



Outdoor Tables and Seating License Application and Agreement

Date Submitted: _____

Section 1: License Application

Name & Address of Premises: _____

Name of Licensee: _____

Address: _____

E-Mail Address: _____ Phone: _____ Fax: _____

City Occupational License Number: _____

Organization Type: Sole Proprietorship Partnership/LLC Corporation Other

Name of Property Owner: _____

Address: _____

E-Mail Address: _____ Phone: _____ Fax: _____

City Occupational License Number: _____

Organization Type: Sole Proprietorship Partnership/LLC Corporation Other

Name and Contact Information for Person Responsible for Compliance:

Number of Two-Top Tables: _____

Number of Four-Top Tables or Larger: _____

Also to be included with this Application:

- 1.) Diagram drawn to scale depicting number, type, and dimensions of tables and seating. Diagram must show width of sidewalk including distance from building and street curb. Diagram should also include utility poles, signs, meters, or any other object that would obstruct the necessary 4 feet of passable space. *
**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.
- 2.) Photos or other depiction of the exact type of outdoor tables and seating to be used. * **The applicant must produce written proof of permission if utilizing City-owned property fronting a neighboring property.
- 3.) Appropriate fees. (\$20 for each 2-top table, \$40 for each 4-top table or larger) **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.
- 4.) Certificate of Liability Insurance naming Covington as an additional insured entity.

*Items 1, 2, and 3 are required only for first-time Licensees or if any changes have occurred from a previously granted License.

Return to: Office of the City Manager, 20 W. Pike St., Covington, KY 41011

**Executive Order 2020-EO-17 in effect until rescinded by Executive Order

Section 2: License Agreement

The Licensee hereby agrees to the following Terms and Conditions for any license granted by the City Manager:

1. The term of the License shall begin on the approval date written on the License and shall expire on December 31st of the license year ("License Period"). The Licensee shall be permitted to place tables and seating on the public sidewalks on a continuous basis from March 1 through October 31. Tables and seating shall not be placed on public sidewalks on a continuous basis from November 1 through February 28. However, the Licensee may place tables and seating on the public sidewalk intermittently during this period if appropriate weather occurs.
2. The Licensee shall comply will all applicable federal, state, and City statutes and regulations including Covington Code of Ordinances § 96.70.
3. The Licensee hereby releases, indemnifies, and holds the City of Covington harmless from liability for personal injury and/or property damage resulting from the use of tables and seating;
4. The Licensee shall provide adequate trash receptacles outdoors for the tables and seating and shall empty these receptacles at reasonable time intervals to ensure that the receptacles do not overflow with trash and debris onto the public right-of-way;
5. The Licensee shall clean the right-of-way on which tables and seating are placed, including sidewalks and abutting curbs and gutters, of all litter and debris each night after outdoor service is finished; ****See 2020-EO-17 for update**
6. The Licensee shall permit outdoor service only until 12:45 a.m. every night, with all outside seating prohibited after 1:00 A.M. An exception shall be made with regard to the public plaza around the Goose Girl Fountain, where the License will permit outdoor service only until 10:45 p.m., Sunday through Thursday, with all outside seating prohibited after 11:00 p.m., and until 11:45 p.m. on Friday and Saturday, with all outside seating prohibited after midnight; ****See 2020-EO-17 for update**
7. All outdoor music over public sidewalks or plazas, whether live or amplified by outdoor speakers, will cease at 10:00 p.m. An exception shall be made for Licenses located in the Roebling Point Business District, where the License will permit outdoor music until 11 p.m., Sunday through Thursday, and midnight on Friday and Saturday. Approved special events and festivals are excepted from this provision;
8. The Licensee is the owner of the property abutting the sidewalk or has attached certification of ownership from the Licensee's landlord; ****See 2020-EO-17 for update**
9. The Licensee, at its sole expense, shall maintain comprehensive general liability insurance, protecting against all claims for personal injury, death, or property damage occurring upon, in, or about the licensed premises resulting from the use of occupancy thereof, with a minimum of \$50,000 in coverage and limits acceptable to the City for the entire term of the License Agreement and any extension thereof. The City must be named in this policy as an Additional Insured entity. The Licensee shall include copies of all policies of insurance with evidence of the payment of the premiums thereon with his, her, or its application. Licensee shall deliver to the City at least ten days prior to the expiration of such policy, evidence that it has been renewed. All policies of insurance carried hereunder shall provide that they cannot be cancelled without giving at least ten days prior written notice to the City and shall be written by insurance companies licensed by the Commonwealth of Kentucky and reasonably satisfactory to the City. Any insurance carried by a Licensee on his, her, or its own property or for his, her, or its own benefit in connection with this ordinance shall contain a

Return to: Office of the City Manager, 20 W. Pike St., Covington, KY 41011

****Executive Order 2020-EO-17 in effect until rescinded by Executive Order**

clause waiving any claim by the insurance company for subrogation against the City; ****See 2020-EO-17 for update**

10. The City shall retain during the License Period, for itself and the public, a four-foot easement through the Licensed Premises (“pedestrian way”). The Licensee shall keep the pedestrian way clear at all times. Tables and seating shall not be allowed in this pedestrian easement. Service and consumption of the Licensee’s food and drink shall be allowed only to those who are seated in the Licensed Premises. All seating must accompany tables. Tables and chairs may be moved together to allow patrons to sit together so long as the pedestrian way is maintained. This requirement shall be strictly enforced. ****See 2020-EO-17 for update**
11. No alcoholic beverages shall be served or consumed on the public sidewalk, unless the portion of the public sidewalk where the permitted tables and seating are located is included in the “licensed premises” for a licensed liquor by the drink restaurant, tavern, or dining facility as approved by the City Alcoholic Beverage Control Administrator and the state Department of Alcoholic Beverage Control or otherwise allowed by law and the license holder enters into a separate license agreement with the City; ****See 2020-EO-17 for update**
12. It shall be the responsibility of the Licensee to maintain the licensed premises in orderly fashion, including requiring that all persons within the licensed premises behave in an orderly fashion and do not generate excessive noise. This requirement shall be strictly enforced.
13. The Licensee and, if different from the Licensee, the Property Owner, shall remain in good standing on all City accounts during the License Period and shall not be issued a license if any City taxes or fees or any property maintenance code violations are outstanding.
14. A license is subject to revocation pursuant to the provisions of Covington Code of Ordinances § 96.70.
15. ****Please see attached Executive Order 2020-EO-17 for additional detail and requirements.**

HEREBY SEEN AND AGREED:

 Person Authorized to Sign on Behalf of Applicant

 Date

Print Name: _____

Title: _____



2020 Outdoor Tables and Seating License

Name & Address of Premises: _____

Name of Licensee: _____

Address: _____

Total Number of Two-Top Tables: _____ @ \$20.00 Each = \$ _____

Total Number of Four-Top Tables or Larger: _____ @ \$40.00 Each = \$ _____

Total License Fee ****Waived for 2020**

****City will waive fee. Any fee already paid for the 2020 season will also be valid for 2021 season.**

PERMIT NUMBER _____

PERMIT ISSUED _____

PERMIT EXPIRES 10/31/2020

Approved By:

William Matteoli, Assistant Project Engineer

Date

David Johnston, City Manager

Date

(Commissioner's Ordinance No. O-14-09; O-23-10; O-5-13; O-04-20)
(Executive Order No. 2020-EO-17)

Return to: Office of the City Manager, 20 W. Pike St., Covington, KY 41011
****Executive Order 2020-EO-17 in effect until rescinded by Executive Order**



**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

