



**CITY OF NORMAN, OK
CITY COUNCIL BUSINESS & COMMUNITY AFFAIRS
COMMITTEE MEETING**

**Municipal Building, Executive Conference Room, 201 West Gray, Norman,
OK 73069**

Thursday, November 04, 2021 at 4:00 PM

AGENDA

It is the policy of the City of Norman that no person or groups of persons shall on the grounds of race, color, religion, ancestry, national origin, age, place of birth, sex, sexual orientation, gender identity or expression, familial status, marital status, including marriage to a person of the same sex, disability, retaliation, or genetic information, be excluded from participation in, be denied the benefits of, or otherwise subjected to discrimination in employment activities or in all programs, services, or activities administered by the City, its recipients, sub-recipients, and contractors. In the event of any comments, complaints, modifications, accommodations, alternative formats, and auxiliary aids and services regarding accessibility or inclusion, please contact the ADA Technician at 405-366-5424, Relay Service: 711. To better serve you, five (5) business days' advance notice is preferred.

CALL TO ORDER

AGENDA ITEMS

- 1. DISCUSSION REGARDING STREETERIES IN DOWNTOWN NORMAN.**

ADJOURNMENT



Streateries

BACA

November 4, 2021

Background

Item 1.

- Across the country, cities are getting creative to help small businesses impacted by COVID-19 restrictions
- A number of cities have been utilizing parking lots/spaces to extend the dining areas for restaurants
 - Allows for spacing
 - Additional capacity
 - Fits in well with current CDC requirements related to masking



Background - Norman

Item 1.

- In Norman, the Mayor issued Proclamation 2020-08 in allowing for Temporary Outdoor Expansion Permits on September 11, 2020; amended in November 2020 to extend program to March 1, 2021. Expired without any applications.
- Allowed a restaurant or bar meeting certain requirements to operate in the adjacent public ways and private parking lots
- Eligibility:
 - Operation of a permanent location within the City limits
 - Current Health Dept, ABLE, City permits
 - General liability insurance to fully indemnify City (GTCA); City named as additional insured.



Background - Norman

Item 1.

- Design and Operation:
 - Limited to immediate adjacent sidewalk, on-street parking and/or private parking lot.
 - Enclosed by physical barrier approved by the Director of Public Works and sufficient to separate service area from ROW and deny non-customers.
 - Access into and around the area must be ADA compliant



Background - Norman

Item 1.

- Application
 - Sketch of proposed expanded service area with dimensions
 - Description of physical barrier to be used to separate the adjacent expanded service area from the ROW or private parking area.
 - Reviewed and approved by CM or his designee after review by Planning, Public Works and Police Chief



Approaches Seen in Other Cities

Item 1.



Approaches Seen in Other Cities

Item 1.



Approaches in Other Cities

Item 1.



Approaches in Other Cities

Item 1.



Approaches in Other Cities

Item 1.

City of Tampa, Florida Lift Up Local Plan

- Off-site private parking spaces (if immediately adjacent to applicant)
- Required on-site parking spaces
- Sidewalks
- Parklets (on-street parking spaces)
- General Requirements
 - Protect handicapped spaces and pedestrian flow (6 feet)
 - Protect access to public utilities, building entrances, crosswalks, bus stops and transient entrances
 - Pedestrian and traffic safety; and
 - Aesthetic compatibility with surrounding area
 - Temporary, removable barriers; temporary surface materials



Approaches in Other Cities

Item 1.

- Boulder, CO; Ft. Collins, CO; Stillwater, OK
- Temporary Outdoor Expansion in public ROW and private spaces allowed for a number of commercial uses (restaurants, retail, office, personal service, etc.)
- Revocable permits required - issued by Staff - evaluated based on:
 - Public health, safety, welfare impacts
 - Balance of needs of commercial uses to have an economically viable use with needs of surrounding property owners
 - Adequate access through the area
 - Term of permit; hours of operation
 - Immediately adjacent to place of business (ABLE rule)



Approaches in Other Cities

Item 1.

