

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ORDINANCE NO. 21-\_\_\_\_**

**AN URGENCY ORDINANCE OF THE CITY OF HERMOSA BEACH, CALIFORNIA, EXTENDING A TEMPORARY PERMIT PROGRAM FOR OUTDOOR DINING/SEATING AND OUTDOOR RETAIL DISPLAY TO ASSIST RESTAURANTS, FOOD, AND RETAIL ESTABLISHMENTS DURING COVID-19; AND EXTENDING TEMPORARY LANE CLOSURES TO ACCOMMODATE OUTDOOR PERMITS; AND SETTING FORTH THE FACTS CONSTITUTING SUCH URGENCY**

The City Council of the City of Hermosa Beach does ordain as follows:

**SECTION 1. Findings.**

- A. The findings set forth in Ordinance No. 20-1410U, an urgency ordinance to Implement a Temporary Permit for Outdoor Dining/Seating and Outdoor Retail Display to Assist in the Reopening of Restaurants, Food, and Retail Establishments During COVID-19, and Ordinance No. 20-1413U, an urgency ordinance which extended Ordinance No. 20-1410U until terminated or superseded by ordinance (together, the “Outdoor Permit Program”), are still relevant and incorporated herein by reference.
- B. On July 14, 2020, the City Council directed staff to develop options for closing parking spaces and vehicle lanes on the downtown sections of Hermosa and Pier Avenues that would encourage foot traffic and expand socially distanced outdoor dining and retail opportunities in the public right-of-way in furtherance of the Outdoor Permit Program (the “Downtown Lane Reconfiguration”).
- C. On August 11, 2020, the City Council, by minute order, authorized the City Manager to close one lane in each direction on Hermosa Avenue (between 8<sup>th</sup> and 14<sup>th</sup>) and implement traffic control plans to facilitate outdoor economic activity made possible by the Outdoor Permit Program. Council directed the lane closures on Hermosa Avenue to remain in place for at least six months beginning on the day the project was fully completed and businesses could utilize the set up.
- D. On August 20, 2020, in accordance with City Council’s direction from August 11, 2020, the City Manager acting as Director of Emergency Services issued Executive Order 2020-11, temporarily closing to vehicular traffic the northbound and southbound #2 lanes (closest to the curb) on Hermosa Avenue from the 800 block at 8<sup>th</sup> Street to the 1300 block at 14<sup>th</sup> Street for at least six months, subject to extension or termination by City Council or the Director of Emergency Services.
- E. Starting August 20, 2020, Executive Order 2020-11 also temporarily closed to vehicular traffic the right turn lanes from westbound Greenwich Village to northbound Hermosa Avenue and a part of Hermosa Avenue immediately adjacent to 2626 Avenue until January 13, 2021, subject to extension or termination by City Council.

- 1 F. On August 25, 2020, the City Council ratified Executive Order 2020-11 and authorized  
2 staff to extend outdoor permits issued under the Outdoor Permit Program, consistent  
3 with the approved time for the lane closures.
- 4 G. On September 8, 2020, the City Council authorized staff to implement the temporary  
5 closure of parking spaces and vehicles lanes on Pier Avenue between Valley Drive and  
6 Hermosa Ave as shown in Concept #1 presented to City Council, which was to remain  
7 in place for at least six months beginning on the day the project was fully completed and  
8 operable.
- 9 H. On June 22, 2021, by minute order, Council approved the extension of the Outdoor  
10 Permit Program through December 31, 2021 and authorized implementation of a  
11 reapplication process for outdoor dining and retail permits, including a new requirement  
12 for deck operators to provide a surety bond or deposit.
- 13 I. On July 13, 2021, by Resolution No. 21-7290, the City Council extended through  
14 December 31, 2021 the closure of certain portions of the following streets to allow for  
15 open air dining and other business purposes:
- 16 • Hermosa Avenue between 8<sup>th</sup> Street and 14<sup>th</sup> Street (maximum of one lane closed  
17 in each direction so that through lanes open in both directions)
  - 18 • Pier Avenue between Valley Drive and Hermosa Ave (maximum of one lane  
19 closed in each direction so that through lanes open in both directions)
  - 20 • Small section of Hermosa Avenue immediately north of the intersection with  
21 Greenwich Village used to make a right turn to northbound Hermosa Avenue
- 22 J. Unlike when the Outdoor Permit Program and Downtown Lane Reconfiguration were  
23 first implemented, Los Angeles County businesses may now allow indoor dining and  
24 shopping. However, COVID-19 has not been eradicated. The risk of COVID-19  
25 transmission (existing and possible new variants) as well as the perceived threat of  
26 COVID-19 to visitors, residents and businesses continues to be a threat. The City will  
27 continue to monitor the risk of COVID-19 and in the event of a significant change,  
28 update the City Council and revisits this urgency ordinance accordingly.
- K. State health officials and health order continue to impose certain restrictions and  
requirement in relation to the COVID-19 pandemic.
- L. The City Council desires to extend the Outdoor Permit Program and Downtown Lane  
Reconfiguration to assist businesses' economic recovery, ease public concerns about  
infection while dining and shopping, and reduce community transmission.
- M. This Ordinance is adopted pursuant to Government Code section 36937, for the  
preservation of the public peace, health, and safety of residents living within the City,  
and finds urgency to approve this ordinance immediately based on the facts described  
herein and detailed in the staff report.

