



*City of East Providence
Office of the Mayor*

**SUPPLEMENTAL DECLARATION OF MUNICIPAL EMERGENCY
EXECUTIVE ORDER 2020-027
MAY 13, 2020**

WHEREAS, on March 9, 2020, Governor Gina M. Raimondo declared a state of emergency due to the dangers to health and life posed by COVID-19; and

WHEREAS, on March 15, 2020, Mayor Roberto L. DaSilva, issued Executive Order 2020-004 declaring a state of municipal emergency within the City of East Providence due to the outbreak of COVID-19; and

WHEREAS, the East Providence City Council ratified the Declaration of Municipal Emergency at a meeting on March 17, 2020 and authorized its extension through May 19, 2020; and

WHEREAS, the number of persons testing positive for COVID-19 in Rhode Island has begun to stabilize; and

WHEREAS, on May 8, 2020, Governor Raimondo issued Executive Order 20-32, which allows for on-premises consumption of food or drink in outdoor portions of a licensed premises as determined by a municipality in accordance with regulations set by the Department of Business Regulation (DBR); and

WHEREAS, for the wellbeing of the residents of the city, East Providence may now begin to reopen its restaurants under the restrictions, outlined herein, in order to maintain the health and safety of all the city's residents and to help alleviate the economic burden due to the COVID-19 pandemic.

NOW, THEREFORE, I, Mayor Roberto L. DaSilva, by virtue of the authority vested in me as the Mayor of the City of East Providence, pursuant to the Rhode Island General Laws and the Home Rule Charter of the City of East Providence, do hereby order and direct the following:

Section 1: *Outdoor Dining Permit*

All licensed restaurants possessing a valid victualing licenses from the City of East Providence shall be eligible to apply for an emergency "COVID-19 Emergency Outdoor Dining Permit" from the City of East Providence as found at <https://eastprovidenceri.viewpointcloud.com/categories/1072/record-types/6338>

A COVID-19 Emergency Outdoor Dining Permit shall not be issued until approved by East Providence's building official, zoning enforcement officer, and fire marshal in accordance with any state or local ordinance, rule, emergency order, or regulation.

There shall be no fee imposed or charged to the applicant for submission or issuance of a "COVID-19 Emergency Outdoor Dining Permit."



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The City's off-street parking requirements as set forth in Section 19-284(37) are suspended to allow for an "outdoor seating/service" area as defined herein.

For purposes of this executive order, an "outdoor dining/service area" is defined as that exterior portion of a victualing licensee holder's physical structure in which the licensee intends to offer outdoor dining/service and beverage as a result of the COVID-19 Pandemic.

All applicants seeking a COVID-19 Emergency Outdoor Dining Permit shall submit a site plan/drawing for the "outdoor dining/service area" which shows the proposed area including the location and approximate dimensions of the proposed "outdoor seating/service area" and any remaining onsite parking, if any.

Any applicant seeking the use of an outdoor tent in their "outdoor dining/service area" must comply with all the requirements as set forth in the Rhode Island Department of Business Regulation Phase I Outdoor Dining Guidance for Tent Usage as updated and found at dbr.ri.gov and attached hereto.

Any designated "outdoor dining/service area" must be adjacent to the victualing licensed facility. If the designated "outdoor dining /service area" is owned or controlled by an entity that is different from the license holder, the licensee shall present sufficient written documentation evidencing permission from the owner/controller for use of the premises for an "outdoor dining/service area."

All service in the "outdoor dining service/area" shall be allowed to operate between the hours of 7 a.m. and 10 p.m.

An "outdoor dining/service area" shall be allowed on an adjacent sidewalk area as long as said area does not extend beyond the total frontage of the building and there shall be a minimum of three-feet, six inches (3', 6") -wide unobstructed passageway to allow for pedestrian traffic.

The "outdoor dining/service" area shall not have greater capacity than what is permitted for the interior.

All outdoor entertainment is prohibited unless a separate license is obtained.

Section 2: Service of Alcoholic Beverages

The service of alcoholic beverages in the exterior of a previously permitted area by the City of East Providence shall be allowed to be expanded on a temporary basis to an "outdoor dining/service area" upon application, without fee, to the City Clerk pursuant to Section 8-49 of the Code of Ordinances.

The City Clerk shall issue said license for no additional fee to remain valid only during such time this order is in effect.

All statutes, rules, regulations and local ordinances related to the sale and service of alcoholic beverages shall be adhered to and subject to the same conditions, including the right to suspend/revoke said license after hearing, in accordance with City of East Providence's Code of Ordinances.



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All service of alcoholic beverages in the “outdoor dining service/area” shall be allowed to operate between the hours of 11:30 a.m. and 10 p.m.

The holder of a “COVID-19 Emergency Outdoor Dining Permit” must adhere to any and all executive orders issued by the Governor of the State of Rhode Island, directives of the Rhode Island Department of Health, the Rhode Island Department of Business Regulation, any other local order, ordinance, or emergency order of the City of East Providence as may be promulgated or amended from time to time during this pandemic. Failure to do so may result in the revocation of said permit with notice by the City of East Providence.

This Order shall take effect May 18, 2020 and remain in full force and effect until the expiration or rescission of Executive Order 2020-004 declaring a state of municipal emergency within the City of East Providence.

So Ordered:

A handwritten signature in black ink, appearing to read "Roberto L. DaSilva", is written over a horizontal line.

Roberto L. DaSilva
Mayor



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Rhode Island Department of Business Regulation - Phase I Outdoor Dining Guidance for Tent Usage

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. 05.12.20
- 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.



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- 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.