



Town of East Greenwich

Restaurant Re-opening Strategy - 2020

Transition Guidelines to accommodate food service during the Covid-19 health emergency

I. Introduction

These guidelines are designed to allow expansion of restaurant service temporarily to outdoor areas not previously used by a business – this might include into sidewalks, parking areas, or other open areas on site. In order to support local business, the Town intends to review and expedite outdoor dining requests on a case-by-case basis.

All restaurants who desire to modify their service areas to locations not previously approved shall complete the following application and indemnification and provide all relevant attestations and information to the East Greenwich Planning Department. The Planning Department shall serve as expeditor or ombudsman and assist the business in navigating the approval process from a planning and zoning, licensing, and building and other life safety code perspective. Sufficient detail must be provided such that relevant Town staff can determine the location, layout and affected site features of the project and affirm that the arrangement comports with protection of the public health, safety and welfare. There will be no fees for these reviews and Town Staff will make every effort to complete required reviews within 48 hours of submission.

II. Requirements

A. For All Establishments

Rhode Island’s Governor has announced a phased reopening of the State’s economy which, as of 5/11/20, includes an expansion of restaurant service to include limited outdoor dining in addition to the pick-up, delivery and drive-thru services already provided for. The Town of East Greenwich hereby sets forth the following standards and processes to safely accommodate this activity in a manner that avoids significant negative impacts on abutting properties or on the general public welfare. ALL provisions of the published guidance standards found in the State’s “Phase 1 Guidelines for Restaurants” (attached and found at the “Reopeningri.com” website) ARE applicable. In addition to the requirements spelled out herein, please note all relevant provisions of any Governor of Rhode Island Executive Order or any East Greenwich Town Manager Executive Order pertaining to the current health emergency declaration, as well as relevant existing Federal, State and local laws – for example, RI Department of Health licensing provisions for food service providers and the Americans With Disabilities Act - still apply.

1. Operating Requirements: Outdoor Restaurant Seating Areas
 - a. No outdoor keeping or storage of food or beverages to be served is permitted.
 - b. No garbage shall be placed or stored on a sidewalk and there shall be no open keeping or storage of used dishes, utensils or food scraps outdoors.
 - c. Doors from the restaurant to the outdoor seating area must be self-closing.
 - d. Sidewalk and other outdoor dining furnishings must be moveable, i.e. tables, chairs and other accessories cannot be affixed to the ground.
 - e. The outdoor seating area must be accessible to the disabled, and the licensee must at all times comply with all applicable federal, state and town laws, ordinances and regulations concerning accessibility and non-discrimination in the providing of services.
 - f. The outdoor seating area cannot obstruct any fire exit, fire escape, or other required ingress or egress.

B. For Sidewalk Dining

Temporary outdoor restaurant seating expansions are available only to restaurant businesses that currently hold a valid food license and alcohol license where applicable. For temporary *sidewalk* or other expanded outdoor seating within a public right of way, the following is required:

1. Proof of liability insurance, per local Executive Order 20 – 1 dated 5/13/20 must be provided and evidence of general workers compensation insurance must be on file.
2. A signed indemnification agreement with the Town is required – see attached.
3. A “Plan” must be provided. A site plan drawing is optional. Such plan is not required to be survey-quality but should indicate the relative location of existing public improvements, such as fire hydrants, street signs, street lights, bus shelters, trees and tree grates, planting boxes or planting areas, fire escapes or other overhead obstructions, and the like. It should also indicate the existing façade, the points of ingress and egress, the proposed location of the tables chairs, serving equipment, planters, barriers or borders, awning, umbrellas, or other facilities to be included in the outdoor seating area. In lieu of a site plan, if not available, applicants should attach a *photograph* indicating the described features.
4. Additional Operating Requirements

In addition to the general requirements which will be applicable to all outdoor restaurant seating areas, there are some additional requirements for those which are to be located on public property, such as a *sidewalk or right-of-way*.

