

RESOLUTION OF THE MAYOR AND ALDERMEN
OF THE CITY OF SAVANNAH EXTENDING THE
TEMPORARY STAY ON ENFORCEMENT OF CERTAIN
ORDINANCES TO EXTENT NEEDED TO AID LOCAL BUSINESSES
IN THEIR RECOVERY FROM THE ADVERSE EFFECTS
OF THE COVID-19 PANDEMIC

WHEREAS, on March 13, 2020, President Donald Trump declared the outbreak of the novel corona virus known as COVID-19 a national emergency; and

WHEREAS, on March 14, 2020, Governor Brian Kemp declared a Public Health State of Emergency in the state of Georgia; and

WHEREAS, on April 2, 2020, Governor Kemp ordered that all restaurants as well as private social clubs cease providing dine-in services; and

WHEREAS, on April 2, 2020, Governor Kemp ordered that all businesses which possess a license to operate as or otherwise meet the definition of "bar" as defined by O.C.G.A. § 3-1-2 (2.1) cease in-person operations and shall close to the public while the Order is in effect; and

WHEREAS, by order dated April 2, 2020, Governor Kemp also preempted Georgia's local governments from exercising emergency powers inconsistent with the April 2nd order, which preemption remains in effect as of this date; and

WHEREAS, on April 23, 2020, Governor Kemp allowed for the reopening of dine-in restaurant services effective April 27, 2020 provided restaurants comply with 39 criteria articulated in his order, including: the enforcement of social distancing of non-cohabitating persons while present on the establishment's owned or leased property; redesigning seating arrangements to ensure at least 6 feet of separation between and among tables; and disallowing patrons from congregating in waiting or bar areas; and

WHEREAS, on April 30, 2020, Governor Kemp issued an Order styled *Reviving A Healthy Georgia*, which set forth additional measures and clarification regarding dine-in restaurant operations; and

WHEREAS, on May 28, 2020, Governor Kemp signed an Order allowing bars and nightclubs to reopen on June 1, 2020, provided they meet 39 mandatory measures to ensure patron well-being as outlined in his order, including but not limited to: screening workers for COVID-19 symptoms; limiting capacity to 25 people or 35 percent of total occupancy; allowing parties of no more than six people; and only serving drinks within designated areas or to seated patrons; and

WHEREAS, currently, and at least through June 30, 2020, all residents and visitors within the State of Georgia: are required to practice social distancing and refrain from gathering; are strongly encouraged to wear face coverings when outside their homes or places of residence,

except when eating, drinking, or exercising outdoors; and shall practice sanitation in accordance with the guidelines published by the centers for disease control and prevention; and

WHEREAS, the impact of a nearly two month-long forced virtual closure together with significantly restricted operational requirements associated with now permitted limited dine-in services and bars have inflicted financial harm on restaurant and bar operators and owners, which has, in turn, imposed tremendous financial distress on their employees, in large part comprised of dis- or lesser- advantaged Savannah residents; and

WHEREAS, the Mayor and Aldermen of the City of Savannah wish to adopt considered measures to aid, to the extent possible, in the financial recovery of restaurants and bars, to include their employees, while requiring responsible conduct that, at a minimum, complies with principles of social distancing and other measures intended to inhibit the spread of Covid-19; and

WHEREAS, the Mayor and Aldermen, through the City Manager, directed City staff to study, evaluate, and make creative recommendations designed to aid in the recovery of the restaurant and bars industries throughout the City; and

WHEREAS, staff has proceeded as directed and conceived of an outdoor food and beverage service expansion program, which will allow restaurants and bars to adhere to social distancing and anti-gathering rules while to the extent possible generating income to sustain their operations and provide jobs to City residents; and

WHEREAS, staff presented an outdoor food and beverage service expansion program concept to the Mayor and Aldermen on May 14, 2020, which was favorably received; and

WHEREAS, to effectuate implementation of the program, enforcement of certain ordinances will need to be stayed; and

WHEREAS, the Mayor and Aldermen wish to implement such temporary measures to the extent possible to aid in the recovery and ongoing viability of the City's restaurant and bar industries; and

WHEREAS, the Mayor and Aldermen adopted a similar resolution on May 28, 2020 for restaurants and expressly find that adoption of this Resolution is wholly consistent with the Orders issued by Governor Kemp hereinabove described in part.

