



PROCESS TO OBTAIN A TEMPORARY OUTSIDE DINING LICENSE

Restaurants and other food, or food related beverage serving establishments may apply for the temporary expansion of their food service areas to permit the consumption of food in outdoor portions of the licensed premises on or after May 18, 2020. Restaurants and other food serving establishments with a current liquor license may also apply for the temporary expansion of their liquor license area on or after May 18, 2020.

Applications may be obtained:

- on the Town's website at www.westwarwickri.org
- by calling (401) 822-9201 or (401) 827-9034
- via email at piannitelli@westwarwickri.com

Applications may be filled via email or by appointment. To schedule an appointment, please call or email the above contacts.

Applications will be reviewed upon receipt.

Appropriate Town departments will review application and schedule a site visit.

Upon approval of appropriate Town departments, a "Temporary Outside Dining License" will be issued by the Town Clerk's Office.

All applicable filing and inspection fees associated with this application shall be waived.

**TOWN OF WEST WARWICK
OFFICE OF THE TOWN MANAGER**

EXECUTIVE ORDER

2020-5

MAY 18, 2020

Fourth Supplemental Emergency Declaration

**Temporarily Allowing Expanded Outside Dining at Restaurants in The Town of
West Warwick**

This Emergency Declaration supplements the Executive Order issued on March 16, 2020 declaring a state of local emergency and Supplemental Executive Order 2020-4.

WHEREAS, on Monday, March 16, 2020, Town Manager Ernest Zmyslinski issued a Declaration of a State of Local Emergency for the Town of West Warwick and on Monday, March 23, 2020, the West Warwick Town Council unanimously adopted, with one amendment, said Declaration of a State of Local Emergency and all emergency powers granted therein until such time as Governor Raimondo lifts the state of emergency in our state and/or until such time as Town Manager Zmyslinski or the West Warwick Town Council lifts the state of emergency in West Warwick; and

WHEREAS, the COVID-19 pandemic has had a devastating effect on many businesses within the Town of West Warwick, particularly the restaurant and hospitality industry; and

WHEREAS, a limited number of West Warwick restaurants are currently open and operating within Governor's Raimondo's Executive Order only allowing take-out, delivery, and drive-thru service of food and alcoholic beverages; and

WHEREAS, on May 9, 2020 Governor Raimondo lifted the previously imposed stay-at-home restriction in her prior Executive Orders and further allowed other non-critical retail establishments to open as part of the Phase 1 Reopening of Rhode Island; and

WHEREAS, Governor Raimondo has announced that on May 18, 2020, restaurants throughout Rhode Island will be allowed to expand from the current take-out, delivery, and drive-thru service of food and alcoholic beverages to permit outdoor dining; and

WHEREAS, the Town of West Warwick desires to help the local restaurant and hospitality industry recover as quickly as possible from the financial hardships COVID-19 has placed on them;

NOW IT IS THEREFORE RESOLVED THAT I, TOWN MANAGER ERNEST ZMYSLINSKI, by the authority vested in me do hereby order and declare the following, commencing on May 18, 2020:

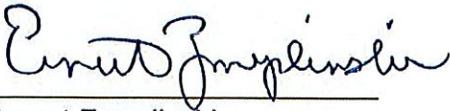
1. Every restaurant or other food and beverage serving establishment that is in good standing with the Town of West Warwick shall be eligible to obtain from the West Warwick Town Clerk's Office, a **"Temporary Outdoor Dining License"** upon the filing of the necessary certifications required within this Order and application. Such license shall be strictly temporary and shall be permitted only so long as any emergency executive orders, directives, and/or guidelines related to COVID-19 are in effect in West Warwick and the state. Such license shall be posted in a conspicuous place upon the premises.
2. The **Temporary Outdoor Dining License** may be revoked at any time if the restaurant or other food and beverage serving establishment is found to be in non-compliance with any of the herewith conditions.
3. Such license only allows for the service of food and beverages, including alcoholic beverages, but does **NOT** permit entertainment or any other activities.
4. Any restaurant or other food and beverage serving establishment serving alcoholic beverages, must have an existing valid liquor license issued by the Town of West Warwick to serve alcoholic beverages.
5. Every restaurant or other food and beverage serving establishment seeking such license shall file the attached **"Temporary Outdoor Dining Expansion of Premises Application, Liability and Consent Form"** with the Town of West Warwick Town Clerk's Office that certifies that they will abide by all Executive Orders issued by the Governor of Rhode Island and Town Manager of West Warwick as well as all health, social distancing, sanitizing and safety protocols issued by the Rhode Island Department of Health, Department of Business Regulation, Commerce Corporation, Rhode Island Fire Marshal and any other state or local agency with jurisdiction. **The establishment further certifies that they will indemnify and hold harmless the Town of West Warwick for any claims or actions related to the use of such license.**
6. Every restaurant or other food and beverage serving establishment granted such license shall be allowed to have outdoor seating under the conditions set forth below:

