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Filed: 03-30-21

Sponsored by: Lear

First Reading: _____

Second Reading: _____

COUNCIL BILL 2021-081

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the Springfield City Code, Chapter 98, 'Streets, Sidewalks, and Public
2 Places,' Article VII, 'Encroachments on City Property,' Section 98-323,
3 'Certain encroachments authorized by the director of public works—
4 Procedures related thereto,' to waive application and permit fees for
5 encroachment permits for temporary sidewalk cafés while restaurants
6 are required to maintain physical distancing between patrons or
7 restaurants are restricted from seating patrons at counters due to the
8 2019 novel coronavirus.

9 _____

10
11 WHEREAS, on March 16, 2020, the Mayor of the City of Springfield, declared a
12 civil emergency in response to the ongoing coronavirus disease 2019 ("COVID-19")
13 pandemic; and

14
15 WHEREAS, on March 16, 2020, Springfield City Council, by its passage of
16 Special Ordinance 27293, prohibited certain public gatherings of 50 or more persons;
17 and

18
19 WHEREAS, Special Ordinance 27293 authorized the Mayor, during the duration
20 of the declaration of civil emergency, to issue additional orders amending which public
21 gatherings are prohibited; and

22
23 WHEREAS, the Mayor issued subsequent "Stay at Home" and "Road to
24 Recovery" orders after March 2020, which included customer occupancy limits on
25 restaurants; and

26
27 WHEREAS, City Council, recognizing the impact of these restrictions on the
28 ability of restaurants to effectively and efficiently operate, adopted General Ordinance
29 6596 on June 1, 2020, which waived fees for encroachment permits for temporary
30 sidewalk cafés until the Mayor's declaration of civil emergency is withdrawn, or until
31 November 30, 2020, whichever is earlier; and

32

33 WHEREAS, City Council adopted General Ordinance 6607 on July 13, 2020,
34 which amended the Springfield City Code, Chapter 58, 'Health and Sanitation,' by
35 adding a new Article XIII, 'COVID-19 pandemic' and, among other provisions, both
36 prohibited counter seating and required restaurants to maintain a physical distance of
37 six feet between groups of patrons dining indoors or to install physical barriers between
38 tables or booths; and

39
40 WHEREAS, City Council adopted General Ordinance 6619 on October 5, 2020,
41 which adopted the same restrictions as General Ordinance 6607; and

42
43 WHEREAS, City Council adopted General Ordinance 6623 which removed the
44 deadline of November 30, 2020 from General Ordinance 6607 and permits temporary
45 sidewalk or street cafes subject to the standards outlined in the Ordinance until
46 restaurants are no longer required to maintain physical distancing between groups of
47 patrons and counter seating is permitted.

48
49 WHEREAS, City Council finds that continuing to waive fees and certain other
50 requirements for establishing sidewalk or street cafés while restaurants are required to
51 maintain physical distancing or while counter seating remains prohibited during the Red
52 and Yellow phases of the Road to Recovery plan will reduce the negative impact of
53 physical distancing restrictions on restaurants and ease compliance with said
54 restrictions, thereby furthering the important public health goal of limiting person to
55 person contact.

56
57 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
58 SPRINGFIELD, MISSOURI, as follows, that:

59
60 NOTE: Language to be added is underlined. Language to be deleted is ~~stricken~~.

61
62 Section 1 – Springfield City Code, Chapter 98, 'Streets, Sidewalks and Public
63 Places,' Article VII, 'Encroachments on City Property,' Section 98-323, 'Certain
64 encroachments authorized by the director of public works – Procedures related thereto'
65 is hereby amended as follows:

66
67 Sec. 98-323. - Certain encroachments authorized by the director of public works—
68 Procedures related thereto.

- 69
70 (a) The director of public works is hereby authorized to allow, on, in, or over a
71 public street, public sidewalk or public right-of-way, pursuant to this section,
72 the following types of encroachments: awnings, canopies, planters, street
73 furniture, sidewalk cafes, projecting signs, and bicycle docks associated with a
74 bicycle share program.
75
76 (b) Any person who desires to construct, install or place an encroachment
77 provided for in subsection (a) on, in, or over a public street, public sidewalk or
78 public right-of-way, shall first make application to the director of public works

79 for an encroachment permit and license, provided that the requested
80 encroachment shall abut land owned or leased by the applicant unless the
81 requested encroachment is a bicycle dock. Applications for a permit and
82 license shall be submitted on forms approved by the director of public works
83 and shall include the following:

