



City of Richland Temporary Outdoor Use Waiver

Novel Coronavirus (COVID-19) Response

In response to the COVID-19 pandemic, the City of Richland is authorizing no-fee temporary waivers of certain Richland Municipal Code (RMC) requirements to allow existing businesses located in all commercial zones to use outdoor portions of commercial or city-owned property or right-of-way for dining or service.

This Temporary Outdoor Use Waiver (hereafter “Waiver”) is authorized pursuant to Richland City Council Resolution No. 102-20.

Instructions: Please review this document in its entirety before completing the *Applicant Information* portion below. This application must be accompanied by the required documentation in order to be processed. Incomplete applications will be returned. Completed applications will be processed within two (2) business days. Return completed application and attachments to richlandbusinessinfo@ci.richland.wa.us or mail to 625 Swift Blvd. MS-18, Richland WA, 99352 – ATTN: Economic Development.

APPLICANT INFORMATION

Applicant Name:	
Business Name:	
Email:	Phone:
City Business License No.	
Area of use requested: <input type="checkbox"/> sidewalk only; <input type="checkbox"/> off-street parking spaces only (up to 50%); <input type="checkbox"/> sidewalk & off-street parking spaces (up to 50%).	
Business Address:	Check all that apply: <input type="checkbox"/> Liquor will be served (state license obtained). <input type="checkbox"/> Food/beverage will be served (health department license obtained). <input type="checkbox"/> Other (please specify):
Description of activity for which waiver is sought:	
Required Documents (please attach to this application): <ul style="list-style-type: none"> Certificate of insurance and endorsement identifying City as an additional insured; Diagram of intended outdoor space to be used; Written consent from the property owner if different than the applicant. 	

ELIGIBILITY

To be eligible, Applicant's business must be located in the City of Richland and possess a valid business license in good standing. Applicant must also provide the required evidence of insurance, and submit and receive approval of a site plan detailing the following:

1. Dimensionally accurate parking, drive aisles, and ingress/egress points to the public right-of-way;
2. Clearly delineated area(s) that will be temporarily converted for retail and/or food service. The delineated area(s) must be clear of all drive aisles and fire lanes needed for circulation of vehicular traffic and emergency vehicles;
3. A clear description/depiction of how pedestrian movement will be accommodated on sidewalks so that minimum ADA standards required for sidewalks and other areas are met;
4. Proposed barriers surrounding the expanded outdoor space must be clearly described and identified.
5. Proposed tents in the expanded outdoor space must be identified on the diagram, and additional permits may be required.

APPLICANT OBLIGATIONS

By applying for and receiving this Waiver, Applicant hereby agrees to:

1. Operate the temporary expanded outdoor space in a safe and sanitary manner at all times.
2. Ensure that utilization of the temporary expanded outdoor space does not generate adverse parking conditions on adjacent streets. **Note:** ADA spaces cannot be used as temporary expanded outdoor space under this waiver, and must remain accessible for their intended use at all times.
3. Use the temporary expanded outdoor space only for purposes of conducting the same business as that which is ordinarily conducted inside the business. No new or modified business activities are authorized in the temporary expanded outdoor space. **Note:** The outdoor space cannot be used as storage in any way.
4. Ensure that barriers placed around the temporary outdoor area are temporary in nature, no more than four (4) feet in height, and keep the area safe from vehicular traffic where necessary. The barriers must also comply with other state and federal agency requirements where necessary.

5. Ensure that no permanent items or structures are placed on city property. Further, no permanent or temporary signage may be affixed to any publicly owned property, including but not limited to benches, utility poles, and sign posts.
6. Comply with all relevant guidelines in Governor Inslee's *Safe Start* reopening plan, or any modified version thereof specific to Benton County as imposed by the Washington State Department of Health. Such guidelines include, but are not limited to social distancing and limited seating per table requirements.
7. Comply with all state and federal requirements related to Applicant's business, including compliance with Washington State Liquor & Cannabis Board (WSLCB) regulations and approvals if liquor is served.
8. Obtain permission from immediately adjacent businesses for any expansion of the temporary expanded outdoor space beyond the front of the business.
9. In the event Applicant is a tenant leasing the space where the Waiver will apply, obtain written consent from the property owner prior to approval.
10. Comply with all other terms and conditions of this waiver application and agreement document, including but not limited to insurance, indemnification and hold harmless provisions.
11. Provide City of Richland employees prompt access to the temporary expanded outdoor space to maintain and/or repair the property. To the extent possible, advanced notice will be provided by the City when such access is necessary.