- Edmond, Oklahoma
 - Purpose: to create efficient uses of urban space, provide attractive additions to local streetscapes, invite people to sit and stay in public spaces, enhance walkability, and encourage business participation in a vibrant streetscape.
 - Permanent program; lots of participation
 - Each design element contains requirements and gives additional options
 - Applications reviewed by Planning Department



Approaches in Other Cities

Item 1.

- Edmond Design Elements
 - Footprint: maximum of 3 parking spaces in front; maintain 5 foot pedestrian pathway
 - Barriers: barriers that meet ASTM 3016 standards (bollards); at least 3 feet from nearest edge of travel lane; perimeter barriers
 - Decking/Surface: Maintain ADA accessibility; flush with curb; durable materials



Approaches in Other Cities

Item 1.

- Edmond Design Considerations
 - Streatery elements shall not be within 5 feet of and should not hinder access to a fire hydrant; not located over manhole, public utility valve, or cover; cannot impede drainage
 - Furniture for outdoor use
 - Allow use of space during off-hours
 - Other helpful items:
 - Identifies acceptable types of lighting, shading, heating, flooring, walls, planters, furniture



Issues to Consider

Item 1.

- Involve businesses in different areas to help spot barriers to participation
- Safety
 - Accessible pedestrian access
 - Dining Areas must be protected from traffic



Issues to Consider

Item 1.



Issues to Consider

Item 1.

- Loss of public parking
- License
 - ABL license – “licensed premises” – includes adjacent premises if in the control of the licensee and used in connection with the business
- Coordination with adjacent properties
- Participation more likely if it is a permanent option



Streateries

Item 1.

Questions?



OKLAHOMA ASSOCIATION OF MUNICIPAL ATTORNEYS

2021 Fall Conference

Oklahoma City Convention Center

STREATERIES

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Streateries

Background

The concept of streateries, or curbside dining, began as a way to help restaurants and bars early on during the COVID-19 pandemic. In April 2020 alone, restaurants and bars in the United States lost 5.5 million jobs.¹ In the Spring of 2020, these industries were impacted by closures of dining rooms and services limited to curbside pickup only.

Streateries emerged as a solution to some of these issues because it made it possible for restaurants to boost customer capacity while promoting social distancing between tables by locating tables in outdoor spaces in parking areas and along public sidewalks. Most of these programs were designed to be short term, but as the pandemic has continued to impact operations, cities have considered whether to make these programs permanent. The purpose of this paper is to discuss some examples across the country and develop standards for successful execution of such programs.

Examples in Other States – Tampa, Florida

Tampa, Florida was one of the first cities to implement streateries as part of an economic recovery plan called “Lift Up Local”. Tampa temporarily suspended City Code and permit application and approval requirements for restaurants, bars, and retail businesses to expand operating space into designated portions of the public rights-of-way. Minimum life safety requirements and the Americans with Disabilities Act (“ADA”) serve as restrictions on the locations and size of these areas.

Lift Up Local allows up to 600 square feet of off-site private parking spaces (if immediately adjacent to the parent property) and up to 600 square feet of on-site private parking spaces counted for required parking to be converted for use for outdoor dining, bar seating, or retail space as long as parking for disabled persons is not being used. Social distancing must be maintained between tables and pathways, and tables limited to parties of 10 or less. Tents meeting fire marshal requirements that are 600 square feet or smaller may be erected in parking spaces to provide shade. Permanent structure proposed to expand seating areas for outdoor seating must meet yard setbacks. Temporary equipment like wash stations, stations for set up and service, etc. do not need to meet yard setbacks.

Lift Up Local also allows temporary use of sidewalks and parking in the public rights-of-way- for the streateries program. Requirements for permits for use of these spaces have been waived, unless a tent is proposed. The width of the outdoor sidewalk space cannot exceed the width of the sidewalk frontage of the subject property but may be extended up to 50 contiguous feet in the public right-of-way on one side and/or the other side of the subject location so long as it directly abuts the right-of-way. A pedestrian right-of-way of at least 6 feet must be clearly marked and maintained for each sidewalk café, bar seating or retail space. Streateries may also be created in public parking spaces, called Parklets. Any streaterie space may be defined by temporary barriers as long as it is not placed closer than 2 feet from the edge of the adjacent travel lane.

