



**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-35

**REVISED COVINGTON RESTAURANT RE-OPENING
PROCEDURES – ALLOWANCE OF TENTS IN RIGHT OF WAY**

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 continue 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 50% 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, on May 20, 2020 Mayor Meyer issued 2020-EO-17, which set forth a policy and processes for businesses to expand their operations into outdoor and publicly-owned spaces; and

WHEREAS, on July 10, 2020 Mayor Meyer issued 2020-EO-24, which set forth a policy and process where the City may temporarily close certain portions of City streets to further assist with restaurant reopenings; and

WHEREAS, City staff previously reviewed a number of alternatives and believes the policy set forth in the above-listed Executive Orders 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; and

WHEREAS, on September 21, 2020 Mayor Meyer issued 2020-EO-29, which extended the outdoor dining program through January 2, 2021 and authorized the use of temporary outdoor heaters; and

WHEREAS, there is a need to utilize temporary tents for overflow seating for foodservice establishments during COVID and the Commonwealth of Kentucky has issued guidance on appropriate usage of tents; and

WHEREAS, staff recommends adoption of certain requirements regarding placement of tents in City right of way for overflow seating for foodservice establishments during COVID.

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 and Bars may temporarily utilize tents on publicly-owned right of way subject to certain requirements and conditions as follows:

- All participants to resubmit plan to City Manager's office for approval. (This includes those who have approved tents but would like to add walls and/or outdoor heaters within the tent).
- Restaurants and bars must follow the [Healthy at Work Restaurants and Bars guidance](#).
- Setup must be in compliance with the [Kentucky Building Code](#).
- Tents cannot be anchored to the sidewalk or pavement.
- Tents must have proper ventilation.
- Tents cannot obstruct ADA requirement on public right of way.
- If an establishment uses a tent, at least 50% of the tent perimeter (e.g., 2 sides of a square tent) must remain completely open at all times and six (6) feet of space must be maintained between customers at different tables.
- If an establishment uses a tent with fewer than 50% of the perimeter (e.g., for a square tent, fewer than 2 sides) completely open, that tent is considered interior space and is subject to the 50% capacity limitation consistent with [Healthy at Work Restaurants and Bars guidance](#). Six (6) feet of space must be maintained between customers at different tables.

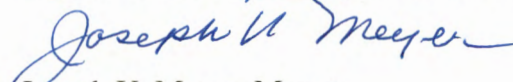
All other items set forth in Executive Orders 2020-EO-17, 2020-EO-24, and 2020-EO-29 shall remain in place.

Responsibility begins with the patrons and restaurant and bar owners for observing the Commonwealth of Kentucky's guidelines. Restaurants and bars 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.

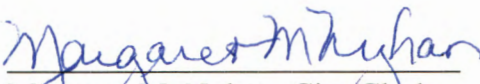
This Order shall remain in effect until terminated by the issuance of another Executive Order when I determine that a state of emergency no longer exists and the exercise of extraordinary measures are no longer required for the protection of the public health, safety and welfare.

THIS ORDER IS EFFECTIVE NOVEMBER 9, 2020 AND SHALL REMAIN IN EFFECT UNTIL RESCINDED BY EXECUTIVE ORDER.

Signed on this the 9th day of November, 2020,


Joseph U. Meyer, Mayor

Attest:


Margaret M. Nyhan, City Clerk

11-9-2020
Date