**SECTION 2. Temporary Permit Program for Outdoor Dining and Retail.** The provisions of Hermosa Beach Municipal Code Sections 17.26.050 (B), (C), 17.44.030, 17.38.550 (B), 12.16.090 and 12.16.100, regarding outdoor dining\outdoor retail displays, and

1 off-street parking requirements for commercial and business uses continue to be temporarily  
2 suspended, to the extent they conflict with this Urgency Ordinance, to allow for implementation  
of items A and B, below, through January 1, 2023.

- 3 A. A “Temporary Permit Program” for Outdoor Dining/Seating to assist in the economic  
4 recovery of restaurant and food establishments during the continuing COVID-19  
pandemic as set forth in **Exhibit A** attached hereto and incorporated herein by reference.
- 5 B. A “Temporary Permit Program” for businesses to display merchandise to assist in the in  
6 the economic recovery of retail establishments during the continuing COVID-19  
7 pandemic as set forth in **Exhibit B** attached hereto and incorporated herein by reference.

8 **SECTION 3. Temporary Downtown Lane Reconfiguration.** Portions of the  
9 following streets shall continue to be closed to vehicular traffic through January 1, 2023 to allow  
10 for open air dining and other business purposes intended to allow the public to patronize local  
businesses and dine outdoors in a manner that is safe and allows businesses to provide services  
in a way that eases concerns regarding the spread of COVID-19.

- 11 A. Hermosa Avenue between 8th Street and 14th Street (maximum of one lane closed in  
12 each direction so that through lanes open in both directions)
- 13 B. Pier Avenue between Valley Drive and Hermosa Ave (maximum of one lane closed in  
14 each direction so that through lanes open in both directions)
- 15 C. Small section of Hermosa Avenue immediately north of the intersection with Greenwich  
16 Village used to make a right turn to northbound Hermosa Avenue

17 **SECTION 4. Severability.** If any section, subsection, sentence, clause, phrase or word of  
18 this ordinance is found to be unconstitutional or otherwise invalid by any court of competent  
jurisdiction, such decision shall not affect the remaining provisions of this Ordinance.

19 **SECTION 5. Environmental Review.** The City Council finds that adoption and  
20 implementation of this ordinance is not a “project” for purposes of the California Environmental  
Quality Act (CEQA), as that term is defined by CEQA guidelines (Guidelines) sections  
21 15061(b)(3), and 15378(b)(5). The effect of the proposed amendment will be to maintain the  
status quo. No new development will result from the proposed action. No impact to the physical  
22 environment will result. The City Council also alternatively finds that the adoption and  
implementation of this ordinance is exempt from the provisions of CEQA as an administrative  
23 activity by the City of Hermosa Beach, in furtherance of its police power, that will not result in  
any direct or indirect physical change in the environment, per sections 15061(b)(3), and  
24 15378(b)(5) of the CEQA , Guidelines, as well as CEQA Guidelines section 15064(e) (economic  
regulations). The lane closures and outdoor dining and retail program effectuated by this  
25 ordinance are necessary to facilitate outdoor economic and recreational activity to recover from  
the economic damage caused by COVID-19 in a way that curbs any further spread of COVID-  
26 19. Implementation of the ordinance is thus exempt from the CEQA under the statutory  
exemption for actions necessary to prevent or mitigate an emergency (Public Resources Code §  
27 21080(b)(4); CEQA Guideline § 15269(c)) and the categorical exemption for minor temporary  
28 use of land (CEQA Guideline § 15304(e)). The lane reconfigurations for the Hermosa Avenue

1 and Pier Avenue are temporary measures created in direct response to the COVID-19  
2 emergency. Finally, as this is a temporary measure and the improvements can be removed, there  
is no possibility that the lane closures will have a permanent effect on the environment.