¹ Source: Nation’s Restaurant News, “Coronavirus-related restaurant and bar industry losses totaled 5.5 million in April”, May 8, 2020.

Examples in Other States - Colorado

Like Oklahoma, Colorado began relaxing some its rules related to alcohol sales during the pandemic. On June 5, 2020, the Colorado Governor issued Executive Order D 2020 093 suspending certain licensing requirements related to the definition of “premises” for the purpose of liquor licenses, as well as statutory prohibitions of public consumption of alcohol on the public rights of way. This paved the way for cities to consider creative solutions for restaurants impacted by COVID-19.

Boulder, Colorado

Boulder, by emergency order, began allowing restaurants to utilize public rights-of-way and private property in order to operate outdoors on May 26, 2020. This was expanded to other commercial uses, including retail sales, accessory sales, convenience retail sales, personal service uses, office uses, indoor amusement establishments, museums, small theatres or rehearsal spaces, nonprofit membership clubs, religious assemblies, adult education facilities, vocational and trade schools, indoor recreational or athletic facilities and animal hospital or veterinary clinics, on June 16, 2020.

The City Manager is empowered to issue revocable permits to use the right-of-way or permission to use private property subject to certain conditions. These conditions include appropriate permitting (revocable permit or land use permit), such use will not create an imminent threat to the public health, safety and welfare, consent of persons who could be directly and adversely impacted (landlords, tenants of ground floor businesses, etc.). Permits or permission is granted after the aforementioned conditions are met, and upon the City Manager’s consideration of the following factors related to the public health, safety and welfare: access to utility infrastructure (manholes, inlets, hydrants, etc.), adequate access through the area by the public and by emergency service providers, health and convenience of the business, employees, customers and residents and visitors to the surrounding areas, the term of the permit and hours of operation, and offsite impacts to residents and businesses in the area.

Ft. Collins, Colorado

Fort Collins established emergency rules pursuant to a declaration of local emergency to provide for temporary revocable outdoor expansion permits on May 28, 2020. These temporary permits are approved by the City Engineer for fixed restaurants, liquor licensed establishments, and retail establishments within Fort Collins and allows them to temporarily expand their existing premises into a defined area on City or private property adjacent to or in the immediate vicinity of their fixed location. City property available for such expansion includes City sidewalks, streets, parking spaces or lots. Eligible establishments must meet all applicable City requirements for operating and be current on all applicable licensing. The City Engineer must determine that any requested closure of public right-of-way or publicly accessible portions of private property, such as sidewalks, parking spaces and drive aisles can be done in a manner that ensures the closure is safe, sufficiently mitigates impacts to the public’s ability to safely and conveniently bypass the proposed closure, and complies with all applicable laws, including the Americans with Disabilities Act. Adequate emergency access to the Eligible Establishment and other properties in the vicinity must

be maintained and the expansion must be compatible with the activities, whether commercial, industrial, or residential, being conducted on properties in the vicinity of the establishment.

Applicable Oklahoma Laws

The City can generally control sidewalks, public parking spaces and the use of required private parking spaces. If permanent structures are involved, consideration should be given to utilities that have been granted the right to locate in the public rights-of-way or in easements.

The Alcoholic Beverage Laws and Enforcement Commission (“ABLE”) is charged at the state level with enforcement of laws related to the manufacture, sale, distribution, possession, transportation and consumption of alcoholic beverages. In order to obtain a local license, the food service establishment must obtain all applicable ABLE Commission licenses if it is proposed to sell alcohol.

Once an establishment obtains its licenses, it is considered a “licensed premise”, meaning all the grounds and all buildings and appurtenances pertaining to the grounds, including adjacent premises if under the direct or indirect control of the licensee and used in connection with or in furtherance of the business, are covered by the license. 37A Okla. Stat. §1-103(48).

