



1609 State Street • Bettendorf, Iowa 52722-4937 • (563) 344-4000

May 26, 2020

RE: *Temporary Use of Outdoor Areas*

Dear Restaurant Owner,

In light of the current COVID-19 situation and guidelines restricting restaurants to limit the number of customers present in indoor and outdoor spaces to fifty percent (50%) of normal operating capacity to ensure social distancing, the City of Bettendorf recently passed a resolution allowing restaurants, upon application and approval, the temporary use of outdoor areas. A copy of Resolution 178-20 and an application for a permit are enclosed herewith. The \$10 permit fee has been waived at this time.

If you are interested in obtaining a permit for the temporary use of outdoor areas, please return the completed application along with the requested documentation as stated in items 1 – 6 of the resolution to the office of the City Clerk, 1609 State Street, Bettendorf, IA 52722 or mspencer@bettendorf.org.

If you have any questions regarding the above or the attached, please feel free to contact me.

Sincerely,

Decker P. Ploehn
City Administrator
563-344-4007
dploehn@bettendorf.org

RESOLUTION 178 -20

**RESOLUTION ALLOWING RESTAURANTS THE TEMPORARY
USE OF OUTDOOR AREAS**

WHEREAS, on March 9, 2020, Governor Reynolds declared a state of public health emergency exists due to the COVID-19 pandemic;

WHEREAS, the Mayor of the City of Bettendorf is granted powers in emergency circumstances, and first enacted such powers on March 16, 2020 (Order #2020-1) based upon the COVID-19 pandemic;

WHEREAS, Governor Reynolds is now phasing in new guidelines to reopen businesses, and has determined that restaurants may reopen in Scott County but must limit the number of customers present in indoor and outdoor spaces to fifty percent (50%) of normal operating capacity to ensure adequate spacing of grouping;

WHEREAS, such restaurants are also required to ensure at least six feet of physical distance between each group, or individual dining alone, along with other requirements;

WHEREAS, in certain situations a restaurant is unable to achieve 50% operating capacity while also ensuring its customers six feet of physical separation;

WHEREAS, the City Council desires to support and assist Bettendorf restaurants so that they may achieve the allowed percentage of operating capacity.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Bettendorf that restaurants, upon approval of an application by the City Administrator, will be allowed to obtain a temporary permit to place tables, chairs, structures and other permitted items in designated parking spaces, sidewalks, public right-of-way, private property (with permission from property owner), or other areas adjacent to their establishments (a "Permitted Area") in order to achieve the allowed percentage of operating capacity (50% as of May 19, 2020) while meeting social distancing requirements, in accordance with the following conditions:

- (1) The Applicant must provide to the City all requested information to allow the City to analyze the application including, but not limited to, (a) the full operating capacity of the restaurant, (b) a drawing or plan for use of outdoor spaces to achieve the percentage of operating capacity allowed by the Governor, (c) the type of tables, chairs, structures and other items in the area, (d) the specific outdoor area proposed, (e) written permission from property owner, if applicable, and (f) if alcohol sales are proposed for Permitted Area, a copy of approval from the State of Iowa Alcoholic Beverages Division.
- (2) To the extent the Permitted Area will be on City property, the Applicant will be required to sign a release and indemnification agreement releasing and indemnifying the City from personal injury and property damage liability resulting from the use of the Permitted Area, along with proof of adequate insurance and a requirement that the City be named as an additional insured on such policy;

- (3) Alcoholic beverages may only be served or consumed in the Permitted Area if the service is in compliance with the Applicant's liquor licenses as approved by the State of Iowa Alcoholic Beverages Division ("ABD") or otherwise allowed by law; for avoidance of doubt, the Applicant must obtain ABD approval of any new or expanded outdoor service area, and the City's approval of a temporary permit to use outdoor areas does not eliminate the requirement to obtain ABD approval.
- (4) The approved Applicant shall not operate in times, dates and areas outside the scope of the permit approved by the City.
- (5) The Applicant shall comply with International Fire Code requirements, and shall provide all necessary information to enable the Fire Chief, Fire Marshal, or a designee the ability to determine compliance with the International Fire Code.
- (6) A temporary permit to operate in an outdoor space may be revoked by the City upon a finding by the City Administrator that the business has violated any terms of the Permit, that the allowed temporary use causes a health or safety risk, or that a city ordinance or state or federal law has been violated.

BE IT FURTHER RESOLVED by the City Council of the City of Bettendorf, that the City Administrator is hereby authorized and directed to develop guidelines and regulations, including the ability to waive required parking requirements, related to allowing the placement of tables, chairs, structures, and other permitted items in a Permitted Area which are consistent with this Resolution.

This Resolution shall expire at 11:59 p.m. on October 31, 2020, by order of the Mayor in the event an order or proclamation of Governor Reynolds renders this Resolution ineffective or contrary to City interests, or as earlier terminated by the City Council.

Passed, Approved and Adopted this 19th day of MAY 2020.



Mayor Robert S. Gallagher

Attest:



Decker P. Ploehn, City Clerk



Bettendorf Fire Rescue
1609 State Street • Bettendorf, IA 52722
(563) 344-4125 • tsaid@bettendorf.org

APPLICATION FOR PERMIT

The City of Bettendorf has adopted the 2015 edition of the International Fire Code as its fire prevention code. Section 105.1.1, as amended by the City of Bettendorf provides a list of activities, operations, practices or functions for which it is necessary to obtain a permit from Bettendorf Fire Rescue.

Section 10-7-3 of the City of Bettendorf Municipal Code and section 105.1.1 of the International Fire Code require a fee of \$10.00 to be paid for each permit that is required. Each individual activity requires a separate permit.

Date of Application Location where activity will occur and proposed date(s) (& time, if applicable)

Applicant's Name Applicant's Phone Number

Applicant's Address

The above named applicant hereby requests permission to conduct the following activity at the indicated location. (Attach additional page(s) as necessary)

Multiple horizontal lines for providing activity details.

I hereby acknowledge that I have read this application, that the information given is correct, and that I am the owner, or have been duly authorized to act on the owner's behalf and as such hereby agree to comply with the applicable requirements of the fire code, City of Bettendorf Municipal Code and the Iowa Administrative Code.

Signed Title Date