

## **EXHIBIT A TO ORDINANCE NO. 51-20**

### **EXPANDED OUTDOOR SEATING REQUIREMENTS**

(Effective May 27, 2020)

The City of Avon seeks to promote the safe reopening of restaurants and bars by extending options for increased social distancing and dining in outdoor, well ventilated areas. Due to the COVID-19 restrictions, food service operations such as restaurants and bars may desire to create new or expanded outdoor patio dining areas. The City has passed Ord. No. 51-20 and developed the following requirements in order to assist the proprietors during this difficult time. Once an application is filed and these requirements have been met, the proprietor will be issued a Temporary Expanded Outdoor Seating Permit for their outdoor patio dining area until October 31, 2020.

- The operator must provide a drawing to scale of the proposed area and seating, specifically indicating the area to be used for the outdoor patio dining area and any other proposed temporary fences, vehicular protections or other temporary improvements.
- The operator (if a tenant) must provide written approval from the property owner for the proposed temporary outdoor patio dining area.
- Temporary patios shall only be permitted to operate during normal business hours, however temporary patios within 250 feet of residential property may not operate between 9:00 pm and 7:30 am. Patios currently in operation under an existing Special Use Permit must continue to comply with the requirements of that Ordinance unless modified under this temporary permit.
- The temporary improvements may not block any required means of ingress, egress, access to adjacent tenants or uses, or accessible path to the building entrance.
- Expanded seating not to exceed existing occupancy.
- Parking areas may be used but suitable barricades or protections shall be provided to protect pedestrians and diners. Required parking spaces may be reduced accordingly.
- Alcohol may only be served in accordance with County Health Department and State of Ohio Liquor Control rules, restrictions and requirements. The operator is responsible for coordinating compliance with state authorities.
- Seating or other improvements may not be placed on any public sidewalk or right of way.
- ADA accessibility requirements must be met to maintain wheelchair access. Outdoor seating must provide for accessibility.

- New or additional lighting will require plan review and permits for installation.
- The operator shall ensure that the property is maintained free of trash and debris.
- The maintenance of any required social distancing or other operational requirements imposed by the State due to the COVID-19 epidemic is the responsibility of the operator.
- Temporary signage shall be approved as part of the permit process and be in compliance with Chapter 1290.
- Operation of the outdoor patio dining area must be maintained in accordance with the approval.
- No entertainment or speakers can be used in the outdoor dining area unless previously approved under an existing Special Use Permit.
- The temporary expanded outdoor seating permit may be terminated if any requirements are not met within 10 days of a notice.
- Applicants are responsible for obtaining and installing required traffic barriers as well as other costs of implementing the site plan and complying with the provided guidelines.
- Applicants must follow all COVID-19 Health Requirements. The applicant shall comply and further shall cause its employees, agents, guest, invitees and contractors to comply with all state and local orders addressing public health and social distancing. This shall include requirements for restaurants and bars as outlined in the State of Ohio’s “Responsible RestartOhio” pamphlet, attached hereto and incorporated herein, and in conjunction with the reopening of outdoor dining effective May 15, 2020, as amended or supplemented over time.

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Rick Schneider  
Zoning Enforcement Officer

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Pam Fechter  
Planning Coordinator

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Duane Streator  
Safety Director



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Department  
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# Responsible RestartOhio

## Restaurants and Bars



### Employees

#### Mandatory

- **Ensure minimum of six feet between employees, if not possible, utilize barriers if applicable and increase the frequency of surface cleaning, handwashing, sanitizing and monitor compliance**
- Businesses must allow all customers, patrons, visitors, contractors, vendors and similar individuals to use facial coverings, except for specifically documented legal, life, health or safety considerations and limited documented security considerations
- Businesses must require all employees to wear facial coverings, except for one of the following reasons:
  - Facial coverings in the work setting are prohibited by law or regulation
  - Facial coverings are in violation of documented industry standards
  - Facial coverings are not advisable for health reasons
  - Facial coverings are in violation of the business's documented safety policies
  - Facial coverings are not required when the employee works alone in an assigned work area
  - There is a functional (practical) reason for an employee not to wear a facial covering in the workplace

*(Businesses must provide written justification, upon request, explaining why an employee is not required to wear a facial covering in the workplace. At minimum, facial coverings (masks) should be cloth/fabric and cover an individual's nose, mouth, and chin.)*

- Employees must perform daily symptom assessment\*
- Require employees to stay at home if symptomatic and perform daily symptom assessment requirements before returning to work
- Provide ServSafe, or other approved COVID-19 education, as soon as possible. Add COVID-19 symptoms to the current standard Health Agreement required by the food safety code
- Require regular handwashing by employees
- Comply with person in charge certification requirements and manager certification requirements as set forth in OAC 3701-21-25 and OAC 3717-1-02.4 as applicable
- Maintain compliance with ODH sanitation and food safety regulations
- Limit number of employees allowed in break rooms at the same time and practice social distancing. Maximum to be current group size per state guidelines (currently 10)

