

NOTICE
THE COMMISSIONERS OF THE CITY OF REHOBOTH BEACH ON NOVEMBER 17, 2020,
ADOPTED CITY POLICY NO. 1120-02 WHICH READS AS FOLLOWS:

**CITY POLICY OF THE MAYOR AND COMMISSIONERS
OF THE CITY OF REHOBOTH BEACH REGARDING
USE OF PUBLIC OUTDOOR SPACE
APRIL 1, 2021 UNTIL GOVERNOR'S EMERGENCY ORDER LIFTED**

Beginning April 1, 2021, if the pandemic-related Governor's State of Emergency Order and the pandemic-related ABCC guidelines are still in place, the following policy for sidewalk dining on City property shall be in effect, subject to any changes in the Governor's State of Emergency Order.

The City will utilize a similar operating plan for sidewalk dining as was in place until November 1, 2020 during the Governor's State of Emergency Order. An annual City issued permit, application available on the City website, will be required for an establishment to operate sidewalk dining. The permit for sidewalk dining expires when the Governor's State of Emergency Order is lifted. The State or the City of Rehoboth Beach may also revoke the permit at any time.

The City will review and approve or deny all applications. The City will issue sidewalk dining permits which may allow a food service establishment located in the commercial area to operate sidewalk dining on public property, subject to the following;

- 1) Establishment serving food must possess a current City-issued business license.
- 2) Establishment must not exceed total dining capacity requirements approved prior to the State of Emergency, as established in the Permit of Compliance.
- 3) Establishment must abide by all existing rules and regulations for food safety as directed by the State Department of Public Health.
- 4) Establishment, if possessing a valid ABCC license, must abide by all existing rules and regulations for the service of alcohol as directed by the State Alcohol Beverage Control Commission.
- 5) Establishment must abide by all existing rules and regulations for food and beverage establishments as directed by the Governor's State of Emergency Order.
- 6) Current business license holders must submit a completed application for sidewalk dining by February 15, 2021.

- All applications from establishments with liquor licenses, once approved by the City, will then be provided to the Alcohol Beverage Control Commission (ABCC) for their approval. City sidewalk dining permit issuance is dependent on the approval of the ABCC.
- 7) Outdoor dining shall be permitted to encroach onto the sidewalk directly in front of the establishment so long as the dining area does not extend beyond the side boundaries of the façade of the primary business property and established plan is approved by the City Manager.
 - 8) Street traffic barriers are to be used to create a pedestrian walkway, in parking spaces, where the sidewalk pedestrian walkway has been blocked by sidewalk dining.
 - 9) To maintain the health, safety and welfare of pedestrians, traffic barriers must conform to City of Rehoboth Beach and DelDOT public safety standards and only the traffic barriers obtained from the City of Rehoboth Beach may be used.
 - 10) Traffic barriers will be available beginning April 1, 2021. Payment for rental of barriers is at the expense of the sidewalk dining permit holder, and payment must be received by the City before any barrier is provided to the establishment. The rental cost per barrier will be equal to the cost of the barrier incurred by the City. The City will contract with a business to obtain the best rental cost per traffic barrier.
 - 11) Food and beverages may be served only to seated patrons.
 - 12) There shall be no live entertainment on the sidewalk.
 - 13) There shall be no external speakers or amplifiers on the sidewalk and no internal speakers from the premises are to be directed to the sidewalk.
 - 14) There shall be no bar on the sidewalk.
 - 15) If alcohol is served with a valid Alcoholic Board Control Commission permit, a physical barrier to separate the tables from the pedestrian walkway and define the sidewalk dining area, not less than 42 inches high, constructed of wood, concrete, plastic, wrought iron, dense vegetation or other materials approved by the City of Rehoboth Beach, must be in place adjacent to the tables closest to the curb line.
 - 16) There shall be no food/beverage preparation on the sidewalk.
 - 17) A separation between tables of 8' minimum is required.
 - 18) Tables & chairs must not block any entrance or ADA accessible areas.
 - 19) Sidewalk dining permit area shall close by 11:00 P.M. and vacated by 11:30 P.M.

- 20) Umbrellas shall have a maximum diameter of eight (8) feet and must have a weighted base.
- 21) Tents or canopies, without sides, may be used on City property, if approved in advance by the City Manager.
- 22) The sidewalk dining permit shall not be in effect unless and until the applicant files with the City a certificate of liability insurance confirming that the applicant has procured a policy of commercial general liability insurance issued by an insurance company authorized to do business in the state of Delaware. The policy shall provide in substance that the insurer will defend against all claims and lawsuits which arise and will pay any final judgment of a court of competent jurisdiction against the City, its officers, agents or employees. The insurance shall provide coverage in an amount of not less than \$1,000,000.00 for each single occurrence. The policy of insurance shall name both the applicant and the city as insured parties to the full amount of the policy limits. If the policy is not kept in full force and effect throughout the term of this sidewalk dining permit, the permit may be terminated by the City upon providing written notice of termination to applicant.
- 23) The sidewalk dining permit shall not be in effect unless and until the applicant files with the City a complete and valid waiver of indemnification agreement.
- 24) The City Code Enforcement Officer will be responsible for monitoring and assuring compliance, and reporting findings to the City Manager, Mayor and Commissioners.
- 25) Exceptions, upon the demonstration of need or hardship, may be granted, in writing, by the City Manager.