
 - i. Town Council remains Keeper of the Public Way.
- c. **Permanent or Other Requests:** Requests for permanent parking changes, modification of fees, or other requests relating to parking not detailed above (parking permit required, no parking signs, parking meter fees, etc.).
 - i. Town Council remains keeper of the Public Way and will review and take action as follows:
 1. Hold a public hearing on the request; and
 2. Prior to taking action, refer, as necessary, to the appropriate committee and/or Town Manager for review, recommendation, and/or advice.

3. Reservations of Public Ways – Road or Sidewalk Closures, Signage, and Seating

a. Temporary Closures – Town Departments – Delegation of Authority

- i. All temporary short- and long-term road or sidewalk closures required by the Department of Public Works for road maintenance or construction may be approved by the Superintendent of Public Works (or acting, if appropriate), with notice to the Town Manager.
- ii. All temporary short- and long-term road or sidewalk closures required by the Police Department or Fire Department for public safety reasons may be approved by the Police Chief or Fire Chief, respectively (or acting, if appropriate), with notice to the Town Manager.

b. Short-Term Closures: All temporary road or sidewalk closures not subject to Section 3.a above (less than or equal to 14 consecutive or cumulative days) for planned events (block parties, Halloween Stroll, May Day celebration, running events, sidewalk sales, etc.).

- i. Town Council delegates the review and action authority to the Town Manager, with a monthly report of all requests and approvals provided to the Town Council.

c. Long-Term Closures: All long-term road or sidewalk closures not subject to Section 3.a above (greater than 14 consecutive or cumulative days, but not permanent).

- i. Town Council remains Keeper of the Public Way and will review and take action as follows:
 1. Prior to taking action, consult with the Town Engineer, Police Chief, Fire Chief and Town Manager and comply with Massachusetts General Laws and Regulations.

d. Placement of Road and Temporary Signs: All placements of signs that relate to the control of the public way (crosswalk, speed limit, yield, stop, etc.) and placements of moveable signs not covered by the General or Zoning Bylaw.

- i. Town Council delegates the review and action authority to the Town Manager, with a monthly report of all requests and approvals provided to the Town Council.

e. Reservation of sidewalks for lunch carts: All reservations of sidewalks associated with the licensing of lunch carts by the Board of License Commissioners.

- i. Town Council delegates the review and action authority to the Board of License Commissioners with notification to the Town Manager for inclusion in monthly report of all requests and approvals provided to the Town Council.

f. Other Requests for Permanent Changes to the Public Way: All permanent changes to roads or sidewalks (placement of utility structures, bus shelters, benches, permanent signs, electric vehicle and other charging stations, bikeshare stations, addition or removal of crosswalks, etc.), major roadway and sidewalk redesigns, and other Public Way requests relating to roads (as opposed to parking or commons) not detailed above, but exempting maintenance and repairs conducted in the normal course of business.

- i. Town Council remains Keeper of the Public Way and will review and take action as follows:
 1. Prior to taking action, consult with the Town Engineer, Police Chief, Fire

Chief, and Town Manager and comply with Massachusetts General Laws and Regulations.

g. Acceptance of Public Ways:

- i. Town Council remains Keeper of the Public Way and will review and take action as follows:
 1. Prior to taking action, consult with the Town Engineer, Police Chief, Fire Chief, and Town Manager and comply with Massachusetts General Laws and Regulations.

4. Massachusetts State or Emergency and Zoning Bylaw Article 14: Temporary Zoning Related Requests

- a. Notwithstanding the above limitations in Sections 2.a, 2.b, 3.b, 3.c, and 3.d, all temporary short-term and long-term parking requests, sidewalk closures, road closures, or temporary uses (such as display of signage) requested in conjunction with requests to expand sidewalk café, food and drink, and other retail areas under any order of the Governor of Massachusetts in response to a declared State of Emergency pursuant to Chapter 639 of the Acts of 1950, Zoning Bylaw Article 14: Temporary Zoning, or other requests to facilitate the reopening of retail business and encourage public activity in local business districts.
 - i. Town Council delegates the review and action authority to the Town Manager, with approvals not to extend past 180 days after the end of the pertinent State of Emergency or the termination date of Zoning Bylaw Article 14, with a monthly report of all requests and approvals provided to the Town Council.

5. Miscellaneous

- a. The Town Council remains Keeper of the Public Way for any request not specifically falling under any section in this Policy.
- b. The Town Manager has the right to request the Town Council act as Keeper of the Public Way on any item that has delegated to the Town Manager under the adopted Public Ways policy if the Town Manager desires.