3 **SECTION 6. Urgency Declaration; Effective Date.** The City Council finds and declares  
4 that the adoption and implementation of this ordinance is necessary for the immediate  
5 preservation and protection of the public peace, health and safety as detailed above by the City,  
6 pursuant to Government Code section 36937. As a result of prior state and local stay at home  
7 orders, a significant number of local restaurants and businesses were forced to close for an  
8 extended period. The rapid, immediate and unexpected loss of revenue from closure was  
9 devastating to local businesses, and businesses that survived the most restrictive phase of the  
10 pandemic are struggling to rebuild. Continuing to relax local zoning requirements to temporarily  
11 allow outdoor dining and retail for seven more months will assist in the economic recovery of  
12 local businesses. This ordinance is also conducive to the public health because it will promote  
social distancing and make it easier to dine and patronize local business outdoors where COVID-  
13 19 transmission is less likely. The public has already begun to travel more, to gather in groups  
14 more frequently, and feel more comfortable to shop and dine. Based on these facts, coupled with  
15 continually evolving COVID-19 impact in the City, this ordinance is necessary for the  
16 immediate preservation and protection of the public peace, health and safety. This ordinance  
17 must be passed by four-fifths of the City Council and shall take effect immediately after passage.

18 **SECTION 7. Certification.** The City Clerk shall certify to the passage and adoption of  
19 this Ordinance and shall cause the same, or the summary thereof, to be published or posted in  
20 the manner required by law.

21 **PASSED, APPROVED, AND ADOPTED this 24th day of May, 2022.**

22 \_\_\_\_\_  
23 **PRESIDENT** of the City Council and **MAYOR** of the City of Hermosa Beach, California

24 **ATTEST:**

25 **APPROVED AS TO FORM:**

26 \_\_\_\_\_  
27 **Susan Morrow, City Clerk**

28 \_\_\_\_\_  
**Michael Jenkins, City Attorney**

## Exhibit A

### OUTDOOR DINING DESIGN AND OPERATIONAL STANDARDS

#### I. INTRODUCTION

- A. These Outdoor Dining Design and Operational Standards are adopted pursuant to the accompanying Urgency Ordinance to establish specific design and operational criteria for temporary outdoor dining on public and private property during the COVID-19 pandemic.
- B. An outdoor dining area is a place on the public sidewalk, public parking stalls, public metered parking spaces, private parking stalls, or other private areas, where patrons may consume food and/or beverages provided by an adjacent and nearby food service establishment.
- C. Establishments serving alcoholic beverages that apply for a Temporary Outdoor Dining Permit shall meet the additional requirements of the State of California Alcohol Beverage Control Board.
- D. These standards and procedures regulate the design and operation of temporary outdoor dining areas. However, they do not provide information on all the government agency requirements for starting a new restaurant or expanding an existing one. Business owners must secure the appropriate licenses and permits from the State Alcohol Beverage Control Board, Los Angeles County Health Department, the City of Hermosa Beach Community Development Department, Public Works Department, and Business License Office.
- E. Approved Temporary Outdoor Dining Permits shall be effective for the duration of the Urgency Ordinance, and will expire immediately upon termination of the Urgency Ordinance. Upon termination of the Temporary Outdoor Dining Permit, the outdoor dining area shall be returned to its previous condition.
- F. These regulations apply to outdoor dining on private property and the public right-of-way.

#### II. APPLICATION PROCEDURE

- A. An application for a Temporary Outdoor Dining Permit shall be obtained from the Community Development Department. A site plan drawn to-scale shall accompany the application form. The plan shall delineate the proposed outdoor dining area and the layout of furnishings and allowable amenities.
- B. An encroachment permit shall be required for outdoor areas in the public right-of-way. Proof of Certificate of liability insurance shall be provided to the Public Works Department, with the City of Hermosa Beach named as Additionally Insured, prior to issuance of an encroachment permit.
- C. If the food establishment has an existing license from the California Department of Alcohol Beverage Control (ABC), the food establishment must obtain a temporary permit from both the City of Hermosa Beach and

ABC. Applicants shall adhere to ABC conditions of approval prior to serving alcohol. Outdoor permits with proposed alcohol consumption shall be reviewed by the City's Police Department prior to the City permit issuance or ABC approval process and are subject to the City's On-Sale Alcohol Beverage Establishment, General Provisions HBMC Section 17.40.080(A)(1-4).

