

AN EMERGENCY TEMPORARY ORDER DUE TO THE ECONOMIC CHALLENGES WITHIN THE CITY OF NEWBURYPORT AS A RESULT OF THE PANDEMIC OF 2020

EMERGENCY PREAMBLE:

WHEREAS on March 10, 2020, due to the worldwide COVID-19 virus pandemic and pursuant to the Chapter 639 of the Acts of 1950, as amended, and Section 2A of Chapter 17 of the Massachusetts General Laws, Governor Charles D. Baker issued a proclamation that there exists in the Commonwealth of Massachusetts a state of emergency, and followed by the Governor's order issued on March 23, 2020, extended on March 31, 2020, that, among other things, prohibits through May 18, 2020, gatherings of ten (10) or more people;

WHEREAS the City Council finds that these conditions create an economic emergency, specifically the immediate well-being to the retail and restaurant business conducted within the City of Newburyport;

WHEREAS Section 2-5 of the Newburyport Charter provides that, except as otherwise provided by general law or by such charter, all powers of the City shall be vested in the City Council which shall provide for their exercise and for the performance of all duties and obligations imposed upon the City by law;

WHEREAS Section 2-9(b) of the Newburyport Charter provides that an emergency measure shall be introduced in the form and manner prescribed for measures generally except that it shall be plainly designated as an emergency measure and shall contain statements after the enacting clause declaring that an emergency exists and describing its scope and nature in clear and specific terms;

ORDERED:

Be it ordained by the City Council of the City of Newburyport as follows for the period of July 1, 2020 through September 1, 2020:

- A. The following streets or portions thereof shall be closed to vehicular traffic:

Street

Extent

State From the southeasterly intersection with Liberty Street to the southeasterly intersection with Pleasant Street.
Pleasant From the intersection with State to the southwesterly intersection with Unicorn.

B. The following are designated as two-way streets and vehicles traveling upon these streets or portion of the street shall move only in the direction indicated below::

Street	Extent
Liberty	Westerly from Center Street to State Street.
Middle	Easterly from State Street to Fair Street.
Essex	Westerly from Fair Street to State Street.
Charter	Easterly from State Street to Fair Street.

C. The following shall apply to food service establishments on public rights-of-way pursuant to Code of Newburyport Section 12-1(b):

(1) Any such restaurant or food service establishment seeking to place tables and chairs and materials necessary to create a demarcated area on a public way, including without limitation sidewalks and streets, shall apply for a permit from the city council.

a. Initial permit. On a temporary basis said permit shall be issued from July 1 until Aug 31.

b. Any condition of approval and submitted plan shall be in force for the entire duration of any validly issued permit. Any such permit may be revoked at any time by a super majority vote of the city council.

(2) Said tables and chairs shall be solely for the exclusive use of customers of said restaurant or food service establishment.

(3) Said restaurant or food service establishment may place tables upon the public way including the sidewalk and the so-called street pursuant to an 8 ½ x 11" sketch detailing the measurement of the tables and chairs and the distance between proposed seating. Said sketch is to be approved by the City Council or its designee.

D. To assist in said economic emergency and recovery, there shall be established an Ad Hoc Committee on Economic Development that is hereby authorized to issue any necessary rule and regulations to assist in the implementation of this order.

Councillor James J. McCauley

Councillor Byron J. Lane

