

QUEEN ANNE'S COUNTY GUIDE TO REOPENING RESTAURANTS AND BARS

I. INTRODUCTION

These guidelines are designed to allow expansion of restaurant service temporarily to outdoor areas not previously used by a business – this might include into sidewalks, parking areas, or other open areas on site. In order to support local business, the County and Board of License Commissioners intend to review and expedite outdoor dining requests on a case-by-case basis.

All restaurants who desire to modify their service areas to locations not previously approved shall complete the following application and indemnification and provide all relevant attestations and information to *the Health Department or Planning and Zoning* shall serve as expeditor or ombudsman and assist the business in navigating the approval process from a Health Department, Fire Marshall, Planning and Zoning, and Board of License Commissioners, and any other building or other life safety code perspective. Sufficient detail must be provided such that relevant Departments can determine the location, layout, and affected site features of the temporary extension and affirm that the arrangement comports with protection of the public safety, health, and welfare. **There will be no fees for these reviews and each Department will make every effort to complete required reviews within two business days of submission.**

Governor Hogan announced a phased reopening of the State's economy which will hopefully include an expansion of restaurant service to include limited outdoor dining in addition to the curbside pick-up, delivery, and drive-thru services already provided for. The County hereby sets forth the following standards and processes to safely accommodate this activity in a manner that avoids significant negative impacts on abutting properties or on the general public welfare. **All provisions of the published guidance standards found in the State's Phase 2 Road to Recovery (*attach and insert website*) as well as the herein Reopening Guidelines for Restaurants and Bars" are applicable unless otherwise stated herein.** In addition to the requirements spelled out herein, please note all relevant provisions of any Governor Hogan's Executive Orders or any Executive Order issued by any County Designee pertaining to the current State of Emergency and Catastrophic Health Emergency, as well as relevant existing Federal, State, and local laws, rules, ordinances, and regulations – for example, this includes but is not limited to the Health Department, Fire Marshall, Planning and Zoning, Board of License Commissioners, Alcoholic Beverages Code, COMAR, and the Americans With Disabilities Act - still apply.

III. REOPENING REQUIREMENTS

A. For All Establishments

- Licensee signed Statement of Understanding
- All Departments have signed off on application
- Temp/illness checks for staff. Staff who begin to feel ill during a shift must be sent home. *[Should they be required to provide a doctor's note upon return??]*
- All staff to be issued PPE and all staff required to properly use PPE
- If hand-to-hand contact between customer and staff occurs, staff must change their gloves prior to waiting on any other customers or touching any other high-contact surfaces.
- Social distancing requirements must be maintained

- No stools at bars
- No self service areas
- Only single-serve condiments may be used and they may not sit on the table or counter area
- High-touch areas must be disinfected with a 0.1% bleach solution
 - Mix 1/3 cup of bleach (must be >5.25 hypochlorite) with 1 gallon of water.
- Linens changed between each customer
- Payment machines must be disinfected after each customer
- Reusable menus are only allowed if disinfected after each customer.
- Tables; counters; and chairs seats, arms, and backs disinfected after each customer.
- Customers limited to ordering at certain portion of the counter and not allowed to touch or lean on counter
- Restrooms should be frequently cleaned, high-touch surfaces wiped, facilities must be cleaned/disinfected in accordance with CDC guidelines after each customer.
- Hand sanitizer dispensers must be available for public use outside of restaurants and exit/entrance doors -- 70% isopropyl alcohol or 60% ethanol sanitizer required
- Chlorox wipes/Sanitizer wipes must be available for public use outside of restrooms and exit/entrance doors
- Signs should be in place to remind people to social distance and wear face coverings.
- Hands free trash receptacles should be utilized.
- Tables, if allowed, must be ten feet apart and wiped down when that party leaves.
- Customer masks must be worn when ordering or walking around the inside of the establishment. *If a customer is hard of hearing, a mask may be temporarily moved so that the customer and staff are able to communicate with each other. ADA accommodations should be made. Masks may be removed to eat and drink as needed.
- Staff must ask customer to temporarily remove mask to confirm customer is over the age of 21.
- Tables, chairs cannot be moved by anyone other than employees. Signs must be posted advising the same
- Prior Refillable Growlers/Crowlers must be sanitized as well as any surface that comes into contact with the same after each fill. Staff must change gloves after touching refillable growler/crowler and must not allow spout to come in contact the container.
- Valet parking service at any restaurant is prohibited.