NOW, THEREFORE, be it RESOLVED by the Mayor and Aldermen of the City of Savannah that enforcement of the following ordinances shall be temporarily stayed to the extent such stay promotes the outdoor food and beverage service expansion program. Such stay shall not be construed in a manner beyond the scope of the purpose and intent stated hereinabove:

1. Division II, Part 6 (Licensing and Regulation), Chapter 1 (Business and Occupations), Article H (Alcoholic Beverages), subsection (o) of Section 6-1204 (Definitions, general provisions), which provides:

(o) Premises includes the entire space or area owned, leased and/or exclusively controlled by a licensee and used for the purpose of operating under the license, including but not limited to all rooms wherein alcoholic beverages are sold, furnished, served or consumed, except when such room is located in a hotel, motel, inn or similar facility. Premises may include adjoining patios, decks and porches or, where applicable, permitted sidewalk cafes. A floor plan for each licensed premises must be submitted with applications for a license under this article.

2. Division II, Part 6 (Licensing and Regulation), Chapter 1 (Business and Occupations), Article H (Alcoholic Beverages), subsections (a) and (b) of Section 6-1212 (Sale; consumption outside licensed premises), which provide:

(a) No class B, C, G or H licensee may sell or permit the sale of alcoholic beverages except within the licensed premises under its exclusive custody and control. Any area not under the exclusive custody and control of such licensee shall not be considered a part of the premises. Alcoholic beverages may not be sold, served or delivered in, into or within such areas, unless a temporary event permit has been obtained. All Class B, C, G and H licensees shall be responsible for consumption and possession of alcoholic beverages located on their premises.

(b) No detached bar, whether permanent or temporary, may be erected on a licensee's premises within or on any outside area.

3. Division II, Part 6 (Licensing and Regulation), Chapter 1 (Business and Occupations), Article H (Alcoholic Beverages), subsection (a) of Section 6-1214 (Consumption of alcohol on city streets), which provides:

(a) Except for the area and circumstances specified in subsections (b) and (c) herein, it shall be unlawful for any person to possess an alcoholic beverage in an open container, either on their person, in a motor vehicle or otherwise on the streets, sidewalks, parks, squares or other public places within the City of Savannah.

4. Division II, Part 8 (Planning and Development), Chapter 3 (Zoning), Article 8 (Overlay Districts), Section 7.14 (Overlay Districts), the following provisions of subsection 7.14.5 (Alcohol Density Overlay Districts), which provides:

7.14.5 Use Conditions.

b. *Retail dealer (on site-consumption)*

ii. *Restaurants with alcohol sales*

2. *Alcohol sales, service and consumption are limited to the interior of the restaurant.*

5. 2020 Revenue Ordinance of the City of Savannah, Article X (Miscellaneous Fees), subsections (a) and (b) of Section 4 (Encroachment Petition Fees), which provide:

The fee for processing and reviewing the encroachment petition application and conducting necessary research shall be as follows:

(a) *Residential \$250.00*

(b) *Commercial \$500.00.*

6. 2020 Revenue Ordinance of the City of Savannah, Article Y (Business Tax), Section 34 (Regulatory Fees), which provides:

Food/Beverage Service Establishments for temporary use of sidewalks and public right-of-way for tables, seating or planters (Ref 46).

Table \$100, Bench \$50, Chair \$25, Other Item \$25

7. 2020 Revenue Ordinance of the City of Savannah, Article Y (Business Tax), Section 35 (References), that portion of subsection 46 that provides:

46: Use of Sidewalks, Rights-of-Way by Food/Beverage Establishments.

Food/beverage service establishments seeking temporary use of sidewalks and public rights-of-way for tables, seating, or other outdoor furniture items shall be charged an annual fee based on the number of items placed on the right-of-way.

The annual fee shall be no more than \$1,000.

BE IT FURTHER RESOLVED, that the City Manager is hereby vested with all administrative authority necessary to effectively implement this Resolution and any such action taken by the City Manager in furtherance of this Resolution retroactive to June 15, 2020 is hereby RATIFIED and APPROVED.

BE IT FURTHER RESOLVED, that any restaurant and bar owner or operator found to be in violation of the spirit and/or intent of this Resolution may lose the privileges associated with this stay upon a written finding of the City Manager, which shall be provided to the Mayor and Aldermen.

BE IT FURTHER RESOLVED, that this Resolution shall expire at 11:59 p.m. on September 30, 2020 unless extended by the Mayor and Aldermen.

APPROVED this 25th day of June, 2020.

Van R. Johnson, II
Mayor

Mark Massey
Clerk of Council