

TEMPORARY RULES FOR OUTDOOR DINING

The following emergency rules shall apply for outdoor dining within the city limits of Huntington:

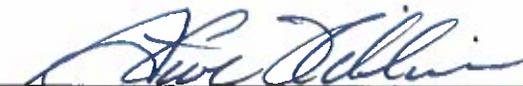
- I. **Effective Date And Sunset.** These rules become effective on the date that the Governor of the State of West Virginia declares to be the date that outdoor dining is permitted. Sunset, or repeal of these rules, shall take place upon the date that the Governor declares that indoor dining is permitted, or at such time as the Mayor withdraws these emergency rules.
- II. **Effect Of Codified Ordinances And State Law.** This declaration of emergency rules shall not permanently affect or repeal any requirements of the codified ordinances addressing outside dining set forth in Chapter 1340 of the City of Huntington Codified Ordinances. It shall act only as a temporary respite from enforcement so as to permit restaurants that have not previously obtained outdoor dining permits to provide the service pending either receipt of such permit or repeal of these emergency rules. Further, this declaration does not affect any applicable state law or legislative rule regarding the service and preparation of food. All applicable laws, rules and directives of the West Virginia Alcoholic Beverage Control Administration (WVABCA) shall apply to determine whether alcoholic beverages may be served in an outdoor dining setting. Further yet, the declaration does not affect any requirement that a restaurant comply with existing health laws or regulations. This declaration does not supersede or affect any social distancing or other protective requirements in effect in the State of West Virginia.
- III. **Compliance With Americans With Disabilities Act, State And Local Building And Fire Codes.** Any restaurant choosing to provide outdoor dining under this declaration shall comply with all applicable provisions of the Americans with Disabilities Act, and state and local building codes. Outdoor dining on the municipal right of way shall be limited to sidewalks. Tables, chairs and other equipment shall be located so as to provide open ingress to and from the building as well as along the outer area of the sidewalk. At least forty-eight inches of the outer sidewalk shall remain open for travel.
- IV. **Submission Of Plan; Approval Of Plan; Issuance Of Permit.** Any restaurant seeking to commence outdoor dining under this declaration shall submit a plan for the location of outdoor dining to the City of Huntington Business Liaison office (Phone No. 304-696-5540 ext. 2315, email: pells@huntingtonwv.gov). The plan need not be in any specific form, but should at a minimum show the location and number of tables, along with the size of the space to be used. Plans should account for social distancing requirements. If a plan does appear to be in compliance with this directive, and it appears to observe the necessary social distancing and other protective requirements of the State of West Virginia, it shall be approved on the day that it is submitted if it is submitted prior to 12:00 noon. A permit shall be issued with approval in the form of an

email from the appropriate municipal official. Said email may be used by the business owner as proof of authority to provide outdoor dining services during the period that this declaration is in effect. The permit shall be issued at no cost to the owner.

- V. Inspections; Repeal Of Permit.** If a provider of outdoor dining services fails to comply with any provisions of this declaration, any provision of applicable state law, or any social distancing or other protective directives applicable to the COVID-19 pandemic, the permit shall be revoked, and the provider may be subject to the penalties applicable for violating Chapter 1340 of the Codified Ordinances or other applicable provisions of law.
- VI. Qualification For Issuance.** In order to qualify for a permit hereunder, the applicant must have a current City of Huntington business license and shall possess a permit for the retail service of prepared food from the Cabell Huntington Health Department.
- VII. Service Of Alcoholic Beverages Not Included.** The City of Huntington does not have the authority to waive or otherwise relax the requirements of the WVABCA with respect to the outdoor service of alcohol. Therefore, any service of alcohol in an outdoor setting is subject to the laws and rules of the WVABCA, and such laws and rules are subject to enforcement notwithstanding anything set forth herein.

EFFECTIVE UNTIL RESCINDED.

This 30th day of April, 2020.



STEVE WILLIAMS, MAYOR
CITY OF HUNTINGTON