#### Recommended Best Practices

- Encourage 3rd-party delivery staff to wait outside or in non-congested areas practicing social distancing guidelines. Encourage 3rd-party delivery staff to wear face coverings
- Educate on proper use, disposal, and maintenance of face coverings. Enhance education on proper use of gloves, per code
- Health checks may include temperature assessments, questionnaires, employee self-checks, screening apps or other tools. Update files with log of "health checks"
- Conduct telephone symptom assessment\* for employees who were ill and planning to return to work
- As employee rehiring begins, consider virtual interviewing and on-boarding when possible
- Reinforce education per current food safety code about when to wash hands. Post health department handwashing posters at sinks and stations. Set times for periodic handwashing
- Avoid switching tasks when possible to reduce cross contamination concerns. Increase handwashing if changing tasks is necessary

\* Daily symptom assessments should include assessing for symptoms and taking your temperature with a thermometer and monitoring for fever. Per the CDC, symptoms include cough, shortness of breath or difficult breathing, and two of the following: fever, chills, repeated shaking with chills, muscle pain, headaches, sore throat and new loss of taste or smell

## Mandatory

### Customers & Guests

- **Ensure a minimum of six feet between parties waiting and when dining - if not possible, utilize barriers or other protective devices**
- Post a list of COVID-19 symptoms in a conspicuous place
- Ask customers and guests not to enter if symptomatic
- Provide access to hand washing methods while in the food service establishment, and if possible, place approved hand washing/sanitizing products in high-contact areas
- Food service establishments offering dine-in service must take affirmative steps with customers to achieve safe social distancing guidelines

## Recommended Best Practices

- Face coverings are recommended at all times, except when eating
- Health questions for symptoms\*\* posted at the entrance
- If possible, identify a dedicated entrance door and exit door. When possible, enable dining room ventilation (e.g. open doors and windows)
- When possible, encourage customers to make dine-in reservations or use drive through, pick-up, call-in, curbside or delivery options
- Encourage at-risk population to utilize alternative options such as using the drive through, pick-up, call-in, curbside, or delivery options

### Physical Spaces

- Establish and post maximum dining area capacity using updated COVID-19 compliant floor plans. With maximum party size per state guidelines (currently 10)
- Post a kitchen floor plan, establishing safe social distancing guidelines and following established state health dept guidance for masks and gloves
- Daily cleaning for the entire establishment. Clean and sanitize tabletops, chairs, and menus between seatings. Clean all high touch areas every two hours, and more frequently as needed (e.g. door handles; light switches; phones, pens, touch screens)
- Provide approved hand washing/sanitizing products in common areas
- When appropriate, establish ordering areas and waiting areas with clearly marked safe distancing and separations per individual/social group for both restaurant and bar service
- Remove self-service, table, and common area items (e.g. table tents, vases, lemons, straws, stir sticks, condiments)
- Salad bars and buffets are permitted if served by staff with safe six feet social distancing between parties
- Private dining and bar seating areas within a foodservice establishment must follow all approved safe social distancing guidelines
- The open congregate areas in restaurants and bars that are not necessary for the preparation and service of food or beverages (billiards, card playing, pinball games, video games, arcade games, dancing, entertainment) shall remain closed

- Utilize barriers in high volume areas
- If possible, stagger workstations so employees avoid standing directly opposite or next to each other. If not possible, increase the frequency of surface cleaning, handwashing, sanitizing, and monitor compliance
- Limit entrance and exit options when possible while still maintaining code regulations
- Enhance weekly deep cleaning checklists. Consider posting communication to indicate table has been cleaned. Utilize disposable menus when possible
- Post health department "best practices" highlighting continuous cleaning and sanitizing of all food equipment and common surfaces
- Continue to emphasize employee education and compliance with hand washing, glove use, employee health, and food handler training
- Consider air filtration improvements within HVAC system
- Encourage and continue to use designated curbside pickup zones for customers

### Confirmed Cases

- Immediately isolate and seek medical care for any individual who develops symptoms while at work
- Contact the local health district about suspected cases or exposures
- Shutdown area for deep sanitation if possible

- Work with local health department to identify potentially infected or exposed individuals to help facilitate effective contact tracing/ notifications
- Once testing is readily available, test all suspected infections or exposures
- Following testing, contact local health department to initiate appropriate care and tracing

\*\* Per the CDC, symptoms include cough, shortness of breath or difficult breathing, and two of the following: fever, chills, repeated shaking with chills, muscle pain, headaches, sore throat and new loss of taste or smell