TERM AND TERMINATION

Once approved, this Temporary Outdoor Use Waiver will remain in effect until Benton County enters Phase 4 of Governor Inslee's *Safe Start* reopening plan or December 31, 2020, whichever occurs first.

Applicant may voluntarily relinquish this Waiver at any time upon written notice to the City of Richland. City reserves the right to revoke this Waiver at any time in the event Applicant violates, in City's sole determination, any requirements, terms or conditions of this Waiver.

Within seven (7) days of expiration or revocation, Applicant will remove all temporary barriers, fencing, equipment, tables, chairs, lighting, signage and other items related to the temporary outdoor space, and return the property to its pre-occupied condition.

INSURANCE

Applicant shall procure and maintain for the duration of the use of the temporary expanded outdoor space (the "Premises") insurance against claims for injuries to persons or damage to property which may arise from or in connection with the use of the Premises and the activities of Applicant and his or her guests, representatives, volunteers and employees. Applicant's maintenance of insurance as required shall not be construed to

limit the liability of Applicant to the coverage provided by such insurance, or otherwise limit the City of Richland's recourse to any remedy available at law or in equity.

Applicant's required insurance is General Liability insurance that is at least as broad as Insurance Services Office (ISO) occurrence form CG 00 01 covering premises, operations, products-completed operations, stop-gap liability and contractual liability. The City of Richland shall be named as an additional insured on Applicant's General Liability insurance policy using ISO Additional Insured-Managers or Lessors of Premises Form CG 20 11 or an endorsement providing at least as broad coverage. The General Liability insurance shall be written with limits no less than \$1,000,000 each occurrence, \$1,000,000 general aggregate. The insurance policy shall contain, or be endorsed to contain that Applicant's insurance coverage shall be primary insurance as respect the City of Richland. Any insurance, self-insurance, or self-insured pool coverage maintained by the City of Richland shall be excess of Applicant's insurance and shall not contribute with it.

Applicant shall provide a certificate of insurance evidencing the required insurance and the required endorsement identifying City of Richland as an additional insured before Waiver approval is granted. Insurance is to be placed with insurers with a current A.M. Best rating of not less than A: VII.

If Applicant maintains higher insurance limits than the minimums shown above, the City of Richland shall be insured for the full available limits of Commercial General and Excess or Umbrella liability maintained by Applicant, irrespective of whether such limits maintained by Applicant are greater than those required by the waiver or whether any certificate of insurance furnished to the City of Richland evidences limits of liability lower than those maintained by Applicant.

INDEMNIFICATION AND HOLD HARMLESS

Applicant shall defend, indemnify and hold harmless the City of Richland, its officers, officials, employees and volunteers from and against any and all claims, suits, actions, or liabilities for injury or death of any person, or for loss or damage to property, which arises out of the use of Premises or from any activity, work or thing done, permitted, or suffered by Applicant in or about the Premises, except only such injury or damage as shall have been occasioned by the sole negligence of the City of Richland.

DISCLAIMER OF LIABILITY

Applicant assumes sole responsibility for adequately securing Applicant's property in the temporary expanded outdoor area. The City of Richland assumes no responsibility or liability for providing adequate security or safekeeping of Applicant's property. Further, the City makes no representations, express or implied, related to security of the Premises.

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APPLICANT ACKNOWLEDGEMENT

I have read this application and agree to comply with all of its terms and conditions. I have the legal authority to apply for and accept the terms and conditions of this Temporary Outdoor Use Waiver on behalf of the business identified on Page 1. I acknowledge that failure to comply with the terms and conditions of this Waiver may result in its immediate revocation, and I will be required to vacate the Premises.

Applicant:

_____ Date: _____

Printed Name: _____

INTERNAL USE ONLY:

Required Attachments reviewed and approved:

- Certificate of insurance with additional insured endorsement: _____ (staff initials)
- Diagram of intended outdoor space to be used: _____ (staff initials)
- Written consent from the property owner (if applicable): _____ (staff initials or N/A)

Application reviewed and recommended for approval by Economic Development:

_____ Date: _____

Kerwin Jensen, Development Services Director

APPROVED:

_____ Date: _____

Cindy Reents, Richland City Manager