Licensees are generally forbidden from permitting or allowing a patron to exit the licensed premises with an open container of alcoholic beverage. *Id.* at §6-102(A)(5). However, special exception is given to mixed beverage or beer and wine licensees on home football game days (if within 2000 feet of the University); or the licensee is participating by invitation in a municipally sanctioned art, music or sporting event and has provided written notice of the event and a list of invited licensees to ABLE at least 5 days before the event; or the patron remains on the connected, physical property of the licensee or in a public area adjacent to the physical property of the licensee with prior municipal approval. *Id.* at §6-102(B).

When thinking about the use of adjacent areas for outdoor dining outside of the context of special events, it is important to consider the possibility of whether, if the sidewalk is open, the other portions of the public rights of way (parking spaces or green space) can still be considered “adjacent”. Under Section 6-102(B) cited above, it would seem that municipal approval will be key to this determination.

Stillwater, Oklahoma

Stillwater adopted a proclamation that allows for an “extended service area” for a licensed premise, including bars, that is limited to the immediately adjacent sidewalk, on-street parking area, and/or private lot in August 2020. The area must be enclosed by a physical barrier of sufficient construction to separate the service area from the public right-of-way and to deny access to persons who are not customers of the restaurant or bar. The applicant must also construct any required ADA access into the extended service area. Because the sidewalks will be blocked by the extended service area, Stillwater is requiring sidewalks to be rerouted around the extended service area, ultimately reducing the parking area available for table service by the width of the pedestrian access. This also ensures that the space being use for outdoor dining is still adjacent to the licensed premises.

Edmond, Oklahoma

After a positive response to a pilot program in late 2020 and early 2021, the City of Edmond adopted guidelines for permanent streateries in March 2021. Each restaurant desiring to have a streatory space must enter into an agreement with the City and receive approval of the plans for the streatory. Restaurants are allowed to use up to three parking spaces in front of the restaurant. A five-foot pedestrian path must be maintained on the sidewalk. Barriers to buffer the streatory area from traffic are required and must meet certain standards. The streatory must be at least three feet from the nearest edge of the travel lane. Location is limited by fire hydrants, manholes, public utility valves and covers to ensure access is maintained. When the business is open, they have exclusive use of the streatory space, but when the business is closed, the general public must be able to take advantage of the space. Edmond regulates flooring materials, shade structure materials, walls, planters and types of furniture to ensure both safety and desirable aesthetics. The Planning Department is charged with reviewing plans and specifications for streateries.

Oklahoma City, Oklahoma

Oklahoma City used its existing revocable permit process to review and temporarily approve proposed streateries in the public right-of-way. Proof of liability insurance naming Oklahoma City as an additional insured was required for approval. Streateries were limited to businesses located on streets with a speed limit of 30 miles per hour or less. They could not be located within 15 feet of a fire hydrant or 60 feet of a bus stop. The streatory space was limited in size to two parallel parking spaces or three angled parking spaces adjacent to the restaurant or bar. It could not include reserved parking spaces for the physically disabled and were required to be designed and constructed to be ADA compliant. At least two feet of clearance between the edge of the traffic lane or parking spaces must be provided, and barriers must be erected that are no greater than 3 feet tall along all sides adjacent to traffic or parking spaces. Plans were reviewed by the Public Works Department.

Features of Successful Streatory Programs

A streatory program will be more successful if you involve restaurants and bars in various areas of your city in early discussions. It is helpful to understand what those businesses see as barriers to participation, and it is also helpful for the businesses to understand what the City might require of them to ensure the safety of the traveling public and members of the public using the streatory and the public sidewalk.