- D. A Temporary Sign Permit Application shall be submitted in conjunction with the Temporary Outdoor Dining Permit only if temporary signage shall be displayed in the outdoor area and is in compliance with applicable size limits. No additional fee shall be paid for the Temporary Sign Permit.
- E. Review of Temporary Outdoor Permits shall be expedited. Applications that do not require review from other Departments (Public Works and/or the Police Department) will be further expedited for review.

### III. OUTDOOR DINING SITES

- A. The outdoor dining area shall be permitted in public sidewalks, public street parking or parking areas or other private property located nearby the business. If the business has on-site parking, a portion of the private parking may be used for outdoor dining/seating.
- B. The buildings adjacent to these outdoor dining areas shall maintain building egress as defined by the California Building Code and Title 24 Disabled Access Standards.
- C. The final location and configuration of the outdoor dining area shall be subject to approval by the Director of the Community Development Department, who shall consider public safety issues and maintenance of minimum clearances to comply with ADA requirements and the safety and convenience of pedestrians and customers.

### IV. DESIGN STANDARDS

- A. Establishments that serve alcoholic beverages in the outdoor dining area shall provide a physical barrier that satisfies these Standards and of the Alcohol Beverage Control Board if alcohol is to be served.
- B. Barriers shall conform to the Public Works Director's installation standards and be removable. Barriers need not be removed each evening, but shall be capable of being removed; if imbedded into the pavement they must be fixed through the use of recessed sleeves and posts, or otherwise by wheels that can be locked into place or weighted in place. Barriers cannot be exposed and must be covered on all sides with a durable exterior material to the satisfaction of the City. No off-premises signs or banners of any kind shall be placed, displayed or erected on barriers or anywhere else in the outdoor dining area. A sign approved via a Temporary Sign Permit under these regulation shall be allowed.
- C. No portable canopies (*i.e.*, EZ Ups or other similar devices) are permitted in the outdoor dining area. Shade canopies must be structurally affixed to the dining deck and fully retractable. The City, in its sole and complete discretion,

reserves the right to determine whether or not a shade canopy complies with this requirement.

- D. Deck joists and outside wall must be modified and/or designed to allow water flow along the gutter so water does not pool or flow into the street. Further, a 6 inch by 6 inch opening at the curb face and continuing under the deck until it can discharge from the other end must be included.
- E. The appearance should be made attractive with potted plants or other decorative elements to provide an enhanced and inviting outdoor environment.
- F. No additional parking shall be required for the outdoor dining. To the extent feasible, if existing parking is available, parking spaces should continue to be available to customers. Parking approval will be determined on a case-by-case scenario.

## V. STANDARDS OF OPERATION

- A. Restaurant management is responsible for operating and maintaining the outdoor dining area and shall not delegate or assign that responsibility. Outdoor dining areas shall be continuously supervised by management to ensure social distancing best practices are being used.
- B. Outdoor dining areas shall only permit an equal number of people as there are seats in the outdoor dining area (*i.e.*, must be a seat for every person). Standing or loitering shall not be permitted in outdoor dining areas.
- C. Ancillary sports games, other activities, or drinking games, including, but not limited to darts, beer pong, corn hole *etc.* are prohibited. Further, only permitted entertainment is allowed during the time permitted and live, performing DJ's that repeatedly change the volume of the music are not permitted. The City, in its sole and complete discretion, reserves the right to determine whether or not an activity, game or other event or entertainment in an outdoor dining area complies with this requirement.
- D. Restaurant management shall keep the outdoor dining area clear of litter, food scraps, and soiled dishes and utensils at all times. Trash receptacles shall be provided in outdoor dining areas used for consuming take-out items.
- E. At the end of each business day, establishments are required to clean (sweep and wash) the area in and around the outdoor dining area and remove the debris to a closed receptacle. No debris shall be swept, washed, or blown into the sidewalk, gutter or street in conformance with the City's storm water quality regulations.
- F. Upon termination of the Temporary Outdoor Dining Permit, the Permittee shall immediately remove the barriers around the outdoor dining area, return the sidewalk to its original condition, and remove all personal property, furnishings, and equipment from the sidewalk. Any personal property remaining on the premises shall be removed pursuant to the laws of the State of California.

