



August 4, 2020

Guidelines For Outdoor Restaurant Seating During COVID 19

- **Sidewalk Use**

- A portion of public sidewalk may be used for business upon issuance of a Temporary Use Permit as provided for in Kelso Municipal Code Section 17.22.060 and as summarized below.
- Such permits may be granted only to the holder of a current business license to conduct business in the abutting commercial building and as an extension of said business beyond the front wall of such commercial building and onto the sidewalk area.
- In the event that there are more than one holder of current business licenses to conduct business within the abutting commercial building, separate sidewalk business licenses may be granted for the occupancy of the sidewalk; in the event that more businesses seek such sidewalk business licenses than the sidewalk can accommodate, the owner/manager of the building containing such businesses shall designate in writing which of such businesses may be granted sidewalk business licenses, and such designation shall be final and binding on the city in granting such sidewalk business licenses.
- No sidewalk business license shall be issued for a sidewalk where the adjacent street speed limit is more than 30 miles per hour.
- The area permitted to be used in connection with a sidewalk business license shall comply with the provisions of KMC 17.22.210 (display of signs) except when the abutting business of the licensee is open for business and for one-half hour prior to the opening and one-half hour after the closing thereof. During such time, the area of the sidewalk permitted to be used to conduct business under the terms of a sidewalk business license may contain tables, chairs, benches, umbrellas, awnings, display racks, decorative items such as plants, pictures, and works of art, as well as freestanding signs.
- Within the area of any sidewalk permitted to be used under a sidewalk business license, it shall be lawful to advertise, display, and sell goods and merchandise, services, and to serve and for customers to consume food and beverages. Except as permitted by the Washington State Liquor Control Board, no alcoholic beverages shall be served or consumed within such area.
- All licensees of sidewalk business licenses shall, prior to being granted such license, enter into an agreement with the city of Kelso in which they agree to indemnify and hold the city free and harmless from all liability



August 4, 2020

Guidelines For Outdoor Restaurant Seating During COVID 19

arising by reason of their use and/or occupancy of the sidewalk for such purposes, and at all times during the duration of such license, shall maintain public liability and property damage insurance in an aggregate amount of not less than \$1,000,000 per incident, naming the city of Kelso as a co-insured.

- All licensees shall comply with all relevant regulations of the Cowlitz County health department, and shall keep and maintain the sidewalk area covered by such sidewalk business license in a clean, neat and safe manner at all times.
- A minimum area shall be reserved for pedestrian use not less than four feet in width, and shall be within the area between the curb and building, and shall be for the entire width of the building. Such pedestrian area shall be maintained free and clear of all obstructions at all times, and shall allow for a continuous walkway along the entire front of the building, connecting with pedestrian walkway areas on both ends thereof.
- Landscaped areas and areas containing trees and the dirt areas around such trees shall not be disturbed or used in connection with sidewalk business activities, and shall not be designated as the area reserved for pedestrian use.
- Area of sidewalk used by a business may be expanded to adjacent sidewalk areas in front of adjoining businesses with a signed letter of agreement for use signed by the property owner or tenant occupant.
- Table umbrellas that provide 7 foot of clearance from grade to the lowest edge of the umbrella fabric are permitted on sidewalks.
- Tents and/or canopies are not permitted on the sidewalk or in the on-street parking spaces.
- Entrances and exits from buildings must be maintained free and clear of obstructions.
- **Public Municipal Parking Lot Use for Restaurant Seating**
 - Use of municipal parking lots are subject to the Special Event Process provided for in Kelso Municipal Code Section 12.24.
- **Private Parking Lot Use for Restaurant Seating**



August 4, 2020

Guidelines For Outdoor Restaurant Seating During COVID 19

- Private parking lots associated with a business may be used for outdoor seating
- Use of enclosed tents, single or aggregate, over 400sf in area require review by the Fire Marshal and issuance of a fire/life safety permit
- Use of unenclosed tents (canopies), single or aggregate, over 700sf in area require review by the Fire Marshal and issuance of a fire/life safety permit
- Entrances and exits from buildings must be maintained free and clear of obstructions.
- **Washington State Liquor & Cannabis Board**
 - If you are expanding liquor serving areas to outside your current business or if you are expanding established outdoor serving area(s) you will need to update your license with the Liquor & Cannabis Board. Additional guidance can be found at: https://lcb.wa.gov/covid19/covid-19_alcohol_licensee_guidelines. Once you have completed the update form email it to liquoralterations@lcb.wa.gov.

Approvals and permits issued by the City of Kelso for the establishment of outdoor restaurant seating does not authorize any activity in violation of any law, expressly including the Governor's Emergency COVID-19 Proclamations and related Guidance Memoranda. Information about the Governor's Proclamations and Guidance Memoranda can be accessed on-line at: <https://coronavirus.wa.gov/what-you-need-know/safe-start>.