

**TOWN OF LINCOLN RHODE ISLAND  
AMENDED ORDINANCE  
DECLARATION OF EMERGENCY**

Whereas, the State of Rhode Island has declared a state of emergency due to the outbreak of COVID-19, as set forth in Executive Orders issued by Governor Gina M. Raimondo beginning on March 9, 2020, and

Whereas, The Lincoln Town Council has adopted a declaration of emergency ordinance pursuant to RIGL §§ 30-15-12(b) and 30-15-13 as well as Section C5-9 (5) of the Lincoln Town Charter, due to the COVID-19 outbreak, and

Whereas, although the COVID-19 outbreak continues, Governor Raimondo has issued additional executive orders to allow for the reopening of certain businesses, with conditions

Now Therefore, pursuant to Section C5-9 (5) of the Lincoln Town Charter, as well as RIGL §§ 30-15-12(b) and 30-15-13, the Lincoln Town Council hereby ordains and amends the declaration of emergency ordinance as follows:

1. Any restaurant, bar or establishment in good standing that offers food or drink are authorized to temporarily expand their service areas outdoors, subject to any conditions and restrictions as set forth in any relevant Executive Order issued by Governor Gina Raimondo as well as any rules and regulations adopted by the Rhode Island Department of Health and the Rhode Island Department of Business Regulations, as well as the following conditions and restrictions:

(a) Outdoor service shall only be allowed on a temporary basis and shall automatically terminate when normal business operations are resumed, or upon further amendment of this ordinance by the Town Council.

(b) The outdoor service area meets all applicable life safety codes, including but not limited to the State Fire Code and the Americans with Disabilities Act.

(c) Outdoor entertainment is not permitted, unless approved by the Town Council.

(d) The outdoor service area is limited to the licensee's property.

(e) The outdoor service area is clearly marked and separated with a physical barrier from the parking area.

(f) All social distancing requirements, capacity restrictions and any other requirements for restaurant outdoor service areas as set forth in Governor Raimondo's executive orders as well as any state agency rules and regulations that are designed to protect the health and safety of the general public shall be strictly adhered to in the outdoor service area.

(g). Sections 70-1 & 70-8 C (6) & (14) of the Lincoln Town Code, prohibiting the consumption of alcoholic beverages in parking lots or other public places, shall not apply to the outdoor service areas subject to this ordinance.

(h). All other license restrictions set forth in Section 70-8 of the Lincoln Town Code shall apply to the outdoor service areas subject to this ordinance.

(i). Any restaurant, bar or establishment that utilizes an outdoor service area shall indemnify and hold the Town harmless from any and all claims arising from accidents or injuries in the outdoor service area.

(j). The authorization for any restaurant, bar or establishment to utilize an outdoor service area shall commence upon the date set by Governor Raimondo for such use and shall continue for such time as the declaration of emergency ordinance as amended remains in effect and as allowed by the State of Rhode Island.

(k). The outdoor service area shall close no later than 10:00 p.m. Sunday through Thursday and 11:00 p.m. Friday and Saturday. All patrons shall be required to leave the outdoor service area at that time.

(l). The Town Administrator is hereby authorized to take any and all actions necessary to supervise and regulate the use of outdoor service areas as set forth in this ordinance, including the ability to refer violations to the Town Council for hearing to show cause why the permission to utilize an outdoor service area should not be revoked.

2. The restriction on gatherings in the Town of Lincoln shall conform to the limitations on gatherings, public and private, as set forth in Executive Orders issued by Governor Gina Raimondo.

3. Public meetings by public bodies of the Town of Lincoln shall be conducted in accordance with Executive Order 20-25 issued by Governor Gina Raimondo on April 15, 2020.

4. All other provisions of the emergency ordinance not amended by the provisions herein shall remain in full force and effect.

Attest:

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Monique Clauson  
Town Clerk

Adopted as an emergency ordinance:

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Keith Macksoud  
President, Lincoln Town Council

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Arthur Russo  
Vice President, Lincoln Town Council

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Kenneth Pichette,  
Member, Lincoln Town Council

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Bruce Ogni  
Member, Lincoln Town Council

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Pamela Azar  
Member, Lincoln Town Council

Dated: