

RESOLUTION No. 2021-

***DELEGATION OF AUTHORITY TO CITY ADMINISTRATOR
TO ISSUE TEMPORARY OUTDOOR DINING PERMITS***

BY:

Council Chairman Kenny Tompkins
Council Member William Kennedy II
Council Member John Spanbauer
Council Member Frank Soda
Council Member Christopher Voccio
Council Member Frank Soda

WHEREAS, in response to the COVID-19 pandemic, Governor Andrew M. Cuomo issued Executive Order 202, declaring a state of disaster emergency on March 7, 2020, which imposed strict social distancing restrictions across the State; and

WHEREAS, on March 16, 2020, Governor Cuomo issued Executive Order 202.3, restricting all on-premises consumption of food and beverage at eating and drinking establishments statewide, and later, on March 20, 2020, the Governor issued Executive Order 202.6, which directed all non-essential businesses to close in-office personnel functions; and

WHEREAS, the effects of COVID-19 and the response thereto have had a devastating effect on the local food and beverage industry; and

WHEREAS, as it appears that the statewide spread of COVID-19 is significantly decreasing, Governor Cuomo announced on April 26, 2020 that the State would begin a

Kennedy _____ Sp~~an~~baueroda _____ Tompkins~~an~~bauer _____ Soda _____ Voccio _____
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phased approach, using a data-driven, regional analysis, to reopen its industries and businesses; and

WHEREAS, on June 3, 2020 Niagara County entered Phase 2 of the reopening process, providing for the resumption of outdoor and take-out/delivery food services, so long as certain conditions, including social distancing, are maintained to prevent the spread of the coronavirus; and

WHEREAS, the Niagara Falls City Council approved resolution 2020-34 on June 17, 2020 to authorize an expedited process to approve temporary outdoor dining in order to allow local businesses to operate according to the Governor's orders; and

WHEREAS, resolution 2020-34 expired on November 30, 2020 but the COVID-19 emergency is ongoing and local businesses are unable to open indoor dining at full capacity; and

WHEREAS, the City Council wishes to support local businesses and allow them to operate as permitted by the Governor's order.

NOW, THEREFORE, BE IT RESOLVED that the Niagara Falls City Council hereby orders that the City Administrator is authorized to accept, review and either approve or deny applications from local businesses that wish to apply for temporary outdoor dining permits so they can offer outdoor seating/dining service during the declared emergency, and be it further

RESOLVED that the City Administrator is hereby authorized to accept, review and either approve or deny applications from local businesses that wish to apply for

temporary permits to use public areas, including the City rights-of-way, for outdoor seating/dining service during the declared emergency, and be it further

RESOLVED all applications for temporary outdoor dining permits must meet all applicable state and local building and safety guidelines, regulations and recommendations, including those in the attached Interim Guidance from the New York State Department of Health, and be it further

RESOLVED that as it specifically related to the sale, service and consumption of alcoholic beverages in areas approved for temporary outdoor dining, the same is permitted provided that it is done in accordance with State regulations, and

BE IT FURTHER RESOLVED that all temporary outdoor dining permits issued pursuant to this resolution will expire on November 30, 2021 or as soon as the State of New York eliminates social distancing regulations, whichever first occurs.

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