

## **RESOLUTION**

### **RESOLUTION APPROVING TEMPORARY REGULATIONS FOR RESTAURANT AND BAR OCCUPANCY FOR OUTDOOR SEATING DURING THE PENDENCY OF THE COVID-19 PANDEMIC**

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**WHEREAS**, the Governor of the State of Iowa, acting in conformance with Presidential Proclamation that the COVID-19 outbreak in the United States constitutes a national emergency, and upon recommendation from the Iowa Department of Public Health, issued multiple proclamations which closed or restricted many business operations, including food service and bar establishments, to limit the risk of transmission of the virus; and

**WHEREAS**, the Governor has since lifted many of the limitations, which include those on restaurants and food service and bar establishments, in order that such businesses might resume dine-in food and beverage service operations on a limited and restricted basis; and

**WHEREAS**, among the remaining Gubernatorial limitations intended to reduce the risk of transmission of the COVID-19 causing virus are restrictions that significantly limit occupancy and require physical separation of patrons for dine-in food service and bar establishments; and

**WHEREAS**, these occupancy and physical separation limitations create a hardship for food service and bar establishment operators as fewer customers can be served in establishments where dining in and beverage consumption are the primary services; and

**WHEREAS**, there is a public benefit realized when food service and bar establishments are able to operate so as to resume employment of furloughed staff, and increase commerce as they increase purchases from their vendors, whereby these businesses and the employees can generate economic activity to add to the tax base that supports public services while providing another means for families to get food, a life necessity; and

**WHEREAS**, the City of Ankeny has established Regulations in the Municipal Code to regulate the operation of outdoor seating areas for food service and bar establishments; and

**WHEREAS**, the City Council of the City of Ankeny proposes to exercise the authority granted to it by temporarily suspending certain aspects of the Municipal Code as they relate to regulating outdoor seating areas for food service and bar establishments; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Ankeny, Iowa, that certain aspects of the Municipal Code are temporarily suspended or waived as outlined in Exhibit “A”, which is attached hereto and incorporated herein by this reference; and

**BE IT FURTHER RESOLVED** as follows:

1. That the application processes for outdoor seating areas for outdoor service areas serving alcoholic beverages as set out in the Municipal Code of the City of Ankeny shall continue to be required; and
2. Permanent fencing requirements for outdoor service areas, as outlined in Section 135.07 of the Municipal Code of the City of Ankeny is temporarily suspended in lieu of appropriate temporary fencing and subject to the alcohol permit licensing requirements of the State of Iowa; and
3. That the enforcement of the Section 194 of the Municipal Code of the City of Ankeny as it pertains to the provision of parking spaces for food service and bar establishments are temporarily suspended for the duration of this Resolution; and
4. That in conjunction with this Resolution, temporary closures of parts of City public right-of-way, consisting of designated portions of sidewalk, adjacent to, or in front of, a food service or bar establishment that has applied for and obtained the necessary permits for a temporary expanded outdoor seating area, are hereby granted for the duration of this Resolution subject to the execution of a waiver of liability; and
5. That the City Manager’s Office, Community Development Department, Public Works Department, City Clerk, Police Department, Fire Department and other Departments as deemed necessary, are authorized to review applications and site plans, and take further administrative and ministerial actions to implement this Resolution; and
6. The Resolution will extend until 30 days after the State and local official lift COVID-19 occupancy restriction for food service and bar establishments.

**PASSED AND APPROVED** this 6<sup>th</sup> day of July, 2020.

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Gary Lorenz, Mayor

**ATTEST:**

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Denise L. Hoy, City Clerk