

City of Salem

In the year Two Thousand and Twenty-Three

An Ordinance to amend an Ordinance relative to Sidewalk Permits.

Be it ordained by the City Council of the City of Salem, as follows:

Section I. Section 38-7 Obstructions of Chapter 38 Streets and Sidewalks is hereby amended by:

1. Adding the words “/Outdoor Seating” within the heading of Sec. 38-7.
2. Deleting paragraph (b) of Section 38-7 in its entirety and replace it with the following:

“(b) No person, other than one employed directly or indirectly by this city or by the commonwealth and while in the performance of necessary duties, shall at any time place or leave in any sidewalk, street or highway any article, material or merchandise or park a vehicle or cart in any sidewalk, street or highway for the purpose of displaying merchandise without a permit from the licensing board or other permit granting authority of the City. Further, no person, other than one employed directly or indirectly by this city or by the commonwealth and while in the performance of necessary duties, shall place or leave on any sidewalk, street or highway any outdoor seating, including benches, tables or chairs unless a permit issued by the redevelopment authority and/or city council for city ways, or by the department of public works for state highways, authorizing the use of the sidewalk, street or highway, has been granted and is in effect. An exception shall be made, as necessary, for the reasonable and expeditious loading or unloading of any such article, material, merchandise, cart or vehicle. At all times, any such property shall never be left so as to obstruct the free passage of pedestrians or vehicular travel and such permit maintains pedestrian access along an existing sidewalk not less than 48 inches wide 24 hours per day, seven days per week. A permit to regularly or permanently close an existing sidewalk may only be issued by the city council.

Persons applying for a permit for outdoor seating to support a restaurant shall be eligible for such permit so long as they meet the requirements set forth in the Order of the City Council establishing a City of Salem Outdoor Dining Policy, a copy of which shall be posted on the web page of the City Clerk effective January 1, 2024. A completed application, as set forth in the Order, shall be submitted to the redevelopment authority and/or city council for approval. Outdoor seating on a sidewalk within the city's urban renewal districts shall be the sole jurisdiction of the

city's redevelopment authority. Applications for seating within a public street within the urban renewal districts, however, must receive both redevelopment authority and city council approval."

3. Amending paragraph (c) by deleting the words "an officer" after the words "direction of" and inserting the words "a police officer, inspector of buildings or director of public services."

Section II. This Ordinance shall take effect as provided by City Charter.