- a. All outdoor dining shall comply with all guidance and regulations set forth in current and future Executive Orders issued by the Governor and Department of Health, Department of Business Regulation and any state department that may be involved in the regulation of food and beverage serving establishments and social distancing.
 - b. Outdoor seating shall be located on the same lot as or adjacent to the principal restaurant provided that no such outdoor seating shall be located upon or within any public way, street or roadway, public sidewalk, public property and the like. Outdoor seating shall also be allowed on any adjoining lot that is under common ownership or with the express written permission of the owner of the adjacent lot.
 - c. There shall be no fee for such temporary license.
 - d. A plan and drawing must be submitted to the Town Clerk's Office depicting the hours of operation, proposed seating chart, which must provide state required social distancing measures, safety barriers, as well as a vehicular traffic and parking plan with necessary signage to direct vehicular traffic in a safe manner if the plan calls for utilizing a parking area for dining purposes. The Police Colonel, Fire Chief, Fire Marshal, Building Official or their respective designees shall review and must approve the plan and drawing.
 - e. Outdoor seating in an existing parking lot adjacent to the principal restaurant shall have a temporary barrier approved by the West Warwick Fire Marshal or his designee and appropriate signage that separates the dining and parking areas.
 - f. All outdoor service of food and beverages, where applicable, alcohol shall begin no earlier than 8:00 AM and cease by 9:00 PM.
7. Every restaurant or other food and beverage serving establishment granted such license that does not have any portable restroom available for use may allow any patron(s) to enter their premises to use an interior restroom so long as all social distancing and sanitization guidelines are followed.
 8. Every restaurant or other food and beverage serving establishment granted such license that wants to have an open-air tent must notify the Town Clerk's Office and the West Warwick Fire Department. Review and approval of the West Warwick Fire Marshal or his designee will be required. If approval is granted, site inspection(s) will be made to ensure compliance with all applicable fire codes and provisions of the Life Safety Code.

9. Any required parking minimums and any other provision in our existing Code of Ordinances that conflict with the provisions of this duly authorized temporary outdoor expansion of premises license are hereby modified and/or suspended while the emergency executive orders, directives, and/or guidelines related to COVID-19 are in effect in West Warwick and the state.

10. The West Warwick Police Department and any other local department designated by the Town Manager are authorized to enforce and issue any violation of these provisions.

This Executive Order shall take effect on May 18, 2020 and shall last until such time as the State of Emergency in Rhode Island and/or the Town of West Warwick is lifted, or otherwise modified through an Executive Order of the Governor or Town Manager.



Ernest Zmyslinski
Ernest Zmyslinski
Town Manager

May 18, 2020
Date

TOWN OF WEST WARWICK

TOWN CLERK'S OFFICE

TEMPORARY OUTSIDE DINNING APPLICATION

BUSINESS INFORMATION

Business Owner (Proprietor/Corporation): _____
Business DBA: _____
Hours of Operation: _____
Business Location: _____
Are there any other tenants at this address? _____ Yes _____ No
Business Phone #: _____ Business Email: _____
Does the Business currently possess a business license? _____ Yes _____ No
Will there be any flammable/hazardous combustible equipment or materials in use near the outdoor seating area? _____ Yes _____ No

CONTACT INFORMATION

Owner Name: _____
Owner Mailing Address: _____
Owner Mobile Phone #: _____
Owner Email: _____
Co-Owner Name: _____
Co-Owner Email: _____
Landlord Name: _____
Landlord Mobile Phone #: _____

*Submission Requirements are on Page 2

I hereby certify that the above statements are true to the best of my knowledge and belief.