- a. The use of public sidewalks or right-of-way for outdoor restaurant seating is only permitted when incidental to the operation of a licensed restaurant on private contiguous property and normally only permitted along the frontage of the restaurant. During the COVID-19 health emergency, restaurant owners are eligible to apply to extend seating beyond their ordinary building frontage limits upon receipt of written authorization from affected property owners and assuming all requirements herein are met and Town professional staff so authorizes.
- b. The operation of the outdoor restaurant seating area cannot interfere with the passage of pedestrian or vehicular traffic, or reduce the open portion of the public sidewalk to less than three (3) feet clear of all obstructions - such as trees or lamp posts.
- c. The placement of furnishings for the outdoor seating area and its operation cannot obstruct access to public property such as bus stops, crosswalks, mailboxes, curb cuts, or parking spaces, or obstruct necessary access to any fire hydrant, fire escape or fire door, or obstruct the clear view of any traffic signal, regulatory sign or street sign.
- d. The licensee will be responsible for the maintenance and upkeep of the public right-of-way used for the outdoor restaurant seating area and the replacement of damaged public property, including pavers and other hard surfaces. No furniture or furnishings may be attached by any means to the public sidewalk or any other public property.
- e. Awnings or umbrellas over sidewalk dining areas must provide at least 7 feet of clearance from their bottom edge to the sidewalk.

C. For Outdoor Seating Areas on Private Property

The following general requirements will be applicable to all outdoor restaurant seating areas on private property (i.e. not on a sidewalk or within the right of way) and shall address both tented and open areas as applicable.

1. General Requirements for Private Outdoor Dining Areas

- a. Where outdoor dining will occur on property **not owned** by the restaurant, written landlord approval shall be required along with proof of liability insurance that covers the proposed dining area;
- b. Tables are to be spaced a minimum of 8 feet from each other (measured from all edges of the table);

- c. Table groups are limited to 5 individuals;
- d. State standards for strict social/physical distancing still apply;
- e. Tables, chairs, and seats shall be sanitized after every customer;
- f. Valet parking service at any restaurant is prohibited;
- g. Where possible, one-way customer circulation shall be designed with entrances and exits for patrons physically separated;
- h. Re-usable menus are only allowed if sanitized after each use. Other options include paper/disposable menus, visible white board or chalk board menus, or digital or electric menus;
- i. Indoor bathroom access for customers may be provided if facilities are cleaned/disinfected in accordance with CDC guidelines.

2. Requirements for Tented Areas

- a. Tents coverings for outdoor dining shall be permitted on private property where appropriate and where space is available. Completion of the attached application is required. The Fire Marshal and Building/Zoning Official shall have purview over such locations and installations. Tents are not allowed to be fully enclosed (side walls must be open). Outdoor heaters may be permitted at the discretion of the Fire Marshal.
- b. Fire Department and all other emergency or public safety access shall **not** be blocked by seating or tents.
- c. The outdoor dining area location cannot interfere with site circulation. Physical separations or barriers (“Jersey” barriers or water filled barriers, for example) may be required by the Town’s public safety officials.
- d. All Rhode Island occupancy code requirements applicable to tent enclosures remain in effect and fall under the purview of the Town’s Fire Marshal and Building Official.
- e. A State approved fire extinguisher must be located within 75 feet of any/all tent areas.
- f. Tents shall maintain a minimum of 7-foot-6 inch head room (ceiling height).
- g. Tents shall not cover more than 75% of premises.
- h. There shall be a minimum of 10ft between stake lines.
- i. Safe and accessible means of egress must be maintained from the tent at all times.

- j. No Smoking or Cooking shall be permitted in any tent.
- k. Generators must be at least 5 feet from tent.
- l. Electrical cords must be protected from pedestrian and vehicular traffic.
- m. Tents must be evacuated during high wind and/or lightning events.

