

CITY OF CRESTVIEW HILLS, KENTUCKY

EXECUTIVE ORDER 2020-05-01

TEMPORARILY EXPANDING AND ESTABLISHING REGULATIONS FOR
OUTDOOR DINING.

WHEREAS, on March 6, 2020, Governor Andy Beshear declared a state of emergency in Kentucky in response to COVID-19, the disease caused by the novel coronavirus; and

WHEREAS, Governor Beshear has announced a tentative reopening date of May 22, 2020 for restaurants, with capacity limited to 33% of regular indoor seating and outdoor seating without specific capacity limits; and

WHEREAS, the City of Crestview Hills, through its Mayor, has declared a state of emergency, permitting the Mayor to temporarily amend ordinances through Executive Order in order to provide relief from the adverse economic effects caused by the COVID-19 pandemic.

NOW, THEREFORE, by virtue of this Executive Order, and consistent with the powers of the Mayor conferred by the Kentucky Revised Statutes and the Code of Ordinances for the City of Crestview Hills, Kentucky, be it ordered as follows:

1. All restaurants operating within the City of Crestview Hills shall comply with all of the Social Distancing Requirements set forth in Team Kentucky's *Healthy At Work* directives, specifically Version 1.0, Requirements for Restaurants, as well as any subsequent directives, updates, or supplements applicable to restaurants. These Social Distancing Requirements, any supplement, updates, or revisions, are incorporated by reference to this Executive Order.
2. Any provision in the Crestview Hills Code of Ordinances or the Crestview Hills Zoning Ordinance to the contrary notwithstanding, but subject to the limitations set forth in this Executive Order and Team Kentucky's *Healthy at Work* Requirements for Restaurants, all restaurants in the City of Crestview Hills shall be permitted as a privilege the opportunity to offer expanded outdoor dining. This is not a grant of a vested right; but rather is a temporary privilege offered by the City, and said privilege may be modified or revoked at any time if doing so is in the judgment of the City through its City Administrator, to be in the best interests of the City.
3. Consistent with Team Kentucky's *Healthy at Work* Requirements for Restaurants' minimum requirements, restaurants shall refrain from any activity which will cause a large congregation of people. Live concerts or other forms of live entertainment designed to draw a large gathering(s) of people (more than 10) are prohibited. A restaurant offering outdoor dining shall ensure that all patrons remain at least six feet apart, while dining, and while waiting for a table. Restaurants should to the greatest

extent practicable demarcate six feet of distance between customers. For customers awaiting a table, restaurants shall employ procedures to ensure that said customers remain six feet apart. Some methods may include: marking spaces where customer's shall stand if in line; directing customer's to wait in their respective vehicles and then texting them when their table is available; use of reservations for seating, etc. The use of hand held pagers by restaurants is discouraged due to the person-to-person contact of a shared device.

4. A restaurant's combined indoor and outdoor seating shall not exceed the restaurant's normal maximum overall capacity.
5. Outdoor dining areas shall be operated no later than 10:00 p.m. on Sunday through Thursday inclusive, and no later than midnight on Friday and Saturday. The City Administrator may permit restaurants to remain open until 11:00 p.m.
6. Restaurants must post clearly visible signage in conspicuous spaces alerting the public to the requirement to maintain six feet of distance between each other. Restaurants are responsible for ensuring compliance with all social distancing requirements, including, maintaining six feet distance between patrons, staff, and members of the public who are on or about the restaurant premises.
7. No outdoor dining area shall encroach on City right of way, except with the approval of the City Administrator. The City Administrator shall not grant such approval unless the right of way maintains clearance as required by the Americans with Disabilities Act (ADA) and any other applicable laws and regulations.
8. Restaurants shall comply with all social distancing and other requirements for reopening as may be promulgated by the Governor, the Kentucky Department of Public Health, the Northern Kentucky Independent District Health Department, or any other agency having authority. Outdoor seating must be arranged to maintain six feet of space between seated customers. This means that no person can be seated within six feet of a person seated at another table. Customers should be informed that they should not travel from table to table.
9. Restaurants not owning their premises shall obtain permission from the property owner for any expansion of outdoor dining.
10. Any outdoor dining areas with tents shall comply with all applicable state and local building code requirements.
11. Parking lots may be used to expand outdoor dining, subject to the following restrictions:
 - a. The restaurant shall obtain permission form the parking lot owner.

- b. The restaurant shall erect a physical barrier between parking and traffic areas and the outdoor dining area. The physical barrier must sufficiently protect the patrons from vehicular traffic. Suggested types of barriers are orange barricades, wooden barricades, posts, or concrete or water-filled barriers. Use of ropes or free standing cones are not permitted as those can easily be moved by the public or any oncoming vehicle. All barriers must be clearly marked and clearly visible to cars driving in the vicinity.
 - c. Fire lanes shall not be blocked.
 - d. Accessible parking spaces required by the ADA shall not be used, unless an equivalent number of replacement spaces are marked and identified. Replacement spaces shall comply with the ADA in all respects.
 - e. Outdoor dining area must be handicap accessible, and have accessibility to the restaurant's restrooms.
12. It is the responsibility of the restaurant to ensure that expansion of outdoor seating does not violate any restrictions of its liquor license, or state or local ABC requirements. Upon application by the license holder, the City's Alcoholic Beverage Control Administrator may grant any exceptions, permits or authorizations that may be necessary to allow a restaurant to temporarily expand its licensed premises.
13. Any restaurant that desires to establish or expand outdoor dining pursuant to this Executive Order shall submit a plan to the City Administrator consisting of the following:
- a. The planned seating capacity for all outdoor dining.
 - b. A map or diagram indicating where all outdoor dining areas will be located consistent with social distancing requirements.
 - c. A written explanation of how the restaurant intends to comply with this Executive Order.
 - d. A signed statement indicating that the restaurant agrees to abide by this Executive Order and all state and local requirements and restrictions, including requirements related to social distancing, personal protective equipment, and sanitation.
14. The City Administrator shall approve outdoor dining plans that comply with this Executive Order and all other applicable Ordinances. Approval shall be valid for a period of no more than 120 days, subject to renewal if this Executive Order remains in effect.

15. Outdoor dining plans may be submitted immediately, but no outdoor dining shall be permitted prior to May 22, 2020.
16. All outdoor dining plans are subject to modification based on subsequent federal, state, or local orders during the COVID-19 state of emergency.
17. For any construction or temporary structure that would ordinarily require a permit, a permit must still be obtained.
18. If at any point the restaurant is not in compliance with the plan submitted to the City, or if the restaurant or its patrons violate any state, or local laws, or create a situation causing a nuisance to the public, or threatening or causing injury to the public health, safety, and/or welfare, then the City Administrator may withdraw permission for the expanded outdoor seating. The grant of temporary outdoor seating being a privilege only, the modification or revocation of the privilege by the City Administrator is final and not subject to appeal.
19. This Executive Order shall remain in effect until September 19, 2020, or until the expiration of the current state of emergency, whichever is longer.

This Executive Order is in effect as of the date set forth below.



Paul W. Meier, Mayor

5.20.20

Date

ATTEST:

 5-20-2020

Sanela Dautovic, City Clerk