



**OFFICE OF THE MAYOR
CITY OF COVINGTON**

Joseph U. Meyer
Mayor

Covington City Hall
jumeyer@covingtonky.gov

**EXECUTIVE ORDER
CITY OF COVINGTON, KENTUCKY**

EXECUTIVE ORDER NO. 2020-EO-17

COVINGTON RESTAURANT RE-OPENING POLICY

WHEREAS, on March 19, 2020, Mayor Joseph U. Meyer signed Executive Order 2020-EO-01, declaring a state of emergency in the City of Covington due to the outbreak of COVID-19 virus, a public health emergency; and

WHEREAS, applicable Kentucky laws authorize a mayor to exercise emergency powers to efficiently and effectively provide for the health, safety and welfare of citizens; and

WHEREAS, state directives issued during the COVID-19 health crises resulted in the discontinuance of onsite restaurant service, while to-go and delivery services remained available; and

WHEREAS, as Kentucky and the City of Covington slowly begin the reopening process, the state has issued updated guidance regarding responsible and safe operation of restaurants; and

WHEREAS, state social distancing requirements aimed at reducing the continued spread of COVID-19 allow restaurants operate at only 33% capacity of indoor seating; and

WHEREAS, many establishments could only serve enough patrons to warrant re-opening if they are allowed to use elements of the public realm to provide additional outdoor seating; and

WHEREAS, the City currently allows businesses to place tables and chairs in City right of way in accordance with a permitting program set forth in Chapter 96 of the Covington Code of Ordinances; and

WHEREAS, City staff has reviewed a number of alternatives and believes the policy set forth below represents an approach that balances the economic needs of restaurateurs, the health and safety of the community, and responsible temporary use of public assets to benefit the city.

NOW and therefore, I, Joseph U. Meyer, pursuant to the authority vested in me as Mayor of the City of Covington, Kentucky by KRS Chapter 39A, KRS 39B, and in furtherance of the declaration set forth in

Executive Order 2020-EO-01, hereby order:

Restaurants may temporarily expand their current services into publicly-owned right of way subject to certain requirements and conditions as follows:

- Restaurants must complete an outdoor seating license permit application (<https://bit.ly/3cPATKr>). The City will waive the application fee typically required for the outdoor seating permit during the duration of the COVID-19 health crises. Any fee already paid for the 2020 table and chair permit season will also be valid for the 2021 season. Restaurants must provide a diagram of temporary dining zones to be approved by the City with any outdoor seating license application. The updated diagram must show compliance with the Commonwealth's Social Distancing Guidelines and ADA Guidelines.
- Restaurants are encouraged to explore expanded outdoor seating options utilizing City-owned property in a progressive manner as follows:
 - First, utilize sidewalk space immediately abutting the front of their establishment.
 - Second, if necessary, restaurants may be permitted to utilize abutting sidewalk space in front of neighboring establishments with the neighboring property owner's permission.
 - Third, if necessary and if no other reasonable alternative spaces are available, an applicant may be permitted to temporarily occupy on-street parking spaces immediately in front of and abutting the restaurant.
- Restaurants are encouraged to use off-street parking or open space owned by the restaurant or a willing property owner. The applicant may be required to produce written proof of permission if utilizing neighboring property for ABC licensing purposes.
- Tents with walls may not be erected in the public right-of-way or on public property. The City is not approving tents over temporary dining spaces. Canopies will be subject to separate approval.
- Any City approved temporary seating using on-street parking spaces will need to be adequately blocked off with weighted, fillable barricades. Installation of barricades will be coordinated with the Public Works Department after the City approves an updated outdoor seating diagram. The City will provide up to forty barricades on a first-come-first-serve basis to local restaurant establishments. Restaurants will be responsible for renting and placing barriers once City supply runs out. City staff reserves the right to inspect any temporary barricades in use for temporary expanded outdoor seating to ensure proper safety measures are being implemented.
- "No parking" signs must be posted at least 24 hours in advance of parking space closure and barricade placement. The City will deliver "No parking" signs to any restaurant that is approved to temporarily occupy public parking spaces.
- Restaurants need to provide relevant documents and information, including an updated table diagram, to the Kentucky Department of Alcoholic Beverage Control to describe the proposed expansion of their current state ABC license. A copy of anything sent to the state ABC should be sent to the City ABC Administrator, Michael Bartlett, via email: mbartlett@covingtonky.gov.
- The City will encourage the public to utilize restaurants in off peak hours through public messaging.
- Temporary outdoor dining service done in accordance with a City-issued permit must end by 10:00 p.m. seven days a week. Temporary tables and chairs are to be cleaned, sanitized after each use and secured each night.

- It is each restaurant's responsibility to clean up after patrons in temporary dining areas. The City is unable to provide additional street cleaning services.
- All tables, chairs and patrons are to be six feet apart and expansions of patios must continue to meet ADA guidelines. Seating on public sidewalks have to have 48" walk way.
- Restaurants must inform their insurance providers of temporary dining areas located within City-owned right of way and must obtain appropriate insurance coverage. Applicants should ensure the City is listed as an additional named insured on any relevant insurance policies. Restaurants must provide a certificate of insurance meeting these requirements to the City by June 1, 2020.
- A "No Seat No Service" policy shall be enforced by restaurants and staff.
- The City will provide free short term parking at all City-owned meters and off street parking for the months of May and June. Free short-term parking will end June 30, 2020.
- The City has hired BLDG to provide restaurants and consumers' signage, information and public messaging on how to safely support and patronize local restaurants throughout the City of Covington.
- The City will provide restaurants (in electronic format) uniform signage to print for public display. The messaging will primarily consist of alerting customers of City and Commonwealth requirements to keep Covington safe and open.
- For more information regarding this policy, please contact Josh Rhodes, Project Manager. Email: Josh.Rhodes@covingtonky.gov Phone: 859-292-2321

Responsibility begins with the patrons and restaurant owners for observing the Commonwealth of Kentucky's guidelines. Restaurants should follow all Commonwealth of Kentucky reopening directives and guidelines. Failure to follow lawful state reopening directives and guidelines, public health directives, or any local regulations may result in the suspension or revocation of any temporary outdoor seating permits issued in accordance with this policy. Any suspension or revocation proceedings will be conducted in accordance with the processes outlined in Chapter 96 of the Covington Code of Ordinances.

This Order shall remain in effect until terminated by the issuance of another Executive Order when I determine that a state of emergency no longer exists and the exercise of extraordinary measures are no longer required for the protection of the public health, safety and welfare.

THIS ORDER IS EFFECTIVE MAY 20, 2020 AND SHALL REMAIN IN EFFECT UNTIL RESCINDED BY EXECUTIVE ORDER.

Signed on this the 20th day of May, 2020,

Joseph U Meyer
Joseph U. Meyer, Mayor

Attest:

C. Baughman
Carolann Baughman,
Notary Public-Kentucky
State-At-Large

May 20, 2020
Date