INDEMNIFICATION

WHEREAS, the undersigned desires to maintain an outdoor restaurant seating area on a portion of the public sidewalk in the Town of East Greenwich;

WHEREAS, the Town of East Greenwich is willing to permit the undersigned to maintain such an area, provided that the Town will not thereby incur the risk of any liabilities to the undersigned, or to any third party or employee of the undersigned, by virtue of the presence or actions of the undersigned;

NOW, THEREFORE, the undersigned agrees to indemnify, defend and hold harmless the Town of East Greenwich, its officers, employees and agents against any and all loss, liability, damage, claims, costs and expenses, including attorney's fees which it may hereafter suffer, incur, be put to or pay out as a result of the undersigned's operation of the restaurant outdoor seating area and the undersigned shall at his or her own expense, appear defend and pay all fees of attorneys and all costs and other expenses arising therefrom or incurred in connection therewith; and, if any judgments shall be rendered against the Town in any such action, the undersigned shall satisfy and discharge the same excluding only such claims, demands or losses, which result from the sole negligence of the Town of East Greenwich, RI or its officers, agents or employees.

Signed at _____ RI, this ____ day of _____, 20

WITNESS:

Signature

Name (Please Print)

Title

Address

City, State, Zip

OUTDOOR RESTAURANT TEMPORARY SEATING REQUEST

I. Applicant Information:

Restaurant Name: _____

Liquor License No. (if applicable): _____

Owner: _____

Address: _____

Phone: _____

II. Application Request (check one):

Outdoor Eating Area on Public Sidewalk _____

Outdoor Eating Area on Private Property _____

III. Application Checklist	Date Submitted	Date Approved
Application	_____	_____
Site Plan OR photo	_____	_____
Copy or Food/Liquor License on File?	_____	_____
Proof of Insurance	_____	_____
Indemnification Form	_____	_____

IV. Statement of Understanding:

I hereby acknowledge the Town of East Greenwich outdoor dining requirements and agree to abide by such rules and regulations. I further affirm that any temporary authorization shall not confer any vested rights to continue expanded use beyond the current emergency.

Applicant

Property Owner (if other than applicant)

Date

Date

Return to: East Greenwich Planning Department: 111 Peirce Street – PO Box 111
East Greenwich RI 02818 or email to Lbourbon@eastgreenwichri.com .



EAST GREENWICH FIRE DEPARTMENT OFFICE OF FIRE PREVENTION NON-RESIDENTIAL TENT APPLICATION

SHughes@EastGreenwichRI.com 401-886-8693

REVIEW NUMBER: **T-20-** _____

TODAYS DATE: _____

SITE LOCATION DETAILS:			
EVENT ADDRESS*:		EAST GREENWICH, RI 02818	
OCCUPANCY TYPE:	WILL TENT BE USED AT NIGHT?	YES	NO
TENT ERECTED ON:	EVENT DATE:	EVENT ENDING:	
TENT OCCUPANT LOAD:	SITE PLAN PROVIDED**?	YES	NO
*No permit is required for tents on residential property of 1 & 2 Family (RIFC 1:25.2.6.1.1 & RIGL 23-28.19-1 (b))			
**Site plan to include all distances to property lines, other structures			

APPLICANT INFORMATION:			
APPLICANT NAME:			
APPLICANT ADDRESS:	CITY:	STATE:	ZIP:
PHONE NUMBER:	EMERGENCY CONTACT NUMBER:		
EMAIL:			