A permanent program is likely to result in increased participation, more substantial public safety measures, and more aesthetically pleasing spaces in your community. The process for obtaining City approval of a streatory should not be onerous if clear standards are provided by the City, making it easier for business owners to understand what they need to provide for approval, and making it easier for Staff to review applications. Standards should include clear definable spaces where a streatory is acceptable, with options for approvable lighting, flooring, barrier materials, and shade structures to ensure the use of the spaces year round. Access for pedestrians that is ADA compliant should be protected. Encourage creativity within the standards to allow each applicant to make each space unique and inviting.

The pandemic has forced cities to get creative in its approach to balancing public health and safety with the welfare of the business community. As we learn to live with this new normal, we should try to take advantage of opportunities to create new spaces in our community that reduce the public health risk and promote our local economy.

Proclamation 2020-08

A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN RELATED TO
DECLARATION OF LOCAL EMERGENCY AND IMPLEMENTING RELATED
RESTRICTIONS

- § 1. WHEREAS, Section 2-111 of the Code of the City of Norman, Oklahoma allows the Mayor of the City of Norman to proclaim a civil emergency when a natural disaster, which results in the death or injury of persons to such an extent that extraordinary measures must be taken to protect the public health, safety, and welfare, exists; and
- § 2. WHEREAS, Section 2-111 of the Code of the City of Norman, Oklahoma empowers the Mayor to impose a number of restrictions or prohibitions in the interest of public safety and welfare, including, but not limited to imposition of curfews, limits of numbers of persons of assembling or gathering in public and private areas of the City, and such other activities as the Mayor reasonably believes should be prohibited to preserve and maintain life, health, property or the public peace; and
- § 3. WHEREAS, a respiratory disease caused by a novel coronavirus (“COVID-19”) was first detected in China and has now been detected in 190 locations internationally, including the United States; and
- § 4. WHEREAS, the World Health Organization characterized COVID-19 as a pandemic on March 11, 2020; and
- § 5. WHEREAS, according to the Center for Disease Control and Prevention (“CDC”), the COVID-19 virus spreads between people who are in close contact with one another and through respiratory droplets produced when an infected person coughs or sneezes; and
- § 6. WHEREAS, on March 13, 2020, the President of the United States declared COVID-19 a national emergency and ordered each state to set up emergency operations centers and ordered hospitals to activate their emergency preparedness plans; and
- § 7. WHEREAS, on March 15, 2020, the Governor of Oklahoma first declared an emergency caused by the impending threat of COVID-19 to the people of Oklahoma and the public’s peace, health, and safety; and
- § 8. WHEREAS, previous proclamations were issued by the Mayor of the City of Norman on March 13, 2020, limiting organized gatherings to less than 250 people, on March 16, 2020, restricting organized gatherings to less than 50 people, and closing bars, lounges, gyms and fitness facilities, entertainment venues, including private clubs, commercial amusement facilities, theaters and similar venues, as well as restaurant dining areas, on March 22, 2020, limiting organized gatherings to less than 10 people, and closing beauty parlors, barber shops, nail salons, and health clubs and spas, and encouraging retailers to implement social distancing in stores, on March 30, 2020, amending the previous proclamation related to outdoor activities, on April 7, 2020, implementing a stay at home

order and limiting activities to those deemed essential, all of which were designed to flatten the projected curve of the COVID-19 diagnoses to preserve medical resources and prevent widespread transmission, and on April 28, 2020, setting forth a reopening plan that was subsequently amended three times; and

- § 9. WHEREAS, the City Council adopted Ordinance O-2021-3 on July 7, 2020, requiring masks to be worn in places of public accommodation and in public settings where social distancing cannot be maintained and also requiring restaurants and bars to close standing room only areas and ensure tables are set such that each seated party is at least six feet away from other seated parties, thus reducing occupancy; and
- § 10. WHEREAS, the City Council adopted Ordinance O-2021-11 on September 8, 2020, reducing capacity and restaurants and bars by 50% on days in which there is a University of Oklahoma football games; and
- § 11. WHEREAS, restaurants and bars are a vital part of Norman's economy and reductions in capacity can be mitigated by allowing the utilization of certain parts of the public rights-of-way for food and drink service.

