

COMMONWEALTH OF MASSACHUSETTS

CITY OF LOWELL

In City Council

ORDINANCE

An Ordinance Amending the "Code of Ordinances City of Lowell, Massachusetts", as amended, by Chapter 243, Article IV Sidewalks Generally by amending §243-23 entitled "Street Seats in the Public Space".

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOWELL, as follows:

"The Code of Ordinances of the City of Lowell, Massachusetts", adopted by the City Council on December 23, 2008, is hereby amended with respect to Chapter 243 by amending §243-23 "Street Seats in the Public Space" by extending the termination date only.

§243-23 Street Seats in the Public Space.

Purpose.

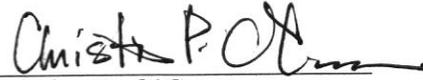
The City of Lowell created a temporary program to allow restaurants to operate in outdoor settings. The intent of the program was to allow for greater physical distancing and safety for customers when the Commonwealth's public health orders allow restaurants to resume sit-down service, as outlined in Phase 2 of reopening Massachusetts. This is a temporary program to support our local eateries and residents. It was available for the duration of the outdoor summer dining season through October 31, 2020. At this time the City wishes to amend the temporary Ordinance and expand the program through December 1, 2020.

All other terms and conditions in said Ordinance shall remain as set forth in §243-23 "Sidewalk seating outside restaurants.

It is intended that this Ordinance is divisible and, if any enumerated Section of this Ordinance to add to or amend the Code, is stricken from this Ordinance, then the Code as it read prior to this Ordinance shall remain in full force and effect.

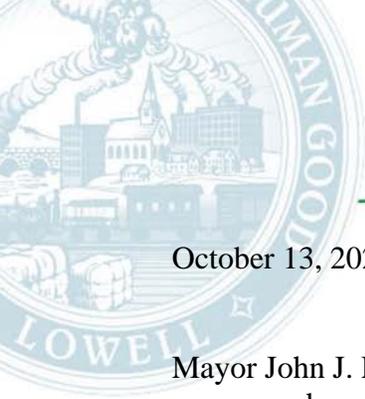
This Ordinance shall take effect immediately upon its passage in accordance with the provisions of Chapter 43 and Chapter 44 of Massachusetts General Laws.

APPROVED AS TO FORM:

A handwritten signature in black ink, appearing to read "Christine P. O'Connor", written over a horizontal line.

Christine P. O'Connor
City Solicitor

Ordinance/streetseatsinpublicplaces/amend



October 13, 2020

Eileen M. Donoghue
City Manager

Mayor John J. Leahy
and
Members of the City Council

Kara Keefe Mullin
Assistant City Manager

REFERENCE: Temporary Outdoor Seating Extension

Dear Mayor Leahy and Members of the City Council:

In an effort to continue to provide support during these challenging times, I respectfully request that you extend the City's temporary outdoor seating program to December 1, 2020. The existing temporary outdoor seating program is set to expire on October 31, 2020. We have found this temporary program to be incredibly successful as it has enabled customers to feel safe while supporting our local economy during these incredibly unprecedented times. We want to enact a permanent ordinance that will be successful after the City has completely recovered from the impacts of this pandemic.

This proposed extension will grant the Law Department, Department of Public Works, and Department of Planning and Development adequate time to address operations and maintenance issues related to a year-round outdoor program as well as engage with interested business owners and stakeholders. We will be working with existing restaurants that have utilized private parking lots or public rights-of-way that may be interested in a year round program. We can continue to provide the City Council with updates. If we determine an outdoor program in the winter is feasible, we foresee implementing a pilot program with existing, permitted businesses to understand some of the challenges. This will help us determine if a year round, permanent program is feasible or if an extended season is preferable. We plan to keep the flexibility of the temporary ordinance until such time as the state of emergency enacted by Governor Baker is lifted and a formal permanent ordinance can be presented to the City Council.

Sincerely,

Eileen M. Donoghue
City Manager

EMD/ns

Attachment

cc: Diane N. Tradd, Assistant City Manager/DPD Director
Christine P. O'Connor, City Solicitor
Christine Clancy, DPW Commissioner
Christine McCall, Director of Economic Development
Terry Ryan, Parking Director