TENT INFORMATION: (TENTS UNDER 350 ft ² do not require a permit)			
RENTAL COMPANY:			
ADDRESS:	CITY:	STATE:	ZIP:
PHONE NUMBER:	EMAIL:		
HOW MANY TENTS WILL BE ERECTED ON THIS PROPERTY?	PLEASE LIST THEM BELOW:		
#1 TENT MANUFACTURER:	SIZE:	SIDES PROVIDED?	YES NO
MANUFACTURE DATE:	(Flame retardancy is good for 10 years from manufacture unless recertified)		
#2 TENT MANUFACTURER:	SIZE:	SIDES PROVIDED?	YES NO
MANUFACTURE DATE:	(Flame retardancy is good for 10 years from manufacture unless recertified)		
WILL THERE BE COOKING UNDER THE TENT?	YES	NO	
HAVE YOU PROVIDED DOCUMENTATION ON FIRE RESISTANCE OF ALL TENTS AND SIDES?	YES	NO	
(All tent materials, including sides, must meets the requirements of NFPA 701 test method #2, RIFSC 101:11.11.2.1)			
DETAILED FLOOR PLAN OF THE AREA UNDER THE TENT PROVIDED?	YES	NO	
WHAT METHOD WILL BE USED TO SECURE THE TENT?			

LIFE SAFETY INFORMATION:			
EXIT SIGNS PROVIDED?	YES	NO	
EMERGENCY LIGHTING PROVIDED?	YES	NO	
NO SMOKING SIGNS PROVIDED?	YES	NO	
FIRE EXTINGUISHERS PROVIDED?	YES	NO	SIZE/TYPE/AMOUNT:
HEATING PROVIDED*?	YES	NO	TYPE:
ELECTRICITY PROVIDED*?	YES	NO	TYPE:
DECORATIONS PROVIDED*?	YES	NO	TYPE:
WILL THERE BE ANY BARRIERS PROVIDED TO PROTECT AGAINST VEHICLE ENCROACHMENT?	YES	NO	
*If yes, provide all documentation for review			



**EAST GREENWICH FIRE DEPARTMENT
OFFICE OF FIRE PREVENTION
NON-RESIDENTIAL TENT APPLICATION**

SHughes@EastGreenwichRI.com 401-886-8693

REVIEW NUMBER: **T-20-** _____

TODAYS DATE: _____

	Tents over 350 ft ² has valid permit RIGL 23-28.19-1
	Site plan conforms with submitted documents RIGL 23-28.19-1
	Seating plan conforms with submitted documents and emergency executive order RIGL 23-28.19-1
	Exit remoteness, travel distance and capacity approved by AHJ RIFSC 1:25.1.3.1 & 1:25.1.3.4
	Tents 10' from other structures
	Tents do not cover more than 75% of the premises RIFSC 1:25.2.1.2
	Emergency vehicles can reach within 150' any point of the tent exterior walls
	All heaters listed and approved RIFSC 1:25.1.10
	Propane containers minimum of 5' from tent RIFSC 1:25.1.10.1.6
	Tent fabric, decorations and sides are flame resistant RIFSC 1:25.2.2.1
	Light and electrical appliances are installed, operated and maintained in accordance with the electrical code. RIFSC 1:25.1.9
	Amount of emergency lighting and exit signage complies with approved signage from BOA
	Fire extinguishers present/compliant RIFSC 1:25.2.5
	Tent guy wires and ropes 7' in height RIFSC 1:25.1.3.2
	Tent stake lines 10' apart and are not a trip hazard near the exist RIFSC 1:25.2.3.1
	NO SMOKING signs RIFSC 1:25.2.4.2.1

Pass/Fail	OPERATIONS
	Occupant load posted RIFSC 101:12.7.9.3
	Generators, if used must be at least 5' from tent and barricaded to prevent contact. Refilling must be done 25' from tent when public is not present. Generators musty meet NFPA 70 standards. RIFSC 1:25.1.12.1
	Portable heating units or other propane uses approved by AHJ RIFSC 1:25.1.10.1
	Cooking is not allowed under the tent
	Storage or flammable and combustibile liquids prohibited inside tent RIFSC 1:25.1.4.2
	No open flame devices RIFSC 101:12.7.3 & RIFSC 1:20.1.5.3
	Dried combustibile vegetation or other combustibles kept 10' from tent RIFSC 1:25.2.4.1
	Minimum headroom of 80" maintained throughout the egress (includes hanging items) RIFSC 101:7.1.5.1
NOTES:	