

RESOLUTION 20 - 11  
**Resolution Adopting Temporary Interim Policy Regarding Food Service Establishments**

**WHEREAS**, a State of Emergency due to Covid-19 have been adopted by the United States, the State of Oregon, Clatsop County and the City of Astoria; and

**WHEREAS**, the State of Emergency in the City of Astoria will be in effect until the Mayor and Council determine to modify or repeal the resolution; and

**WHEREAS**, the State of Oregon has allowed Phase I directives in Clatsop County to modify its prohibitions and allow food and drink establishments, including restaurants and bars with food service, to operate consistent with Oregon Health Authority (OHA) Phase I guidance and all other applicable OHA guidance; and

**WHEREAS**, the guidance provided by OHA, prevent most food service establishments from operating at full capacity; and

**WHEREAS**, the reductions in occupancy threaten the economic viability of this important segment of the City's economy and necessitates measure to allow food service establishments to expand their footprints until full occupancy can be restored;

**NOW, THEREFORE BE IT RESOLVED** that the Mayor and City Council of the City of Astoria formally adopt a policy of allowing food service establishments that operate consistent with the Governor's executive orders and Oregon Health Authority (OHA) phases to expand their food service areas to public sidewalks; and

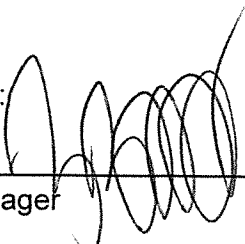
**BE IT FURTHER RESOLVED** that City Staff shall take all necessary steps to administer this policy pursuant to the guidelines attached as Exhibit "A" to this Resolution.

**Effective Date** The provisions of this Resolution shall be effective June 1, 2020.

ADOPTED BY THE CITY COUNCIL THIS 1st DAY OF JUNE 2020.

APPROVED BY THE CITY MAYOR THIS 1ST DAY OF JUNE 2020.

  
\_\_\_\_\_  
Mayor

ATTEST:   
\_\_\_\_\_  
City Manager

ROLL CALL ON ADOPTION		YEA	NAY	ABSENT
Councilor	Rocka	X		
	Brownson	X		
	Herman	X		
	West	X		
Mayor	Jones	X		

## Exhibit "A"

### A. Purpose.

As a result of the COVID-19 pandemic, businesses are not able to operate at full capacity. Social distancing limits the occupancy of buildings and necessitates measure to allow business to expand their footprints until occupancy can be restored. The purpose of this interim policy is to temporarily supplement City Code Section 5.060 to allow a prescriptive standard for businesses to place tables and chairs on the sidewalk until such time as businesses can operate at full capacity. The policy is to ensure that any objects placed on sidewalks are appropriately located and are conducive to public health, safety, and welfare.

### B. Tables and Chairs

Tables and chairs associated with the serving of food and beverages are allowed on sidewalks and passageways lying within street rights-of-way in accordance with the following prescriptive standards:

1. The tables and chairs are for the purpose of serving food and beverages, and for the comfort of patrons to a particular business.
2. The business shall keep the area occupied by the tables and chairs clean and well-maintained.
3. The business owner placing the tables and chairs shall position the table and chairs to provide a five-foot unobstructed pedestrian circulation path on the sidewalk in compliance with Americans with Disabilities Act (Accessibility Standards, Administrative Guidelines (ADAAG) or Public Right-of-way Accessibility Guidelines (PROWAG), collectively known as ADA). In accordance with ADA, the five-foot pedestrian circulation path shall be free from obstruction, shall not be sloped, shall not be in disrepair, and shall be well-maintained. Free from obstruction includes, but is not limited to, planters, electrical cords, street lights, light standards, trash receptacles, newspaper stands, bicycle racks, benches, fire hydrants, cordoning, fencing and other separation materials, and cracks which cause differential displacement in the five-foot pedestrian circulation path.
4. The tables and chairs shall be located adjacent to the building and shall not encroach into the five-foot pedestrian circulation path, as defined by the ADA. If the tables and chairs cannot be located adjacent to the building to provide the five-foot circulation path, they shall not be allowed on the sidewalk frontage through complying with these standards. A tables and chair permit may be applied for through City Code 5.060.
5. Business owners shall place the equipment, tables and chairs only along the lineal frontage of their business. With written permission from the adjacent business owner, business owners may occupy adjacent business frontage.
6. The number of tables and chairs permitted per street frontage is limited to the length of the street frontage and shall not encroach into the five-foot pedestrian circulation path per ADA, or within six feet of a corner.
7. All measurements shall be taken from the building façade to the inside of the curb.
8. Shade structures, umbrellas and tents are not allowed on the sidewalk.