B. Temporary Outdoor Expansion Requirements

- Temporary outdoor service expansions are available only to restaurants/bars that currently hold a valid food and/or beverage license.
- A signed indemnification agreement with the County is required – see attached.
- Where outdoor dining will occur on property not owned by the restaurant, written landlord/property owner consent shall be required along with proof of liability insurance that covers the proposed dining area
- A seating/service plan must be provided. A site plan drawing is optional. Such plan is not required to be survey-quality but should indicate the relative location of existing public improvements, such as fire hydrants, street signs, street lights, bus shelters, trees and tree grates, planting boxes or planting areas, fire escapes or other overhead obstructions, and the

like. It should also indicate the existing façade, the points of ingress and egress, the proposed location of the tables, chairs, serving equipment, planters, barriers or borders, awning, umbrellas, or other facilities to be included in the outdoor seating area. In lieu of a site plan, if not available, applicants should attach a photograph indicating the described features. *Any changes to that plan must be approved by all parties.

- **An application for temporary outdoor expansion approval by Planning and Zoning, Health Department, Fire Marshall, prior to liquor board approval**
- Proof of valid liability and evidence of general workers' compensation insurance must be submitted with application
- Area must be accessible to the disabled and the licensee must at all times comply with applicable federal, state, and local laws, ordinances, and regulations concerning accessibility and non-discrimination in the providing of services.
- State standards for strict social/physical distancing still apply
- Tables are to be spaced a minimum of 8 feet from each other (measured from all edges of the table)
- Table groups limited to number of individuals allowed to congregate per Governor Hogan's or his Designee's Executive Order
- Outdoor seating cannot obstruct any fire exit, fire escape, or other required ingress or egress
- Security must continuously monitor outdoor areas for over consumption, dangerous, disorderly conduct, etc.
- Outdoor area to be inspected for safety issues/hazards prior to opening each day and monitored throughout the day.
- No garbage shall be placed or stored on a sidewalk and there shall be no open keep or storage of used dishes, utensils, or food scraps kept outdoors.
- Doors from restaurant to outdoor seating area must be self-closing
- No outdoor keeping or storage of food or beverages to be served is permitted.
- Outdoor dining furnishings must be moveable, i.e. tables, chairs and other accessories cannot be affixed to the ground.
- Electrical cords must be protected from pedestrian and vehicular traffic.
- Physical separations or barriers (e.g., "Jersey" barriers, planters, water-filled barriers will be required.
- Outdoor entertainment must be approved and comply with existing regulations.
- Must maintain appropriate and safe areas for seating, parking, and curbside service.

C. For Sidewalk or Public Space Dining

- In addition to the general requirements which will be applicable to all outdoor restaurant seating areas, there are some additional requirements for those which are to be located on public property, such as a sidewalk, parking lot, or right-of-way:
- The use of public sidewalks or right-of-way for outdoor restaurant seating is only permitted when incidental to the operation of a licensed restaurant on private contiguous property and normally only permitted along the frontage of the restaurant. During the COVID-19 health emergency, restaurant owners are eligible to apply to extend seating beyond their ordinary building frontage limits upon receipt of written authorization from affected property owners and assuming all requirements herein are met and County professional staff so authorizes.

- The operation of the outdoor restaurant seating area cannot interfere with the passage of pedestrian or vehicular traffic, or reduce the open portion of the public sidewalk to less than three (3) feet clear of all obstructions - such as trees or lamp posts.
- The placement of furnishings for the outdoor seating area and its operation cannot obstruct access to public property such as bus stops, crosswalks, mailboxes, curb cuts, or parking spaces, or obstruct necessary access to any fire hydrant, fire escapes or fire doors, or obstruct the clear view of any traffic signal, regulatory sign, or street sign.
- The licensee will be responsible for the maintenance and upkeep of the public right-of-way used for the outdoor restaurant seating area and the replacement of damaged public property, including pavers and other hard surfaces. No furniture or furnishings may be attached by any means to the public sidewalk or any other public property.
- Awnings or umbrellas over sidewalk dining areas must provide at least 7 feet of clearance from their bottom edge to the sidewalk.

D. Requirements for Tented Areas

- Tents coverings for outdoor dining shall be permitted on private property where appropriate and where space is available. Approval of Tent use is required. The Fire Marshal and Planning and Zoning Official shall have purview over such locations and installations. Tents are not allowed to be fully enclosed (side walls must be open).
- Outdoor heaters may be permitted at the discretion of the Fire Marshal.
- Fire Department and all other emergency or public safety access shall not be blocked by seating or tents.
- The outdoor dining area location cannot interfere with site circulation. Physical separations or barriers (“Jersey” barriers or water filled barriers, for example) may be required.
- All Queen Anne’s County and Maryland occupancy code requirements applicable to tent enclosures remain in effect.
- A State approved fire extinguisher must be located within 75 feet of any/all tent areas.
- Tents shall maintain a minimum of 7’6” head room (ceiling height).
- Tents shall not cover more than 75% of premises.
- Stake lines must be clearly marked and there shall be a minimum of 10 feet between stake lines.
- Safe and accessible means of egress must be maintained from the tent at all times.
- No Smoking or Cooking shall be permitted in any tent.
- Generators and heating devices must be at least 5 feet from any tent.
- Tents must be evacuated during high wind and/or lightning events.