NOW, THEREFORE, BE IT PROCLAIMED BY THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA:

- § 12. That, the aforementioned conditions continue to constitute an ongoing threat to the safety and welfare of the city necessitating additional restrictions, and creating a civil emergency situation within the meaning of Section 2-111 of the City Code, in addition to constituting an emergency under the Emergency Management Act of 2003 (63 Okla. Stat. §683.3); and
- § 13. That, Proclamation 2020-08 shall supplement the Third Amendment of Proclamation 2020-07 and shall become effective on September 11, 2020; and
- § 14. That, a program authorizing the issuance of a Temporary Outdoor Expansion Permit to restaurants and bars allowing them to operate in the adjacent public ways and private parking lots subject to certain conditions is hereby created pursuant to Chapter 2-111 of the City Code and Titles 21 and 63 of the Oklahoma Statutes:

A. Eligibility: A restaurant or bar desiring to obtain a Temporary Outdoor Expansion Permit must submit proof of the following at the time of application:

1. Operation of a permanent location within the City limits of Norman;
2. Current and valid Cleveland County Health Department, Oklahoma ABLE Commission and applicable City of Norman licenses and permits;
3. General Liability Insurance in an amount sufficient to fully indemnify the City in case of personal injury or property damage in amounts equal to the liability limits set forth in the Governmental Tort Claim Act (51 Okla. Stat.

§154). City shall be named as an additional insured in amounts equal to such liability limits.

B. Application Form: The City Manager or his designee shall develop an application for Temporary Outdoor Expansion Permits consistent with this Proclamation by September 16, 2020. Said form will be available in print and digital versions and shall be posted online. In addition to providing proof of meeting the eligibility requirements above, the application form shall collect the following information:

1. A sketch of the proposed expanded service area indicating the location of the restaurant or bar building, adjacent sidewalk, on-street parking, and off-street parking lot, the location of the adjacent expanded service area to be permitted in relation to the foregoing, and the dimensions of said adjacent expanded service area. Such sketch shall also note all access points into and around the expanded service area.
2. A description of the physical barrier(s) that will be used to separate the adjacent expanded service area from the public right-of-way or private parking area.

C. Application Review: The City Manager or his designee shall approve or disapprove the application after a review by the Director of Planning and Community Development, or her designee, the Director of Public Works, or his designee, and the Police Chief, or his designee.


D. Design and Operation:

1. The expanded service area shall be limited to the immediately adjacent sidewalk, on-street parking area, and/or private parking lot. It shall be enclosed by a physical barrier approved by the Director of Public Works and sufficient to separate the service area from the public right-of-way and to deny access to persons who are not customers of the applicant. Physical barriers must have a light reflective device to ensure the barrier can be seen after sundown. Any access point into or around the expanded service area shall be ADA compliant.
2. All tables, chairs, and equipment shall be contained within the barriers of the expanded service area and spaced in a manner that is compliant with Ordinance O-2021-3. If the expanded service area is for a bar, signage must be posted at the access point(s) to the expanded service area prohibiting entry of person under 21 years old.
3. Alcoholic beverages may be consumed while customers are seated in the expanded service area, provided all requirements applicable to service within the restaurant or bar imposed by statute, ordinance or emergency order are also followed within the expanded service area. The applicant is

solely responsible for obtaining the necessary licenses to sell alcoholic beverages in the expanded service area. Nothing in this Proclamation shall be construed as superseding any applicable ABLE licensing requirement or restrictions.

- E. Permit Revocation: The City Manager may revoke any Temporary Outdoor Expansion Permit for violation of the provisions set forth herein or of any applicable state or local law.
- F. Expiration: All temporary outdoor expansion permits shall expire the earlier of November 30, 2020; revocation of this emergency order; or adoption of a replacement ordinance by the City Council.

APPROVED this 11th day of September, 2020.



