

City of Northampton

MASSACHUSETTS

In City Council, January 20, 2022

Upon the recommendation of Mayor Gina-Louise Sciarra

O-XXXX AN ORDER TEMPORARILY SUSPENDING THE EFFECT OF CERTAIN ORDINANCES IN RESPONSE TO EFFORTS TO SUPPORT RENEWED ECONOMIC RECOVERY EFFORTS IN COMPLIANCE WITH THE REQUIREMENTS OF COVID SAFE SOCIAL DISTANCING

WHEREAS, a prolonged and profound occurrence of circumstances demanding public action continues at historic levels of intensity worldwide, including in the city of Northampton, due to the COVID-19 pandemic (“the pandemic”); and

WHEREAS, the Omicron variant of the coronavirus has resulted in more cases than previously experienced at any point during the pandemic; and

WHEREAS, while city vaccination efforts have been relatively successful, the Omicron variant continues to spread even among vaccinated individuals; and

WHEREAS, the Health Department has continued to advise that the best course of action to stem the spread of COVID-19 is to limit social gatherings, maintain social distance, and continue a cautious approach to all activities in public; and

WHEREAS, in order to facilitate the continued survival of our downtown businesses and especially reopening of restaurants with outdoor-only table service to cater to those reluctant to eat indoors during the pandemic, restaurants in certain zones of the city, “Covid-19 Restaurant Response Zones,” may again need to include contiguous and non-contiguous outdoor areas, including some within public ways and some on other property of the city; and

WHEREAS, the current wave of infections is predicted to peak in the next few weeks, but still be a factor in public health until at least early April; and

WHEREAS, the city council finds that again encouraging, promoting and facilitating the reopening of businesses and restaurants by temporarily allowing certain activities to take place within public ways and on other public property in the “Covid-19 Restaurant Response Zones” that would not otherwise be allowed absent this order will greatly facilitate economic recovery.

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 her discretion, designate the locations of outdoor table service areas, may enter into such licenses, easements, agreements, and other instruments as she deems necessary, may designate rules and regulations for the use of the outdoor table service areas, and may take such other action as she 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, at 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, 2022, 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.