- 84
- 85 (1) The location, nature, size and purpose of the proposed encroachment.
- 86
- 87 (2) Plans, specifications, drawings and other information as required by the
88 director of public works.
- 89
- 90 (3) Detailed information as to any signage and markings that will be applied to
91 the proposed encroachment.
- 92
- 93 (4) An application fee according to the approved fee schedule filed with the city
94 clerk. If the proposed encroachment is for a sidewalk café intended to
95 operate on a temporary basis while restaurants are, by ordinance,
96 emergency declaration, or other law, required to maintain physical
97 distancing between patrons or ~~and~~ prohibited from seating patrons at
98 counters due to the 2019 novel coronavirus, no application fee shall be
99 required. Any such sidewalk café for which no application permit fee is paid
100 shall be removed no later than seven days after restaurants are permitted
101 to seat patrons at counters and are no longer required to maintain physical
102 distancing between patrons due to the 2019 novel coronavirus. Upon
103 removal, any sidewalk, parking area, or other public right-of-way shall be
104 restored to its previous use as a sidewalk, parking area, or other public
105 right-of-way.

106

107 An encroachment permit or license may be issued pursuant to this section only after
108 demonstrated consideration has been given to any city "Encroachment Design
109 Guidelines" which are on file in the office of the director of public works.

- 110
- 111 (c) If the application is approved, the applicant may be issued an encroachment
112 permit from the director of public works provided the applicant enters into an
113 encroachment license agreement with the city as set forth in section 98-325.
- 114
- 115 (d) The cost of the encroachment permit shall be equal to the minimum building
116 permit fee as found in the fee schedule on file with the office of the city clerk
117 provided that no permit fee shall be required if the encroachment request is
118 included within another project that requires a building permit. If the proposed
119 encroachment is for a sidewalk café and no application fee was required under
120 Sec. 98-323(b)(4), no permit fee shall be required.

121

122 Section 2 – This Ordinance shall be in full force and effect from and after
123 passage.

124

125 Passed at meeting: _____

126
127 _____

128 Mayor

129
130 Attest: _____, City Clerk

131
132 Filed as Ordinance: _____

133
134 Approved as to form: , Assistant City Attorney

135
136
137 Approved for Council action: , City Manager

EXPLANATION TO COUNCIL BILL 2021-081

FILED: 03-30-21

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: Amending Chapter 98 of the Springfield City Code, Article VII, 'Encroachments on City Property,' Section 98-323. 'Certain encroachments authorized by the director of Public Works – Procedures related thereto,' to waive application and permit fees for encroachment permits for temporary sidewalk cafés while restaurants are required to maintain physical distancing between patrons or restaurants are restricted from seating patrons at counters due to the 2019 novel coronavirus. (Staff recommends approval).

BACKGROUND INFORMATION: On March 16, 2020, the Mayor declared a civil emergency in response to the ongoing coronavirus disease 2019 ("COVID-19") pandemic. Also, on that day, City Council adopted Special Ordinance 27293 which prohibited certain public gatherings and authorized the Mayor to issue additional orders amending which public gatherings are prohibited during the pendency of the civil emergency declaration.

The Mayor issued subsequent "Stay at Home:" and "Road to Recover" orders which included limits on customer occupancy of restaurants. Recognizing the impact that these restrictions have had on the ability of restaurants to effectively and efficiently operate, City Council adopted General Ordinance 6596 which provides the opportunity for sidewalk and street cafés to operate on a temporary basis during the Mayor's declaration of civil emergency prior to November 30, 2020, and while restaurant occupancy is restricted to less than one hundred percent occupancy.

City Council adopted General Ordinance 6607 on July 13, 2020, which did not impose a strict formula for occupancy on restaurants, but instead required restaurants to either maintain a physical distance of six feet between groups of patrons dining indoors or install physical barriers between tables or booths and prohibited counter seating. City Council adopted General Ordinance 6619 on October 5, 2020, which included the same restrictions.

General Ordinance 6596 also decreased the amount of general liability insurance required for sidewalk cafés and street cafés and waived the fee for encroachment licenses for the same.

On November 2, 2020, City Council adopted General Ordinance 6623 which removed the deadline of November 30, 2020, from General Ordinance 6607 and permits the temporary sidewalk or street cafés subject to the standards outlined in the Ordinance until restaurants are no longer required to maintain physical distancing between groups of patrons and counter seating is permitted.

This amendment will permit the sidewalk and street cafés subject to the standards outlined in the Ordinance as long as restaurants are required to maintain physical distancing between groups of patrons or are prohibited from using counter seating. The impact of this change will be to permit sidewalk and street cafés subject to this Ordinance and General Ordinance 6596 while the community is in the Red and Yellow phases of the Road to Recovery plan.

REMARKS: Staff recommends approval

Submitted and Recommended by:

Approved by:



Mary Lilly Smith, Director



Jason Gage, City Manager