Mayor Breea Clark

ATTEST:



City Clerk

Proclamation

Amended Proclamation 2020-08

A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN RELATED TO DECLARATION OF LOCAL EMERGENCY AND IMPLEMENTING RELATED RESTRICTIONS

- § 1. WHEREAS, Section 2-111 of the Code of the City of Norman, Oklahoma allows the Mayor of the City of Norman to proclaim a civil emergency when a natural disaster, which results in the death or injury of persons to such an extent that extraordinary measures must be taken to protect the public health, safety, and welfare, exists; and
- § 2. WHEREAS, Section 2-111 of the Code of the City of Norman, Oklahoma empowers the Mayor to impose a number of restrictions or prohibitions in the interest of public safety and welfare, including, but not limited to imposition of curfews, limits of numbers of persons of assembling or gathering in public and private areas of the City, and such other activities as the Mayor reasonably believes should be prohibited to preserve and maintain life, health, property or the public peace; and
- § 3. WHEREAS, a respiratory disease caused by a novel coronavirus (“COVID-19”) was first detected in China and has now been detected in 190 locations internationally, including the United States; and
- § 4. WHEREAS, the World Health Organization characterized COVID-19 as a pandemic on March 11, 2020; and
- § 5. WHEREAS, according to the Center for Disease Control and Prevention (“CDC”), the COVID-19 virus spreads between people who are in close contact with one another and through respiratory droplets produced when an infected person coughs or sneezes; and
- § 6. WHEREAS, on March 13, 2020, the President of the United States declared COVID-19 a national emergency and ordered each state to set up emergency operations centers and ordered hospitals to activate their emergency preparedness plans; and
- § 7. WHEREAS, on March 15, 2020, the Governor of Oklahoma first declared an emergency caused by the impending threat of COVID-19 to the people of Oklahoma and the public’s peace, health, and safety; and
- § 8. WHEREAS, previous proclamations were issued by the Mayor of the City of Norman on March 13, 2020, limiting organized gatherings to less than 250 people, on March 16, 2020, restricting organized gatherings to less than 50 people, and closing bars, lounges, gyms and fitness facilities, entertainment venues, including private clubs, commercial amusement facilities, theaters and similar venues, as well as restaurant dining areas, on March 22, 2020, limiting organized gatherings to less than 10 people, and closing beauty parlors, barber shops, nail salons, and health clubs and spas, and encouraging retailers to implement social distancing in stores, on March 30, 2020, amending the previous proclamation related to outdoor activities, on April 7, 2020, implementing a stay at home



order and limiting activities to those deemed essential, all of which were designed to flatten the projected curve of the COVID-19 diagnoses to preserve medical resources and prevent widespread transmission, and on April 28, 2020, setting forth a reopening plan that was subsequently amended three times; and

- § 9. WHEREAS, the City Council adopted Ordinance O-2021-3 on July 7, 2020, requiring masks to be worn in places of public accommodation and in public settings where social distancing cannot be maintained and also requiring restaurants and bars to close standing room only areas and ensure tables are set such that each seated party is at least six feet away from other seated parties, thus reducing occupancy; and
- § 10. WHEREAS, the City Council adopted Ordinance O-2021-11 on September 8, 2020, reducing capacity and restaurants and bars by 50% on days in which there is a University of Oklahoma football games; and
- § 11. WHEREAS, because restaurants and bars are a vital part of Norman's economy and reductions in capacity can be mitigated by allowing the utilization of certain parts of the public rights-of-way for food and drink service, Proclamation 2020-08, implementing a Temporary Outdoor Expansion Permit program, was made effective on September 11, 2020 and was scheduled to expire on November 30, 2020; and
- § 12. WHEREAS, positive cases of COVID-19 have continued to rise and hospital capacities across the state are limited; and
- § 13. WHEREAS, to encourage patrons to support local restaurants and bars in a manner that has been recommended by the CDC to limit the spread of COVID-19 in these settings, the Temporary Outdoor Expansion Permit program should be extended.

