



# Town of East Greenwich

## Retailer Re-opening Strategy - 2020

Transition Guidelines to accommodate retail business during the Covid-19 health emergency

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### **Introduction**

These guidelines are designed to allow expansion of retail business operations 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 Town intends to review and expedite outdoor expansion requests on a case-by-case basis.

All businesses who desire to modify their operating areas to locations not previously approved shall complete the following application and indemnification and provide all relevant attestations and information to the East Greenwich Planning Department. The Planning Department shall serve as expediter or ombudsman and assist the business in navigating the approval process from a planning and zoning, licensing, and building and other life safety code perspective. Sufficient detail must be provided such that relevant Town staff can determine the location, layout and affected site features of the project and affirm that the arrangement comports with protection of the public health, safety and welfare. There will be no fees for these reviews and Town Staff will make every effort to complete required reviews within 48 hours of submission.

### **Operating Requirements for Temporary Outdoor Retail Expansions**

1. Sidewalk and other outdoor furnishings, displays, merchandise must be moveable, i.e. shelves, racks, and other accessories cannot be affixed to the ground.
2. The outdoor area must be accessible to the disabled, and the business owner must at all times comply with all applicable federal, state and town laws, ordinances and regulations concerning accessibility and non-discrimination in the providing of services.
3. The outdoor display or retail area cannot obstruct any fire exit, fire escape, or other required ingress or egress.
4. For temporary sidewalk or other expanded outdoor retailing areas within a *public* right of way, the following is required:
  - A. Proof of liability insurance, per local Executive Order 20 – 1 dated 5/13/20 must be provided and evidence of general workers compensation insurance must be on file.
  - B. A signed indemnification agreement with the Town is required – see attached.

- C. A “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 business façade, the points of ingress and egress, the proposed location of the sales and display areas, any barriers or borders, awnings, umbrellas, or other proposed facilities or accessories. In lieu of a site plan, if not available, applicants should attach a *photograph* indicating the described features.
- D. The use of public sidewalks or right-of-way for outdoor retail is only permitted when incidental to the operation of an existing business on private contiguous property and normally only permitted along the frontage of the business. During the COVID-19 health emergency, business owners are eligible to apply to extend sales areas beyond their ordinary building frontage limits upon receipt of written authorization from affected property owners and assuming all requirements herein are met and Town professional staff so authorizes.
- E. The operation of the outdoor retail areas 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.
- F. The placement of furnishings for the outdoor 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 escape or fire door, or obstruct the clear view of any traffic signal, regulatory sign or street sign.
- G. The business owner will be responsible for the maintenance and upkeep of the public right- of-way used for outdoor retail 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.
- H. Awnings or umbrellas over sidewalk dining areas must provide at least 7 feet of clearance from their bottom edge to the sidewalk.

5. For temporary outdoor retail areas on *private* property

The following general requirements will be applicable to all outdoor retail areas on private property (i.e. not on a sidewalk or within the right of way). If business owners desire to enclose or cover an outdoor sales area by means of a tent, the Town’s Fire Marshal shall have purview. Such owners are advised to reference the Town’s “Transition Guidelines to accommodate food service during the Covid-19 health emergency” which include the standards and guidelines for tent installation and the Town’s temporary tent permit application form.

General Requirements:

- A. Where outdoor retailing will occur on property **not owned** by the business owner, written landlord approval shall be required along with proof of liability insurance that covers the proposed area;

- B. State standards for strict social/physical distancing still apply;
- C. Valet parking service is prohibited;
- D. Where possible, one-way customer circulation shall be designed with entrances and exits for patrons physically separated;
- E. Tents coverings for outdoor areas may be permitted on private property where appropriate and where space is available. The Fire Marshal and Building/Zoning Official shall have purview over such locations and installations. Tents are not allowed to be fully enclosed (side walls must be open).
- F. Fire Department and all other emergency or public safety access shall **not** be blocked by display areas or tents.
- G. The outdoor sales or display areas cannot interfere with site circulation. Physical separations or barriers (“Jersey” barriers or water filled barriers, for example) may be required by the Town’s public safety officials.

INDEMNIFICATION

WHEREAS, the undersigned desires to maintain a temporary outdoor retail expansion area on a portion of the public sidewalk in the Town of East Greenwich;

WHEREAS, the Town of East Greenwich is willing to permit the undersigned to maintain such an area, provided that the Town 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 the Town of East Greenwich, 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 temporary outdoor retail expansion 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 the Town 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 the Town of East Greenwich, RI or its officers, agents or employees.

Signed at \_\_\_\_\_ RI, this \_\_\_\_ day of \_\_\_\_\_, 20

WITNESS:

\_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (Please Print)

\_\_\_\_\_  
Title

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

# Temporary Outdoor Retail Expansion Request

## I. Applicant Information:

Business Name: \_\_\_\_\_

Business Owner: \_\_\_\_\_

Address: \_\_\_\_\_

Phone &/or E-mail: \_\_\_\_\_

## II. Application Request (check one):

Outdoor Retail Area on Public Sidewalk \_\_\_\_\_

Outdoor Retail Area on Private Property \_\_\_\_\_

## III. Application Checklist

### Date Submitted

### Date Approved

Application

\_\_\_\_\_

\_\_\_\_\_

Site Plan OR photo

\_\_\_\_\_

\_\_\_\_\_

Proof of Insurance

\_\_\_\_\_

\_\_\_\_\_

## IV. Statement of Understanding:

I hereby acknowledge the Town of East Greenwich 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.

\_\_\_\_\_  
Applicant

\_\_\_\_\_  
Property Owner (if other than applicant)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

Return to: East Greenwich Planning Department: 111 Peirce Street – PO Box 111  
East Greenwich RI 02818 or email to [Lbourbon@eastgreenwichri.com](mailto:Lbourbon@eastgreenwichri.com)