Signature of Applicant: _____
Printed Name: _____
Date: _____

APPROVALS: TOWN USE

Building/Zoning: _____ Yes _____ No Date: _____
Police Department: _____ Yes _____ No Date: _____
Fire Marshal's Office: _____ Yes _____ No Date: _____
Town Clerk: _____ Yes _____ No Date: _____
Granted Date: _____
Expiration Date: _____
Conditions: _____

SUBMISSION REQUIREMENTS

All Applications must submit the following:

1. A plan showing:
 - a. the proposed outdoor service area;
 - b. the proposed number of seats;
 - c. the location of physical barriers or other protection to keep diners separated from trafficked areas; a for restaurants wishing to convert a portion of off-street parking areas into service areas, a parking plan.
2. Evidence that the expanded service area is covered by liability insurance and the Town of West Warwick is named a co-insured.
3. Where any portion of the proposed area of temporary is owned by a separate legal entity, a written authorization shall be required.
4. Where use of a tent is proposed, approval of the West Warwick Fire Marshal's Office is required.
5. All temporary expansions of outside dining and the physical safety of diners, and shall be operated in compliance with:
 - a. social distancing and other applicable regulations issued through the Rhode Island and/or Rhode Island Department of Business Regulation;
 - b. all applicable fire code and the provisions of the Life Safety Code;
 - c. applicable provisions of the American with Disabilities Act.
6. The hours of operation of any temporary outdoor dining permit shall be limited to 8:00 am to 9:00 pm.

TOWN OF WEST WARWICK

TOWN CLERK'S OFFICE

**TEMPORARY OUTDOOR DINING EXPANSION OF PREMISES
LIABILITY AND CONSENT FORM**

I, _____, the _____ of _____,
(Print Name) (Relationship to Business) (Business Name)

do hereby acknowledge and agree to the following terms and conditions as detailed below related to the Temporary Outdoor Dining Expansion of Premises License which we are seeking:

We certify that we will abide by any and all rules, regulations, limitations, executive orders, and related directives as it relates to health, social distancing, sanitizing and safety protocols that are duly issued by the State of Rhode Island and/or the Town of West Warwick.

We understand that such license shall be strictly temporary and shall be permitted only so long as any emergency executive orders, directives, and/or guidelines related to COVID-19 are in effect in West Warwick and the State of Rhode Island. We agree to post such license in a conspicuous place within our establishment. We further acknowledge that such license only allows us to serve food and beverage, including alcoholic beverages, but does NOT permit entertainment or any other activities.

We further certify that we will indemnify and hold harmless the Town of West Warwick for any claims or actions related to the use of such license.

We know that the West Warwick Police Department, West Warwick Fire Marshal's Office, West Warwick Building Official, and any other local department designated by the Town Manager are authorized to enforce and issue any violation of these provisions of this license. The Temporary Outdoor Dining Expansion of Premise License may be revoked at any time if the restaurant or other food and beverage establishment is found to be in non-compliance with any of the conditions herein, on the application or executive orders.

Signature

Date

Notary

Phase I guidelines for Restaurants

This guidance document describes procedures for restaurants, cafeterias, and other food service establishments (herein referred to as “restaurants” or “establishments”) operating and resuming services in a phased approach in accordance with established guidelines. If you have questions, please contact the Center for Food Protection at 401.222.2749 or 401.222.2750.

Summary of Phase I operations

In addition to the sector-specific guidance outlined here, all businesses are required to comply with the phase I general guidance document available at: www.reopeningri.com.

