



**OFFICE OF THE MAYOR
CITY OF COVINGTON**

Joseph U. Meyer
Mayor

Covington City Hall
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**EXECUTIVE ORDER
CITY OF COVINGTON, KENTUCKY**

EXECUTIVE ORDER NO. 2021-EO-47

**REVISED COVINGTON RESTAURANT RE-OPENING
PROCEDURES – EXTENSION OF CONTINUOUS USE OF CITY
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, Kentucky and the City of Covington have continued the reopening process, and the state previously issued updated guidance regarding responsible and safe operation of restaurants, including 50% capacity of indoor seating, guidance on outdoor tent usage, and most recently another prohibition of indoor dining; and

WHEREAS, when indoor dining has been allowed, social distancing requirements limit indoor capacity resulting in many establishments 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, when indoor dining is prohibited, social distancing requirements limit outdoor capacity resulting in many establishments 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, which requires the submission of annual applications the payment of an annual permit fee; 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 the permit fees for the calendar year 2020 table and chair permit was waived; 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, on November 9, 2020 Mayor Meyer issued 2020-EO-35, which set forth several regulations and requirements for temporarily locating tents on publicly-owned right of way; and

WHEREAS, on December 14, 2020 Mayor Meyer issued 2020-EO-40, which extended the outdoor dining program through April 30, 2021 and waived the table and chair permit fee for calendar year 2021; and

WHEREAS, with the COVID pandemic continuing, there is a need to allow the continuance of the use of outdoor dining past April 30, 2021.

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:

Notwithstanding Chapter 96 of the Covington Code of Ordinances and previously adopted Covington Executive Orders, businesses that have obtained a table and chair permit for calendar year 2021 will be permitted to locate permitted tables and chairs on City right of way on a continuous basis through October 31, 2021. During this time period, permitted businesses may utilize temporary outdoor heaters for the safety and comfort of their patrons provided, however, that prior approval of a winter/spring/fall seating plan is obtained from the City Manager's office.

All other items set forth in Executive Orders 2020-EO-17, 2020-EO-24, 2020-EO-29, 2020-EO-35, and 2020-EO-40 shall remain in place.

Responsibility begins with the patrons and restaurant owners for observing the Commonwealth of Kentucky's guidelines. Restaurants should follow all current and future 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 APRIL 26, 2021 AND SHALL REMAIN IN EFFECT UNTIL RESCINDED BY EXECUTIVE ORDER.

Signed on this the 26th day of April, 2021,

Joseph U. Meyer
Joseph U. Meyer, Mayor

Attest:

Cynthia Butler
Interim City Clerk

4/26/21
Date