

RESOLUTION #20-20

A RESOLUTION PERMITTING THE EXTENTION OF OUTDOOR SEATING ONTO ADJACENT PUBLIC PROPERTY WITHIN THE VILLAGE OF PINEHURST

WHEREAS, on March 13, 2020, the President of the United States declared that the COVID-19 pandemic in the United States constitutes a national emergency; and

WHEREAS, in responding to the COVID-19 pandemic, and for the purpose of protecting the health, safety, and welfare of the people of North Carolina, the Governor of the State of North Carolina has issued Executive Order Nos. 116-122, 124-125, 129-131, 133-136, and 138-140; and

WHEREAS, the Governor of the State of North Carolina identified three individual phases for the response and protective action to address the COVID-19 pandemic; and

WHEREAS, on May 20, 2020, the Governor of the State of North Carolina issued Executive Order No. 141 which set protective measures to address the move into Phase 2; and

WHEREAS, the North Carolina COVID-19: Phase 2 limits restaurant indoor capacities to no more than 50%; and

WHEREAS, The Village of Pinehurst recognizes the need to accommodate patrons outdoors and wishes to accommodate these altered operations during the COVID-19 pandemic with alternative requirements for temporary outdoor dining.

NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Pinehurst, North Carolina, in a regular meeting assembled this 9th day of June, 2020, as follows:

SECTION 1.

Restaurants may temporarily extend outdoor seating onto adjacent public property on Friday and Saturday evenings only; from 5:00 p.m. to 10:00 p.m. for food and alcohol services.

SECTION 2.

Temporary outdoor seating will only be allowed on public property within the space designated and marked by the Village of Pinehurst. Such space must be adjacent to the business and the public sidewalk may not be obstructed in any way and must remain fully accessible and welcoming to all non-customer pedestrians.

SECTION 3.

The temporary outdoor seating space must be delineated visibly and vertically. The enclosure may be cones, barriers, ropes, planters or similar devices. Special care needs to be given to ensuring high visibility after dark. Orange cones may be made available upon request.

SECTION 4.

The Restaurateur is solely responsible for setting up the temporary outdoor seating area and for removing the same each Friday and Saturday night. Set up of the temporary outdoor seating area shall not commence prior to 5:00 p.m. and removal of same shall be complete by midnight. The Restaurateur may begin barricading unoccupied parking spaces within their designated extended outdoor seating area as soon as 4:00 p.m. to prevent new cars from parking in those spaces.

SECTION 5.

The Restaurateur will be responsible for all trash removal from the temporary extended outside seating area and must dispose of same in private trash receptacles. Public trash receptacles may not be used.

SECTION 6.

Storing of tables, chairs and any other items used for establishing the temporary outdoor seating area will be the sole responsibility of the Restaurateur and must be stored on private property in a manner so as not to block any public sidewalk, public parking, or business ingress/egress.

SECTION 7.

All Restaurateurs are expected to comply with North Carolina Gubernatorial Executive Orders pre-dating and post adoption of this resolution. This resolution in no way, shape, form, or manner supersedes any directive of the Governor of the State of North Carolina. Nothing in this agreement exempts State or County regulations that normally apply to restaurants nor does it exempt any COVID-19 CDC or State rules, regulations or guidelines for masks, handwashing, social distancing, table spacing, table sanitizing, paper menus, gathering sizes, etc.

SECTION 8.

The Restaurateur must carry commercial general liability insurance in an amount acceptable to the Village's Risk Manager and confirm their insurance will apply to the designated outdoor seating area on public property. A certificate of insurance designating the Village as additionally insured is required to be retained on site and presented if requested.

SECTION 9.

If the Restaurateur is an ABC On-premises permit holder, the Restaurateur must abide by all requirements of the North Carolina ABC Commission.

SECTION 10.

The Restaurateur must agree to and execute the Village of Pinehurst Temporary Outdoor Seating Extension Use Acknowledgement Form.

SECTION 12.

No operations conducted utilizing any of the exception standards listed herein shall be grounds for establishing a vested right or a legal non-conforming situation.

SECTION 13.

This Resolution shall remain in effect through the entirety of the North Carolina COVID-19: Phase 2 and shall automatically expire at the end of Phase 2 unless repealed, replaced, or rescinded prior to by the Village Council.

THIS RESOLUTION passed and adopted this 9th day of June, 2020.

(Municipal Seal)



Attest:

Beth Dunn
Beth Dunn, Village Clerk

VILLAGE OF PINEHURST
VILLAGE COUNCIL

By: John C. Strickland
John C. Strickland, Mayor

Approved as to Form:

Michael J. Newman
Michael J. Newman, Village Attorney