Beginning May 18, and subject to applicable municipal approval(s) relating to outdoor dining, restaurants may begin limited outdoor dining in addition to pick-up, delivery, and drive-through operations. This guidance includes capacity restrictions that will enable the sound and safe implementation of outdoor dining restaurant operations. Establishments are reminded that these guidelines will continue to be updated as additional activities are permitted in future phases of the reopening and in accordance with updates to CDC and Rhode Island Department of Health (RIDOH) regulations and guidance. Establishments should also consult the following resources:

- National Restaurant Association's COVID-19 Reopening Guidance: https://go.restaurant.org/covid19-reopening-guide?utm_source=mkto&utm_medium=email&utm_campaign=covid19-reopening-guidance
- The U.S. Food & Drug Administration's Best Practices: <https://www.fda.gov/food/food-safety-during-emergencies/best-practices-retail-food-stores-restaurants-and-food-pick-up-delivery-services-during-covid-19>
- The U.S. Food & Drug Administration's Reopening Guidance: <https://www.fda.gov/food/food-safety-during-emergencies/best-practices-re-opening-retail-food-establishments-during-covid-19-pandemic>

Guidance for On-Premises Dining

- Dining must be restricted to outdoor dining areas only (indoor dining is not allowed at this time). All indoor dining areas and seating (such as within waiting areas) must remain closed to customers.
- Bar seating and service to standing customers is prohibited. Additionally, establishments should prevent customer access to potential gathering spaces on the premises (e.g. dance floors, courtyards). Customer seating anywhere other than at tables is prohibited
- Capacity is limited to no more than 20 seated tables at any given time, provided that in no instance shall an establishment's seating capacity exceed its normal (previous) seating capacity.
- Individual parties may not exceed 5 people, consistent with existing RIDOH gathering size limits.
- Tables must:
 - Be separated by at least 8 feet;
 - Be at least 6 feet away from areas with regular customer foot traffic (e.g. routes to bathrooms, entrances, and exits). Tables may be closer together provided that physical, non-porous barriers (i.e. plexi-glass, plastic) of an appropriate height (tall enough to fully separate seated customers) are installed between tables, in accordance with standards established by RIDOH.
- Service for outdoor dining requires that reservations be made in advance electronically or by phone (no walk-ins).

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- Establishments should demarcate social distancing spaces in waiting areas and customer flows with tape or paint on the floor as well as signage.
- In order to facilitate social distancing among staff, establishments should consider (1) staggering employee shifts and break times, (2) designating separate work zones for servers, (3) spacing work stations and personnel positioning by 6 ft, when practicable, and (4) eliminating or minimizing the use of shared equipment.
- Establishments should consider designating separate entrances and exits for customers, where practicable, to promote one-way customer traffic.
- Establishments that provide outdoor dining may offer bathroom access to customers with reservations provided that:
 - Establishments make adjustments to promote social distancing within bathrooms (alternating stalls, sinks, etc.), or take other steps as is practicable (including the posting of signage).
 - Establishments clean commonly touched surfaces in restrooms (e.g. toilet seats, doorknobs, stall handles, sinks, paper towel dispensers, soap dispensers) frequently and in accordance with CDC guidelines.
- Upon arriving at the premises for a reservation, the establishment must ensure that parties are directed to their table in a manner that respects social distancing guidelines.
- If access to an outdoor seating area (e.g. a deck or patio) requires walking through the interior of an establishment, this is permitted, provided that the establishment adequately maintains social distancing standards and minimizes the amount of time spent indoors.
- All self-service food stations where meals need to be assembled by the customer (e.g. salad bars and buffets) are prohibited.
- Condiments and similar products (e.g. salt, pepper, and salad dressing) can only be provided via single-servings (e.g. individual packages or cups) unless provided upon request and sanitized between each use.
- Establishments must use one of the following: (1) paper menus that are immediately disposed after use, (2) digital, electronic, whiteboard, or chalkboard menus, or (3) reusable menus that are sanitized after each use.
- Utensils and dishware used for table service must either (1) be disposable and discarded between parties or (2) be removed, sanitized, and replaced between parties. Utensils should be rolled or packaged.
- Self-service drink refills are not allowed. Any drink refill must use clean dishware (sanitized between use) or new.
- Valet services are prohibited.
- Establishments should increase ventilation rates and outdoor air circulation in kitchens and other functional indoor areas (e.g. kitchens, food prep areas), when safe and practicable.
- Outdoor table service is allowed, provided that servers, bussers, and other customer-facing staff minimize time spent within 6 feet of customers.
- Establishments shall maintain an employee work log and retain the names and contact information of individuals placing reservations for a period of at least 30 days and make this information available to RIDOH upon request for the purposes of contact tracing.

