

**EXECUTIVE AND LEGISLATIVE ORDER FROM THE MAYOR OF THE CITY OF  
LYNN AND LYNN CITY COUNCIL REGARDING EXPANSION OF LICENSED  
PREMISES THROUGH OCTOBER 31, 2020  
DATE OF ORDER: JUNE 9, 2020**

ORDERED THAT the following procedures are hereby established to temporarily amend alcohol license due to Covid-19 limitations by changing seating and layout of establishment pursuant to the Governor's Covid-19 Order No. 35.

The City of Lynn is creating a temporary program to allow restaurants to operate in outdoor settings. The intent of the program is to allow for greater physical distancing and safety for customers whereas 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 will be available for the duration of the outdoor summer dining season through October 31, 2020, at which time the City may evaluate a potential expansion of the program. The City reserves the right to require the user to remove the street seat if and when it determines it to be necessary, for any reason and at any time. All furnishings and lighting must be easily removed at the end of the program period.

This temporary program does not apply to mobile food trucks/carts.

**1. Definitions:**

**SIDEWALK CAFÉ:** an outdoor dining space located in the public ROW (Right of Ways) on a designated portion of the sidewalk adjacent to the participating restaurant.

**PUBLIC STREATERY:** a private seating area located in the public ROW that converts curbside parking spaces or streets into an outdoor dining space for customers of the adjacent, participating restaurant. A Public Streatery shall also include the Wyoma Square Municipal Parking Lot which is under the control of the Lynn City Council

**PRIVATE STREATERY:** a private seating area located on private property, including property managed, owned and controlled by the City of Lynn Off-Street parking Commission that converts private property into an outdoor dining space for customers of the adjacent, contiguous or nearby participating restaurant.

**2. Requirements:**

During the business hours of the participating restaurant, no portion of the sidewalk café or streatery seating may be used for any purpose other than dining or circulation. Restaurants with sidewalk café or streatery seating areas must serve food. Each establishment must maintain control of its operations and food and beverage service within its own outdoor premises.

All seating areas must comply with all applicable federal, state, and local laws and regulations, including the Americans with Disabilities Act.

Total seating shall not exceed the restaurant's maximum occupancy.

**3. Eligible Businesses:** restaurants, cafes, coffee shops, and other similar places of public accommodation offering food, beverages, or alcoholic beverages for on-premises consumption. The Establishment must have a valid food permit issued by the City of Lynn Board of Health and must prepare a COVID-19 safety plan.

**4. Hours of Operation:** Outdoor patios opened under this program must close by 10 p.m. on Sundays — Thursdays and by 11 p.m. on Fridays and Saturdays. The hours of operation of those establishments licensed to sell alcoholic beverages shall be determined by the License Commission of the City of Lynn and will be incorporated into the license agreement for the use of the sidewalk café or streatory.

**5. Temporary Signs:** For the duration of this ordinance, eligible businesses may install temporary signs in excess of the allowed size or number permitted by the City of Lynn Sign Ordinance. Temporary signs must be made of fabric, vinyl, paper, or corrugated plastic. These signs cannot be internally illuminated, but they may have lights shining onto them when the eligible business is open. Eligible signs are wall, window, yard, and menu/sandwich board. Signs must be affixed to the eligible business' building or property or within a permitted sidewalk café or streatory. Signs must allow for at least four feet of clearance for pedestrians, although at least six feet is preferred. Temporary signs that adhere to these requirements do not need a building permit.

**6. Eligible Outdoor area:** Under this program, eligible businesses may be able to temporarily expand into these types of outdoor areas:

1. Private property, including public and private off-street parking lots with the Property Owner's consent.
2. Public ROW, including sidewalk, street parking spaces, and motor vehicle lanes (if designated by the City).

**7. Tents:** The installation of temporary tents will be permitted as part of this application if the tent is secure and no greater than 400 SQ FT. Tents larger than 400 SQ FT, or if they include sides or flaps, may be installed but will require additional approval by the Lynn Fire Department and Department of Inspectional Services.

**8. Application Requirements:** Proposals to expand into the public right-of-way will require:

- a. Rough sketch of expanded area; and of barriers to be installed along ROW; include proposed number of outdoor tables, chairs, umbrellas and ancillary physical structures such as fencing/barriers, lighting and/or heat lamps, etc.. The extended

premises must be enclosed by a fence, rope or other means to prevent access from a public walkway.

b. Proof of liability insurance for the period covered by the license in at least the amount of \$1,000,000 combined limit for bodily injury and property damage. The restaurant's ability to operate a street seat shall be conditioned upon the restaurant obtaining and maintaining this insurance naming the City of Lynn as an additional named insured.

Restaurant needs to be in good standing with the City of Lynn License Commission and Department of Inspectional Services.

d. Provide property owner consent if proposed outdoor seating area is on private property or expands along the frontage of an adjacent storefront area.

e. Specs and dimensions of installation of proposed tent no greater than 400 SQ FT.

f. In the case of the utilization of public property or a City ROW, a signed and executed License Agreement in a form satisfactory to the City Solicitor. The License Agreement may be executed following the approval of the application, but prior to opening of extended premises.

**9. Allowed Uses:** Sidewalk cafes and streetery seating established under this program can only be used for sit-down dining. Without obtaining all other necessary approvals under existing licensing programs, they cannot be used for activities that would promote congregating, involved shared equipment, or amplify sound, including but not limited to:

Standing areas

Live music

Outdoor games

Music over speakers

Movies

Broadcast sports

Loudspeaker call systems

Pets, except as provided in the Americans with Disabilities Act

**10. Application Process:** Any establishment seeking to extend its licensed area must file an application with the City of Lynn License Commission to expand the area to private property owned by the licensed establishment. Expansion of licensed area municipal off-street parking lots maintained and controlled by the Off-Street Parking Commission must be approved by the License Commission and Off-Street Parking Commission. Expansion of licensed area onto municipal ROWs must be approved by the City of Lynn License Commission and must also receive consent from all of the following municipal officials who shall comprise the Restaurant Reopening ROW Extension Committee:

a. Mayor Thomas M. McGee and/or his designee;

b. Councilor Wayne A. Lozzi;

c. The Ward Councilor in which the establishment is located;

d. Department of Public Works Commissioner Andrew Hall and/or his designee;

- e. Department of Inspectional Services Chief Michael J. Donovan and/or his designee;
- f. Chief of the Lynn Police Michael Mageary and/or his designee;
- g. Chief of the Lynn Fire Department Stephen Archer and/or his designee;
- h. Parking Director Robert Stilian and/or his designee.

The above listed individuals must sign off and approve any request to expand an establishment onto a public right of way. The failure to approve or disapprove a request (absent a waiver by the applicant) within twenty-four (24) hours shall be deemed to be an approval.<sup>1</sup>

**11. License Agreement/ Insurance:** License Agreements for use of sidewalks, public parking lots, and if street closures to be drafted and approved by the Law Department. All certificates of insurance must name the city of Lynn as “additional insured” and not as certificate holder. All certificates of insurance must be approved by the Law Department.

**12. ADA Compliance:** Any establishment which has been granted an extension of premises must ensure that “reasonable accommodations” are provided for patrons and non-patrons, alike to ensure compliance with the American With Disabilities Act. Failure to provide for “reasonable accommodations” may result in the suspension, revocation or amendment to the permission for an extended premises permit.

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<sup>1</sup> It is anticipated that the City of Lynn will commence review of applications for Street Closures the week of June 15, 2020 and any such street closure will require approval of the City of Lynn Traffic Commission following consultation the Restaurant Reopening ROW Extension Committee.