



MEMORANDUM

REGULAR CITY COUNCIL MEETING

February 18, 2025, at 6:00 PM

TO: City Council

FROM: Lisa Nocerini, City Manager

SUBJECT: 2025 Temporary Outdoor Right-of-Way Expansion

During the COVID pandemic, businesses in the downtown sought an alternative to indoor dining and retail space. This solution turned out to be a huge success. Visitors and residents provided complementary feedback to the businesses that participated. With the 2025 season approaching, City administration is again seeking City Council input prior to proceeding with the application process.

Attached you will find the application that City administration intends to use. Downtown businesses will be able to expand into adjacent City right-of ways from April 18, 2025, through October 27, 2025.

Sample Motion – I recommend City Council authorize City administration to proceed with the application process to allow downtown businesses use of the City’s right-of-way to expand their business from April 18, 2025, through October 27, 2025.



Dear Downtown Douglas Business Owner,

With the success of the temporary outdoor right-of-way expansion the City Council has once again given authorization for the City to permit downtown businesses use of the City's right-of-way to expand their businesses. Business owners may occupy areas of the sidewalk and off-street parking areas adjacent to your building only. Issuance of a permit will take effect once all requirements listed below are met. This authorization may prevail from April 18, 2025, through October 27, 2025.

Requirements of Business:

- **Provide the City a liability insurance policy with a minimum of \$1,000,000, listing the City of Douglas as additional insured.**
- Agree to defend, indemnify, and hold harmless the City and its employees from any and all claim, demands, damages, actions, causes of action of any kind and nature whatsoever that could arise from the issuance of the temporary outdoor right-of-way expansion permit.
- Maintain a clearly marked, unobstructed, pedestrian right-of-way, also known as a "pedestrian path" of travel, of no less than four (4) feet in width and that meets required accessibility standards. Partitions such as physical barriers to separate the dining area from the pedestrian path are encouraged.
- Maintain unobstructed access to public utilities, building entrances, fire hydrants, and crosswalks.
- Install a removable, durable, and highly visible barrier between patrons and motor vehicle traffic, as well as, between patrons and the pedestrian path, that is aesthetically pleasing. Reflective tape or markers are required. Examples include a section of fencing or railing at least four (4) feet tall. Ropes, chains, cones, potted plants, and the like are not sufficient.
- Umbrellas shall be no less than eighty (80) inches above the pedestrian path.
- No tents or igloos are permitted within City rights-of-way.
- Provide on-site trash containers that must be emptied by the business.
- Provide contact information of the person responsible for keeping the area clean.
- Businesses with a liquor license must comply with all federal, state, and local regulations.

Use of parking spaces which overlap with a neighboring business should not be used unless agreed to by the neighboring business. Parking spaces that are ADA accessible are prohibited for use.

The City of Douglas reserves the right to remove a business's temporary outdoor right-of-way expansion permit that (i) creates an obstruction to, or causes congestion of, pedestrian or vehicular traffic due to the existing conditions on the surrounding public right-of-way if it finds the installation represents a danger to the health, safety, or general welfare of the public (ii) a business violates the requirements of these Guidelines or State, and Local orders.

The City of Douglas may require the removal, temporary or permanent, of the temporary outdoor right-of-way expansion structures when redevelopment or improvements of the street or sidewalk, or utility repairs necessitates such action, or permittee fails to comply with the criteria set forth in existing City ordinances or this policy. Any cost incurred by the City for removal or storage of sidewalk tables, chairs, structures, and

other equipment shall be the responsibility of the business. The City is not responsible for any damage or loss of equipment removed pursuant to this subsection.

Please let me know if you have any questions or concerns.

Regards,
Lisa Nocerini
City Manager

Name of Business: _____

Owners Name: _____ Phone #: _____

Cleaning Contact: _____ Phone #: _____

OFFICE USE ONLY

Right-of-way Permit Application Approved By:	
City Manager: _____	Date: _____
CC: <input type="checkbox"/> Zoning Administrator <input type="checkbox"/> DPW Director <input type="checkbox"/> Police Chief <input type="checkbox"/> City Clerk	