- G. The allowable hours of operation will be reviewed on a case-by-case basis, but in no case shall the hours of operation exceed the business's normal operation hours or be open after 11:00 p.m.

## VI. ENFORCEMENT

- A. Notice of violation of the outdoor dining design standards or standards of operation shall be made in writing to the Permittee by any Code Enforcement Officer, Public Works Inspector, Building Inspector, Police Department Official, or Fire Department Official of the City. A copy of the notice shall be filed with the Public Works Director. The Permittee shall immediately cure the violation upon receipt of notice. If the violation is not cured within ten (10) days after issuance of the notice to the Permittee, the Director may suspend or revoke the Temporary Outdoor Dining Permit.
- B. Any business currently delinquent on payment of encroachment fees must make full payment by June 1, 2022. Failure to make payment in full by this date will result in permit revocation and immediate removal of the encroachment area or outdoor deck.
- C. Any business that becomes 30 days delinquent on payment of an encroachment fee will be prohibited from using their encroachment area and will face immediate cancellation of existing encroachment permit and removal of outdoor deck area.
- D. In the case of non-compliance with conditions of approval, substantial difficulties resulting from the Temporary Outdoor Dining Permit issuance, or other unforeseen problems with the Temporary Outdoor Dining Permit, the Community Development Director has the right to reevaluate the permit or its conditions of approval; and, if the Temporary Outdoor Dining Permit has created neighborhood, Police or Code Enforcement problems, the permit may be revoked.



## Exhibit B

### OUTDOOR RETAIL DESIGN AND OPERATIONAL STANDARDS

#### I. INTRODUCTION

- A. These Outdoor Retail Design and Operational Standards are adopted pursuant to the accompanying Urgency Ordinance in order to establish specific design and operational criteria for temporary outdoor retail activity on public and private areas during the COVID-19 pandemic.
- B. An outdoor retail area is a place on the public sidewalk, public parking stalls, public metered parking spaces, private areas including parking stalls where business owners may display merchandise and patrons may purchase merchandise displayed provided by an adjacent or nearby a retail establishment.
- C. These standards and procedures regulate the design and operation of temporary outdoor retail areas. However, they do not provide information on all the government agency requirements for starting a new retail establishments or expanding an existing one. Business owners must secure the appropriate licenses and permits from the, the City of Hermosa Beach Community Development Department, Public Works Department, and Business License Office.
- D. Approved Temporary Outdoor Retail Permits shall be effective for the duration of the Urgency Ordinance, and will expire immediately upon termination of the Urgency Ordinance. Upon termination of the Temporary Outdoor Retail Permit, the outdoor retail area shall be returned to its previous condition.
- E. These regulations apply to outdoor retail on private property and the public right-of-way.

#### II. APPLICATION PROCEDURE

- A. An application for a Temporary Outdoor Retail Permit shall be obtained from the Community Development Department. A site plan drawn to-scale shall accompany the application form. The plan shall delineate the proposed outdoor retail area and the layout of furnishings and allowable amenities.
- B. An encroachment permit shall be required for outdoor areas in the public right-of-way. Proof of Certificate of liability insurance shall be provided to the Public Works Department, with the City of Hermosa Beach named as Additionally Insured, prior to issuance of an encroachment permit.
- C. A Temporary Sign Permit Application shall be submitted in conjunction with the Temporary Outdoor Dining Permit only if temporary signage shall be displayed in the outdoor area and is in compliance with applicable size limits. No additional fee shall be paid for the Temporary Sign Permit.
- D. Review of Temporary Outdoor Retail Permits shall be expedited. Applications that do not require review from other Departments (Public Works and/or the Police Department) will be further expedited.

### III. OUTDOOR RETAIL SITES

- A. The outdoor retail area shall be permitted in public sidewalks, public street parking or private areas including parking lots adjacent to or nearby the business. If the business has on-site parking, a portion of the private parking may be used for outdoor dining/seating.
- B. The buildings adjacent to these outdoor retail areas shall maintain building egress as defined by the California Building Code and Title 24 Disabled Access Standards.
- C. The final location and configuration of the outdoor retail area shall be subject to approval by the Director of the Community Development Department, who shall consider public safety issues and maintenance of minimum clearances to comply with ADA requirements and the safety and convenience of pedestrians and customers.