Where not specified above, all organizations should follow the general guidance from the Rhode Island Department of Health (RIDOH) and the Centers for Disease Control and Prevention (CDC) regarding gathering sizes and social distancing. Please refer to the Phase I general guidance document for businesses found at <http://www.reopeningri.com/>



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Guidance for Pick-up, Drive-through, and Delivery

Establishments should follow the FDA guidelines for pick-up, drive-through, and delivery operations, found here: <https://www.fda.gov/food/food-safety-during-emergencies/best-practices-retail-food-stores-restaurants-and-food-pick-up-delivery-services-during-covid-19#pickupdelivery>

In addition to applicable guidance for on-premise dining, restaurants providing pick-up, drive-through, and delivery should take the following steps to assist customers with social distancing:

- Encourage customers to place remote orders online or by phone.
- Offer curbside pick-up (i.e. not allowing customers indoors) where practicable.
- Demarcate 6-foot spacing in any lines (e.g. by using tape and/or with signage, rope/belt stanchions, or other methods).
- Demarcate a 6-foot distance between each pick-up or payment location (e.g. counter, table, register).
- Demarcate a 6-foot distance between the waiting line for customers and any pick-up or payment locations.
- Close any waiting areas and demarcate 6-foot spacing for pick-up lines. Establishments may use the non-critical retail guidance (1 customer per 300 sf of floor area) as a rule of thumb for determining how many customers should be allowed in a space at a time for takeout operations.
- Install physical, non-porous barriers (i.e. plexi-glass, plastic) in accordance with standards established by RIDOH at key points of customer interaction (e.g. pick-up areas, payment stations).

Payment

- Establishments should use contactless and/or cashless payment methods where feasible.
- Establishments should encourage staff handling customer transactions to wash their hands with increased frequency.
- To the extent customer contact is required in processing transactions (e.g. entering a pin number, signing a receipt), the establishment should take special measures to ensure contacted areas (e.g. payment devices, pens, cardholders) are sanitized frequently (e.g. after each use).

Screening procedures

- RIDOH requires that establishments screen employees, customers, and visitors entering an establishment. People whose responses to screening questions indicate they are sick, or who show visible signs of illness, must be denied entrance and instructed to isolate. Employers may supplement screening questions with temperature checks. Please review the phase I general business guidance document for more details on screening. Screening of customers and visitors may consist of self-screening as guided by posted signage.
- In addition to screening for COVID-19 symptoms and risk factors as outlined in the general guidance, restaurants should inform customers upon securing a reservation of screening requirements and notify customers that they should not dine at the restaurant if any member of their party does not meet screening standards. This notification can be done by phone, text, email, or verbally.

Face masks and other personal protective equipment

- In furtherance of the requirement that all employees, customers, and members of the general public wear face coverings/masks when social distance cannot be easily, continuously, and measurably maintained, customers are required to wear face masks when entering or exiting the restaurant,



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when in a common area (e.g. hallway or restroom), or when otherwise traveling within or through the restaurant.

