City of Cincinnati

Mayor John Cranley

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Joint Emergency Order

11. Outdoor Dining and Social Distancing

Pursuant to Article III of the Cincinnati Charter, Article XVIII of the Administrative Code of the City of Cincinnati, and in furtherance of orders issued by the Governor of Ohio and the Ohio Department of Health, it is hereby ordered that certain City requirements for outdoor dining areas and right-of-way occupancy be temporarily suspended or modified so that the City Administration may immediately institute temporary health measures to expand outdoor dining options during the COVID-19 pandemic.

In administering this order, the City Administration shall consult with the Cincinnati Department of Health to establish guidelines for the review and approval of applications for temporary outdoor dining areas. Approvals may be granted only in such areas and under conditions that the City determines will be protective of outdoor diners and bar patrons, maintain sidewalk accessibility, take into account transportation circulation needs, and ensure ongoing access for emergency vehicles and first responders. To be eligible for temporary outdoor dining relief, restaurants and bars must comply with applicable City and state health orders (whichever is more protective of the public health) – including strict adherence to social distancing, face covering, and other safety requirements for restaurants released by the State of Ohio in connection with the reopening of outdoor dining effective May 15, 2020.

It is hereby ordered that the City Administration may temporarily suspend or otherwise relax local permit requirements for outdoor dining areas including, without limitation, under Chapters 718, 721, and 723 of the Municipal Code, the Zoning Code, and the Land Development Code. The City Manager is hereby authorized to take such

action as is reasonably necessary to maintain order in the implementation of this public health directive, including, without limitation, temporarily restricting access of the traveling public (*e.g.*, automobiles) from portions of the right of way.

The City Administration is further authorized to take reasonably necessary steps consistent with this order to allow for use of private property under control of an applicant for temporary expansion of outdoor dining opportunities at existing restaurants.

The City Administration shall first implement this order as a pilot program that will enable the City to start immediately to gain experience processing applications, evaluating traffic safety and circulation needs, and developing safe public health practices in relation to the outdoor dining program. This order authorizes temporary, revocable permissions to operate outdoor dining areas. This order does not create a private right to occupy the public right-of-way or diminish the City Manager's authority to oversee and manage the use public right-of-way in the City's best interests.

This order is based upon the existence of a condition of public danger and emergency associated with the COVID-19 pandemic, as established by the Mayor's Declaration of Emergency. By City Charter and in accordance with Section 7 of Article XVIII of the Cincinnati Municipal Code, the City Administration is authorized to exercise whatever powers and authority are necessary in order to carry out this order.

This order and the permissions granted pursuant to this order shall remain in effect until the later of 90 days from issuance or upon the expiration of the Mayor's Declaration of Emergency for the COVID-19 pandemic.

Mayor John Cranley	Commissioner Melba Moore
5/12/2020	5/12/2020
Date	Date