### IV. DESIGN STANDARDS

- A. Outdoor areas in the public right-of-way may be required to provide a physical barrier to the satisfaction of the Community Development Director and the Public Works Director. Physical barriers may be required for the safety of patrons.
- B. Barriers shall conform to the Public Works Director's installation standards and be removable. Barriers need not be removed each evening, but shall be capable of being removed; if imbedded into the pavement they must be fixed through the use of recessed sleeves and posts, or otherwise by wheels that can be locked into place or weighed in place. Barriers cannot be exposed and must be covered on all sides with a durable exterior material to the satisfaction of the City. No off premises signs or banners of any kind shall be placed, displayed or erected on barriers or anywhere else in the outdoor dining area. A sign approved via a Temporary Sign Permit under these regulations shall be allowed.
- C. No portable canopies (*i.e.*, EZ Ups or other similar devices) are permitted in the outdoor dining area. Shade canopies must be structurally affixed to the dining deck and fully retractable. The City, in its sole and complete discretion, reserves the right to determine whether or not a shade canopy complies with this requirement.
- D. Retailers with an existing license from the California Department of Alcohol Beverage Control (ABC) to sell alcohol, may not display alcoholic beverages in the outdoor retail area. The appearance should be made attractive with potted plants or other decorative elements to provide an enhanced and inviting outdoor environment.
- E. Deck joists and outside wall must be modified and/or designed to allow water flow along the gutter so water does not pool or flow into the street. Further, a 6 inch by 6 inch opening at the curb face and continuing under the deck until it can discharge from the other end must be included.
- F. No additional parking shall be required for the outdoor area. To the extent feasible, if existing parking is available, parking spaces should continue to be available to customers. Parking approval will be determined on a case-by-case scenario.

## V. STANDARDS OF OPERATION

- A. Management is responsible for operating and maintaining the outdoor retail area and shall not delegate or assign that responsibility. Outdoor areas shall be continuously supervised by management to ensure social distancing best practices are being used.
- B. Management shall keep the outdoor area clear of litter and food scraps.
- C. At the end of each business day, establishments are required to clean (sweep and wash) the area in and around the outdoor area and remove the debris to a closed receptacle. No debris shall be swept, washed, or blown into the sidewalk, gutter or street in conformance with the City's storm water quality regulations.
- D. Ancillary sports games, other activities, or drinking games, including, but not limited to darts, beer pong, corn hole *etc.* are prohibited. Further, only permitted entertainment is allowed during permitted times and live, performing DJ's that repeatedly change the volume of the music are not permitted. The City, in its sole and complete discretion, reserves the right to determine whether or not an activity, game or other event or entertainment in an outdoor dining area complies with this requirement.
- E. Upon termination of the Temporary Outdoor Retail Permit, the Permittee shall immediately remove the barriers around the outdoor retail area, return the sidewalk to its original condition, and remove all personal property, furnishings, and equipment from the sidewalk. Any personal property remaining on the premises shall be removed pursuant to the laws of the State of California.
- F. The allowable hours of operation will be reviewed on a case-by-case basis, but in no case shall the hours of operation exceed the business's normal operation hours or be open after 11:00 p.m.

## VI. ENFORCEMENT

- A. Notice of violation of the outdoor retail design standards or standards of operation shall be made in writing to the Permittee by any Code Enforcement Officer, Public Works Inspector, Building Inspector, Police Department Official, or Fire Department Official of the City. A copy of the notice shall be filed with the Public Works Director. The Permittee shall immediately cure the violation upon receipt of notice. If the violation is not cured within ten (10) days after issuance of the notice to the Permittee, the Director may suspend or revoke the Temporary Outdoor Retail Permit.
- B. Any business currently delinquent on payment of encroachment fees must make full payment by June 1, 2022. Failure to make payment in full by this date will result in permit revocation and immediate removal of the encroachment area or outdoor deck.
- C. Any business that becomes 30 days delinquent on payment of an encroachment fee will be prohibited from using their encroachment area and will face immediate cancellation of existing encroachment permit and removal of outdoor deck area.

- D. In the case of non-compliance with conditions of approval, substantial difficulties resulting from the Temporary Outdoor Retail Permit issuance, or other unforeseen problems with the Temporary Outdoor Retail Permit, the Community Development Director has the right to reevaluate the permit or its conditions of approval; and, if the Temporary Outdoor Retail Permit has created neighborhood, Police or Code Enforcement problems, the permit may be revoked.