Enhanced cleaning and/or disinfecting procedures

- Prior to reopening, an establishment should conduct a thorough cleaning of the facility, including all dining, kitchen, bathroom, and commonly-touched areas.
- Outdoor dining tables fall into the category of frequently touched surfaces, and restaurants must clean each table, chair, and other commonly touched surfaces related to that table in accordance with CDC guidelines, and between parties.
- Establishments must make hand washing facilities (with running soap and water) or hand sanitizer available to all employees and customers. Hand sanitizer should be made available at the establishment's entrances and exits, as well as in dining areas, when practicable.
- Establishments must clean bathrooms, pick-up locations, payment stations, and other commonly-touched or customer-facing areas in accordance with the CDC guidelines documented in the general business guidelines.
- Establishments should remind employees of pre-existing food safety regulations, healthy handwashing practices, and the importance of regular cleaning.

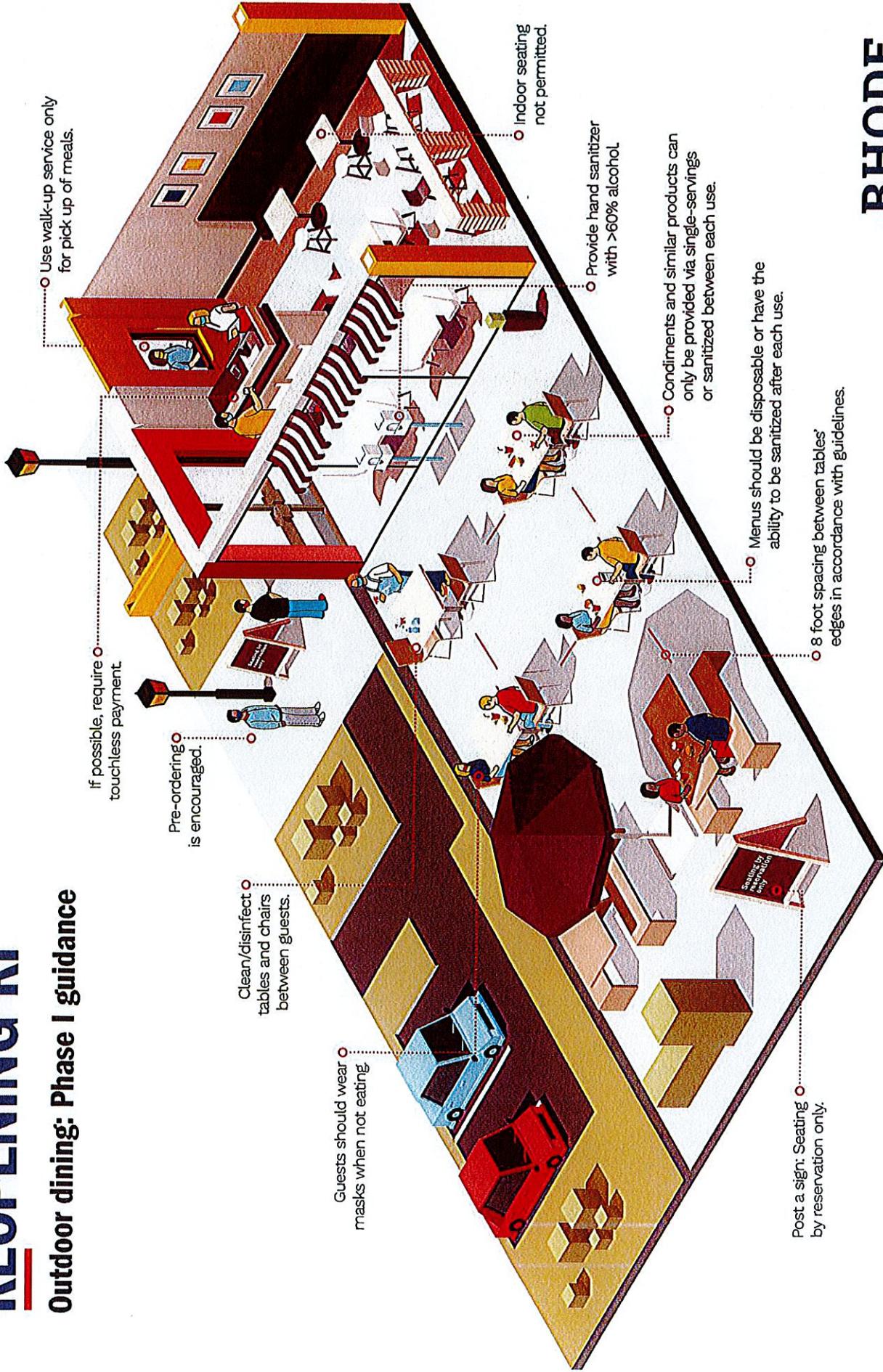
Implementing Guidance

- Establishments must designate an employee to implement and monitor for compliance with social distancing measures, sanitization, and other standards included in this guidance. This employee may be the Food Safety Manager; however, establishments may designate an alternative employee.
- Establishments should institute employee training programs on these standards.
- Establishments should post signage, visible to customers, that communicates expected social distancing, mask wearing, and customer screening policies.



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Outdoor dining: Phase I guidance



RHODE ISLAND

Phase I Outdoor Dining guidance for tent usage

As the State of RI begins to reopen its economy, RI is resuming businesses and social activity on a limited basis while significant restrictions remain in place to protect public health and safety. This includes outdoor dining at restaurants. As such, we have received many inquiries as to the usage of tents. This guidance is meant to provide assistance for the use of tents for outdoor dining.

FIRE CODE

- Adherence to the State Fire Code is required. Particularly, NFPA 1, ch. 25 and NFPA 101, ch. 11
- § 23-28.19-1 Sets requirements for tent licensing
- § 23-28.19-11 Sets regulations for prohibiting smoking within tents
- § 23-28.19-13 Sets requirements for the filling of gasoline appliances used around tents
- § 23-28.19-14 Sets requirements for the survey of tents and the installation and training of necessary fire appliances.
- § 23-28.19-15 Sets requirements for firefighter detail
