

City of Northampton

MASSACHUSETTS

In City Council, June 4, 2020

Upon the recommendation of Mayor David J. Narkewicz

O-20.062 AN ORDER TEMPORARILY SUSPENDING THE EFFECT OF CERTAIN ORDINANCES IN RESPONSE TO EFFORTS TO REOPEN RESTAURANTS IN COMPLIANCE WITH THE REQUIREMENTS OF COVID SAFE SOCIAL DISTANCING

WHEREAS, a sudden, generally unexpected occurrence of circumstances demanding public action has arisen worldwide, including in the city of Northampton, due to the Coronavirus/Covid-19 pandemic (“the pandemic”); and

WHEREAS, on March 10, 2020, the Governor of the Commonwealth of Massachusetts declared a State of Emergency in the Commonwealth of Massachusetts due to the pandemic; and

WHEREAS, on March 16, 2020, the Mayor of the City of Northampton declared a State of Emergency in the City of Northampton due to the pandemic; and

WHEREAS, on March 20, 2020, the Northampton Board of Health declared a State of Emergency in the City of Northampton due to the pandemic; and

WHEREAS, on March 15, 2020, Governor Baker issued an Order prohibiting on-premises consumption of food or drink; and

WHEREAS, on June 1, 2020, the Governor issued his four-phase plan for Reopening Massachusetts, which includes outdoor restaurant table service in Phase II; and

WHEREAS, in order to facilitate the reopening of restaurants with outdoor-only table service, restaurants in certain zones of the city, as depicted on the plan entitled “Covid-19 Restaurant Response Zones,” may need to include contiguous and non-contiguous outdoor areas, including some within public ways and some on other property of the city; and

WHEREAS, Phase II of Reopening Massachusetts is tentatively scheduled to commence on June 8, 2020; and

WHEREAS, the city council finds that encouraging, promoting and facilitating the reopening of restaurants in the Covid-19 Restaurant Response Zones by temporarily allowing certain activities to take place within public ways and on other public property that would not otherwise be allowed absent the state of emergency, in order to allow orderly opening of restaurants consistent with the requirements of the Governor’s Phase II Order, is in the public interest.

NOW, THEREFORE, the Northampton City Council orders as follows:

1. Notwithstanding any Order of the city council to the contrary, within the areas depicted on the plan entitled "Covid-19 Restaurant Response Zones" ("the zones"), the City Council hereby authorizes the change of use of any property within the public way or on other city property ("city property") to outdoor restaurant table service seating ("the outdoor table service areas").
2. The Mayor shall, in his discretion, designate the locations of outdoor table service areas, may enter into such licenses, easements, agreements and other instruments as he deems necessary, may designate rules and regulations for the use of the outdoor table service areas, and may take such other action as he deems necessary to effectuate this Order.
3. With regard to the outdoor table service areas and ancillary areas within the adjacent zones, § 120-1; § 285-5; § 285-8; § 285-11; § 285-29 and c. 303, are hereby suspended to the extent necessary, in the Mayor's discretion, in order to effectuate the intent of this Order:
4. Notwithstanding the Schedules set forth in Article XII, parking spaces in the zones may be re-designated as outdoor table service areas, in the Mayor's discretion, and the Mayor may designate other areas within the public way as parking in lieu of spaces re-designated as outdoor table service areas.
5. Notwithstanding the foregoing enumeration of ordinances, the intent of this Order is to suspend temporarily, to the extent necessary, those ordinances that would inhibit, interfere with, or prohibit the conversion of city property within the zones to outdoor table service areas.
6. This Order shall lapse on November 15, 2020 or upon the lifting of the Governor's declared state of emergency, whichever occurs sooner, without further action by the city council. Thereupon, all ordinances suspended in whole or in part hereunder shall revert to their full force and effect immediately preceding this Order.