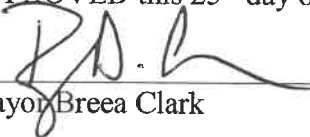
NOW, THEREFORE, BE IT PROCLAIMED BY THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA:

- § 12. That, the aforementioned conditions continue to constitute an ongoing threat to the safety and welfare of the city necessitating additional restrictions, and creating a civil emergency situation within the meaning of Section 2-111 of the City Code, in addition to constituting an emergency under the Emergency Management Act of 2003 (63 Okla. Stat. §683.3); and
- § 13. That, Amended Proclamation 2020-08 shall supplement the Third Amendment of Proclamation 2020-07; and
- § 14. That, the Temporary Outdoor Expansion Permit to restaurants and bars allowing them to operate in the adjacent public ways and private parking lots subject to certain conditions has been created pursuant to Chapter 2-111 of the City Code and Titles 21 and 63 of the Oklahoma Statutes:

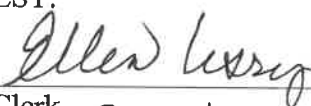
- A. Eligibility: A restaurant or bar desiring to obtain a Temporary Outdoor Expansion Permit must submit proof of the following at the time of application:
1. Operation of a permanent location within the City limits of Norman;
 2. Current and valid Cleveland County Health Department, Oklahoma ABLE Commission and applicable City of Norman licenses and permits;
 3. General Liability Insurance in an amount sufficient to fully indemnify the City in case of personal injury or property damage in amounts equal to the liability limits set forth in the Governmental Tort Claim Act (51 Okla. Stat. §154). City shall be named as an additional insured in amounts equal to such liability limits.
- B. Application Form: The City Manager or his designee shall develop an application for Temporary Outdoor Expansion Permits consistent with this Proclamation by September 16, 2020. Said form will be available in print and digital versions and shall be posted online. In addition to providing proof of meeting the eligibility requirements above, the application form shall collect the following information:
1. A sketch of the proposed expanded service area indicating the location of the restaurant or bar building, adjacent sidewalk, on-street parking, and off-street parking lot, the location of the adjacent expanded service area to be permitted in relation to the foregoing, and the dimensions of said adjacent expanded service area. Such sketch shall also note all access points into and around the expanded service area.
 2. A description of the physical barrier(s) that will be used to separate the adjacent expanded service area from the public right-of-way or private parking area.
- C. Application Review: The City Manager or his designee shall approve or disapprove the application after a review by the Director of Planning and Community Development, or her designee, the Director of Public Works, or his designee, and the Police Chief, or his designee.
- D. Design and Operation:
1. The expanded service area shall be limited to the immediately adjacent sidewalk, on-street parking area, and/or private parking lot. It shall be enclosed by a physical barrier approved by the Director of Public Works and sufficient to separate the service area from the public right-of-way and to deny access to persons who are not customers of the applicant. Physical barriers must have a light reflective device to ensure the barrier can be seen after sundown. Any access point into or around the expanded service area shall be ADA compliant.

- 2. All tables, chairs, and equipment shall be contained within the barriers of the expanded service area and spaced in a manner that is compliant with Ordinance O-2021-3. If the expanded service area is for a bar, signage must be posted at the access point(s) to the expanded service area prohibiting entry of person under 21 years old.
 - 3. Alcoholic beverages may be consumed while customers are seated in the expanded service area, provided all requirements applicable to service within the restaurant or bar imposed by statute, ordinance or emergency order are also followed within the expanded service area. The applicant is solely responsible for obtaining the necessary licenses to sell alcoholic beverages in the expanded service area. Nothing in this Proclamation shall be construed as superseding any applicable ABLE licensing requirement or restrictions.
- E. Permit Revocation: The City Manager may revoke any Temporary Outdoor Expansion Permit for violation of the provisions set forth herein or of any applicable state or local law.
- F. Expiration: All temporary outdoor expansion permits shall expire the earlier of March 1, 2021; revocation of this emergency order; or adoption of a replacement ordinance by the City Council.

APPROVED this 25th day of November, 2020.



Mayor Brea Clark

ATTEST:


City Clerk Deputy