- § 23-28.19-16 Sets seating requirements

SET UP

- A permit is required from the local licensing authority when tented area exceeds 350 sq. ft.
- A survey of the tent from the local fire authority is required after the tent is erected but before it is occupied.
- The capacity, number, remoteness and travel distance to exits have to be approved by the local fire marshal prior to usage.
- Seating arrangements must comply with the Fire Safety Code, State Guidance for Restaurants, and must maintain a social distancing precautions.
- Tents shall be no closer than 10 feet from any structure or other tent.
- Tents shall not cover more than 75% of the premises.
- Emergency vehicles must be able to reach within 150 feet of any point of the tent's exterior perimeter.
- Existing propane containers must be at least 5 feet from the tent.
- Tents of all sizes must be made of fabric that is flame resistant and tested in accordance with NFPA 701 test method 2.
- The use of tent side walls/side panels is prohibited.
- Lighting and electrical installations must be installed, operated, and maintained in accordance with the State Electrical Code.
- Emergency lighting must be installed and operable.
- Fire extinguishers must be readily accessible and placed within 75 feet of each other. (type 2A; 10BC)
- Tent guy wires and ropes must be at least 7 feet in height.
- Tent stake lines must be least 10 feet apart and installed so as not to present a trip hazard near the exits.

OPERATIONS

- Maximum occupant load sign must be conspicuously posted.

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- Generators, if used, must be at least 5 feet from any tent and barricaded to prevent unauthorized contact. Generators may only be refilled if at least 25 feet from the tent when the public is not present.
- Portable heating units or other propane use must be approved by the fire marshal prior to use.
- No plastic sheeting or combustible decorations are allowed unless tested to NFPA 701 and approved by fire marshal.
- Cooking is not allowed under tents occupied by the public.
- The use and/or storage of flammable/combustible liquids is prohibited under any tent.
- The use of open flame devices is prohibited under any tent.
- Dried out combustible vegetation and/or other combustible materials should be kept to a minimum of 10 feet from the tent.

If you have any questions, please feel free to submit your questions online to the Department of Business Regulation using the web form available at <https://dbr.ri.gov/critical/> or you may call the Department of Business Regulation at 401-889-5550.

Sincerely,
Elizabeth M. Tanner, Director
Rhode Island Department of Business Regulation

