

THE CITY OF NEWPORT

**RESOLUTION
OF THE
COUNCIL**

No.

WHEREAS, subsequent to pandemic restrictions on indoor dining, the City of Newport began allowing restaurants on Broadway to use the parking lane for outdoor dining; AND

WHEREAS, this additional outdoor dining space has been successful for the businesses of Broadway and has helped them weather the pandemic; AND

WHEREAS, the public has had an overwhelmingly positive response to the additional outdoor dining; AND

WHEREAS, the City Council held a workshop on April 20, 2022, to discuss the options for continuing the expansion of outdoor dining and allow our local businesses to use a portion of the parking lots for dining in exchange for a fee and with a uniform design and appearance; AND

WHEREAS, this usage will now be referred to as “street cafés”; NOW, THEREFORE BE IT

RESOLVED, that the City Council endorses concept of street cafés on Broadway as seasonal outdoor dining by restaurants in exchange for a fee to the City; AND BE IT FURTHER

RESOLVED, that the City Council directs the City Solicitor to review and give recommendations on the attached proposed ordinance to regulate and permit street cafés

JAMIE BOVA
CHARLES M. HOLDER, JR.
LYNN UNDERWOOD CEGLIE
ANGELA MCCALLA
JEANNE-MARIE NAPOLITANO

IN COUNCIL
READ AND PASSED

Laura C. Swistak
City Clerk

STREET CAFES

For the purposes of this chapter, "street café" means any area situated on a public street that is designated for public parking where food, refreshments, and/or beverages are sold by a restaurant, delicatessen, ice cream shop, or coffee shop (hereinafter "operating establishment") for public consumption at tables located in the parking spaces fronting the operating establishment. Street Cafes shall operate only as authorized pursuant to this chapter.

Permit Required.

A. A person or business shall not construct, maintain, use, or operate a street café without first obtaining a permit as provided in this chapter.

B. An application for a street café permit shall be made to the city clerk's office on forms provided by the city clerk. The city clerk shall transmit the applications to the city council for approval at the next council meeting. The application shall be made by the operating establishment.

C. A street café permit shall be for a six (6) month period from May 1st to October 31st. The holder of the permit shall pay a seasonal fee of fifteen hundred dollars (\$1,500) per space. The annual fee shall be paid with the original permit application and with the request for renewal of permit.

Standards.

A. Street cafes shall be permitted only on Broadway, extending from the intersection of Gould Street to the intersection of Farewell Street.

B. Operating establishments with a street café permit are not allowed to operate a sidewalk café permit at the same location.

C. All street cafés must adhere to ADA regulations.

D. The holder of a street café shall fully insure, indemnify, defend and hold harmless the city and, in their capacity as such, the officers, agents, and employees thereof from and against all claims and damages in any way arising out of or through the acts or omissions of the permit holder or its employees in the construction, operation, maintenance, use, placement or condition of the street café. An applicant for a street café shall provide proof of such insurance before a permit may be issued or renewed under this chapter.

E. A street café shall close, and all café seating shall be removed from or stacked away in the street café area no later than eleven p.m. The café area shall be cleared of all obstructions, trash and swept clean of litter, cigarette butts, and other debris no later than midnight.

F. An operating establishment shall not sell, serve, or allow consumption of alcoholic beverages on its street café without receiving the required license from the board of license commissioners. Alcoholic beverages shall be served on the street café only in conjunction with the service of food. Notwithstanding any contrary or different hours of operations in its alcoholic beverage license, and operating establishment shall not sell, serve, or allow consumption of alcoholic beverages on its street café after the street café's closing time.

G. The following are prohibited in the street café area: cooking of food, unshielded trash or refuse storage, advertisements (exclusive of menus from the café intended to be read); outdoor entertainment, music, speakers, or public address systems; and exclusively carry out transactions.

H. A street café shall comply with all applicable building, health, safety, fire, zoning, and environmental standards.

I. Safety Barriers - All street café areas will use white water or sand-filled jersey barriers to guard against vehicular penetration. The barriers will be purchased by the operating establishment. The barriers may be covered with planter boxes so long as all establishments follow the same guidelines.

J. Street cafés will be allowed to use umbrellas for protection against the weather. Tents, igloos, or any other coverage is prohibited. Propane or electric heaters may be used to keep patrons warm.