E. Strongly Encouraged Recommendations

We recognize that due to the current pandemic crisis, some establishments may not have the funds necessary to invest in new products and services. That being said, to the extent that they can, we encourage all establishments to consider investing in some technological improvements to your business. Below are some ideas you should consider:

1. Hands-free Menus and Ordering:

We encourage all establishments to utilize hands-free ordering such as digital/electronic menus, bulletin boards, chalkboards, whiteboards, etc.

- If you have an online menu or ordering process, you should require your customers to utilize the same.
- If you have a local table ordering device, the device **must** be cleaned after each customer uses it.
- If you do not have hands-free menus, **reusable menus are only allowed if disinfected after each customer.**
- If you do not have hands-free menus, **disposable menus are only allowed to be used once and must be thrown away after each customer.**

2. Hands-free Payment Portals:

We strongly encourage you to use hands-free payment portals so as to reduce any hand-to-hand contact between customers and staff. There are a number of hands-free payment portals available on the market. We are not suggesting that you use any particular payment platform, but for people not familiar with such products we point out that PayPal, Venmo, Stripe, and Zelle are just a few types of such platforms.

If hand-to-hand contact occurs during payment or at any other time, staff must change their gloves prior to waiting on any other customers or touching any other high-contact surfaces.

If customer is utilizing a hands-free payment device owned by the establishment, staff should be the only ones permitted to touch the payment device.

3. Directional Signs

We strongly encourage the use of directional signs for people to navigate your inside and outside areas in the safest way possible. We encourage this—as opposed to require—because we recognize that some establishments may not have the space required to limit the flow of customers. Where possible, however, one-way customer circulation shall be designed with entrances and exits for patrons physically separated;

OUTDOOR RESTAURANT TEMPORARY SEATING REQUEST

I. Applicant Information:

Restaurant Name: _____

Liquor License No. (if applicable): _____

Business Owner: _____

Address and Phone: _____

Property Owner: _____

Address and Phone: _____

II. Application Request (check all that apply):

- | | |
|---------------------------------------------|-----------------------------------|
| ___ Outdoor Eating Area on Public Sidewalk | ___ Include Outdoor Entertainment |
| ___ Outdoor Public Parking Area | ___ Include Outdoor Entertainment |
| ___ Outdoor Eating Area on Private Property | ___ Include Outdoor Entertainment |

III. Application Checklist

	Date Submitted	Date Approved
Application	_____	_____
Site Plan OR photo	_____	_____
Service Plan	_____	_____
Copy or Food/Liquor License on File?	_____	_____
Proof of Liability Insurance	_____	_____
Proof of Workers Compensation Insurance	_____	_____
Indemnification Form	_____	_____
Property Owner Consent	_____	_____
Statement of Understanding (below)	_____	_____

IV. Statement of Understanding: I hereby acknowledge the Queen Anne’s County Temporary Expansion of Outdoor Dining Requirements and agree to abide by such rules and regulations. I further affirm that any temporary authorization shall not confer any vested rights to continue expanded use beyond the current emergency or otherwise suspended or revoked by any authorized department.

Applicant Signature: _____ Date: _____

Printed Name: _____

Return to: Queen Anne’s County Board of License Commissioners

Approvals: ___Health Dept. ___Fire Marshall ___Planning & Zoning ___Liquor Board

INDEMNIFICATION

WHEREAS, the undersigned desires to maintain an outdoor restaurant seating area on a portion of the public sidewalk or parking area in Queen Anne’s County;

WHEREAS, Queen Anne’s County is willing to permit the undersigned to maintain such an area, provided that the County will not thereby incur the risk of any liabilities to the undersigned, or to any third party or employee of the undersigned, by virtue of the presence or actions of the undersigned;

NOW, THEREFORE, the undersigned agrees to indemnify, defend and hold harmless Queen Anne’s County, its officers, employees, and agents against any and all loss, liability, damage, claims, costs and expenses, including attorney’s fees which it may hereafter suffer, incur, be put to or pay out as a result of the undersigned’s operation of the restaurant outdoor seating area and the undersigned shall at his or her own expense, appear defend and pay all fees of attorneys and all costs and other expenses arising therefrom or incurred in connection therewith; and, if any judgments shall be rendered against Queen Anne’s County in any such action, the undersigned shall satisfy and discharge the same excluding only such claims, demands or losses, which result from the sole negligence of Queen Anne’s County or its officers, agents or employees.

Signed at _____ this _____ day of _____, 2020

WITNESS: _____

Signature _____

Name (Please Print)

Title _____

Address _____

City, State, Zip: _____