

**JOINT DECLARATION AND RESOLUTION PERMITTING TEMPORARY OUTDOOR  
DINING AREAS DURING THE COVID-19 EMERGENCY**

**CITY OF LIVONIA**  
County of Wayne, State of Michigan

At the Regular Meeting of the City Council of the City of Livonia, County of Wayne, State of Michigan, held on the 27th day of May 2020, at 7:00 o'clock p.m., Eastern Time.

PRESENT: Jolly, Toy, Bahr, White, McCullough, Donovic and McIntyre

ABSENT: None

The following preamble and resolution were offered by Toy and supported by Donovic.

**WHEREAS**, the novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death and can be spread from person to person. On March 10, 2020 Governor Gretchen Whitmer declared a state of emergency across the State of Michigan under Section 1 of Article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401 et seq., and the Emergency Powers of the Governor Act of 1945, 1945PA 302, as amended, MCL 10.31 et seq. as a result of the dangers associated with COVID-19. Further, the Governor has continued a State of Emergency under Section 1 of Article 5 of the Michigan Constitution of 1963 and the Emergency Powers of the Governor Act of 1945, 1945PA 302, as amended, MCL 10.31 et seq.

**WHEREAS**, the Mayor and the City Council recognize the emergency pursuant to MCL 30.410 and the threat that it poses to the local economy in general and the dining and hospitality industry in particular.

**WHEREAS**, pursuant to various Executive Orders issued by the Governor, dine-in restaurants were ordered to be closed for dine-in business. These orders that were designed to prevent the spread of COVID-19 have put an enormous strain on local restaurants, their employees, and the public.

**THEREFORE BE IT RESOLVED**, that to assist local restaurants, the City of Livonia, through the Mayor and City Council, upon an amendment to the Governor's Executive Orders allowing the resumption of dine-in restaurants, any existing full or limited service restaurant with indoor dining that exceeds twelve (12) customer seats is allowed under this resolution to submit a request to the City of Livonia Department of Inspection to temporarily add or expand an existing outdoor dining area. The Director of the Department of Inspection (Director) or any of his duly authorized assistants, together with the City of Livonia Planning Department and Department of Public Safety, shall review an application for a temporary outdoor dining area to ensure compliance with the following items and with any other applicable code or measure deemed necessary to ensure the health, safety and welfare of the public, including patrons and employees and the community as a whole. An application shall be accompanied with plans and drawings with information and details as specified below including the appropriate review and inspection fees. Upon review of an application, the Director of the Department of Inspection shall determine whether to issue the required building, mechanical and occupancy permits for a temporary outdoor dining area. Authorization of a temporary outdoor dining area under this Resolution, with or without an allowance for the sale of alcoholic beverages for consumption on the premises as may be approved by the Michigan Liquor Control Commission (MLCC), shall temporarily waive the requirements for such use or uses as provided for under the City of Livonia Zoning Ordinance No. 543, as amended, and any and all permits granted under this Resolution shall continue so long as an active Executive Order of the Governor imposes seating and distancing limitations on these establishments, but will automatically terminate no later than October 31, 2020.

The following standards for a temporary outdoor dining area shall apply and the application for such use shall include the following information:

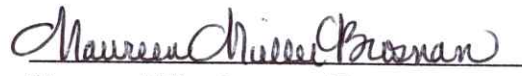
- 1) The location and size of the proposed temporary outdoor dining area in relation to parking and traffic circulation, both on and off the premises, and to streets giving access to it. The layout shall be such that traffic to and from the use, and the assembly of persons in connection therewith, will not be hazardous or inconvenient nor unduly conflict with normal traffic flow. In applying this standard, the Director shall consider, among other things, convenient routes for pedestrian traffic, the relationship of the proposed temporary outdoor dining area to main traffic thoroughfares, vehicular turning movements, and the location and access of off-street parking.
- 2) The location and size of the proposed temporary outdoor dining area in relation to existing buildings, structures, or other features located on or off the premises, including paths of ingress and egress to such areas. That the capacity for the outdoor dining shall not exceed one-half (½) of the allowable indoor seating pursuant to Executive Order.
- 3) Provisions for adequate lighting.
- 4) Provisions for adequate off-street parking.
- 5) The arrangement, location and spacing of the outdoor seating taking into consideration proper social distancing requirements.
- 6) The location of any temporary hostess stands, waitstaff stands, restrooms, and consumer gathering areas taking into consideration proper social distancing requirements.
- 7) The limits of an outdoor dining area shall be properly delineated using either a temporary structure (i.e., open-sided tent and/or canopy), or by other means such as temporary bollards, fencing, landscaping, etc.
- 8) Where a liquor license issued by the MLCC allows for the consumption of alcohol on the premises, the temporary outdoor dining area shall be fully enclosed with temporary fencing as approved by the Director and shall be properly secured and equipped with gates or other approved openings to allow for emergency egress.
- 9) The consumption of all food and alcohol shall be restricted to within the building and the approved limits of the temporary outdoor dining patio.
- 10) The plans shall include adequate provisions for the collection and containment of all refuse.
- 11) Outdoor sound or video equipment, including televisions, live music, or entertainment, shall be prohibited in connection with a temporary outdoor dining area allowed under this Resolution.
- 12) All temporary outdoor dining areas allowed under this Resolution shall promptly close no later than 10:00 p.m. and shall remain closed for business until no earlier than 8:00 a.m. the following morning. That this resolution does not waive the City of Livonia noise ordinance.
- 13) Stormwater and natural drainage flow shall not be impeded.
- 14) Smoking in any part of an approved temporary outdoor dining area is strictly prohibited.

**BE IT FURTHER RESOLVED**, that temporary permits pursuant to this Resolution confer no vested rights or conforming use status and are revocable immediately upon the detection of any violation of law or MLCC regulation in connection with operations pursuant to this resolution. Any investments made in pursuit of operations pursuant to this resolution are made purely at the investor's risk. This Resolution shall continue so long as an active Executive Order of the Governor imposes seating and distancing limitations on these establishments but will automatically terminate no later than October 31, 2020.

AYES:

NAYS:

**RESOLUTION DECLARED ADOPTED.**



Maureen Miller Brosnan, Mayor

I HEREBY CERTIFY that the attached is a true and complete copy of a resolution adopted by the Mayor and City Council of the City of Livonia, County of Wayne, State of Michigan, at a regular meeting held on May 27, 2020.



Susan M. Nash, Livonia City Clerk