

These guidelines are intended for the sole purpose of fostering economic relief for local businesses and employees impacted by the COVID-19 pandemic. As the State of Nevada and Carson City enter the recovery phase implemented by the Governor, which allows businesses to reopen to the public in accordance with certain limiting operational restrictions, including social distancing measures and occupancy controls, these guidelines, to the extent they are not less restrictive than any of the provisions contained in the Emergency Directives issued by the Governor, associated rules or policies, and related administrative regulations (collectively, “State Directives”), are designed to be temporary in applicability to eligible businesses located in Carson City. All businesses must comply with the State Directives on social distancing recommendations for eligibility under these guidelines. These guidelines provide temporary regulations for operating while the State Directives are in effect and expire upon the earlier of revocation by Carson City or the termination of the State Directives.

These guidelines do not create for any person a vested interest in the conduct of outdoor restaurant or retail business operations or any property right in the expectation of a continued privilege. These guidelines instead only temporarily provide a privilege, revocable at any time and pursuant to any determination made at the sole discretion of Carson City that the application of any of these guideline provisions to one or more businesses may constitute a risk to the health, safety or general welfare of the public or a disruption to the aesthetic design of the City, or for any other reason deemed incompatible with the overall objectives of the City. Any person who avails himself or herself of the privileges afforded under these temporary guidelines expressly accepts, as a condition of exercising any of those privileges, that the conduct of outdoor restaurant or retail business operations may be immediately suspended or revoked by Carson City with or without advance notice, and that any such suspension or revocation is not subject to any right of appeal.

GUIDELINES

1. Temporary drive-through and curbside pickup operations.

(a) Temporary drive-through and curbside pick-up is allowed so long as such conduct does not create an unreasonable impediment to pedestrian or vehicular traffic or pose any other risk to the health or safety of the public.

(b) On-site parking may be reduced temporarily to accommodate drive-through or curbside services, but only to the extent Carson City approves the size of the reduction.

2. Temporary outdoor operations on private property.

(a) Each business must strictly comply with statewide or citywide social distancing recommendations, whichever recommendations are more restrictive, for the spacing of tables, chairs and other furniture.

(b) Outdoor dining and sales may only be conducted during hours that are consistent with the normal business operating hours of the business in place at the time these guidelines become effective.

(c) Business operators are responsible for cleaning and sanitizing the outdoor areas.

(d) All items shall be moved inside the business at the close of business; no overnight outside storage is allowed.

(e) The City reserves the right, at its sole discretion and without any right of appeal by a business operator, to order the business operator to remove outdoor dining or retail sales when the business operation:

- (1) Creates an obstruction to, or causes congestion of, pedestrian or vehicular traffic, required handicapped parking spaces and access, or fire lanes;
- (2) Presents a danger to the health, safety, or general public welfare; or
- (3) Violates the requirements of the State Directives; or
- (4) Is deemed to be incompatible with the overall objectives of the City.

(f) The City is not responsible for any damage or loss of any business property, whether real, personal or intangible.

(g) Parking may be reduced temporarily to accommodate outdoor operations, but only to the extent the City has approved the proposed reduction in size.

3. Temporary outdoor operations on public sidewalks and rights-of-way. All temporary outdoor dining and retail uses on public sidewalks or other rights-of-way require approval and issuance of a Temporary Encroachment Permit from the Development Engineering Division prior to commencing the temporary use. An application for a Temporary Encroachment Permit must be submitted to the Development Engineering Division, 108 E. Proctor Street in the manner and on a form prescribed by the Engineering Division. All temporary outdoor operations on public sidewalks and rights-of-way must comply with the provisions of the Carson City Municipal Code Chapter 11.35 (Encroachment permit for outdoor dining and merchandise display), with the following exceptions:

(a) No fees will be collected for the review of an application for or the issuance of a Temporary Encroachment Permit.

(b) Each business must strictly comply with statewide or citywide social distancing guidelines, whichever is more restrictive, for the spacing of tables, chairs and other furniture.

(c) Notwithstanding any other provision of these guidelines or the State Directives, outdoor uses must at all times maintain a minimum of six feet of public pedestrian walkway space (“pedestrian path”). Narrower pedestrian paths may be considered on a case-by-case basis where requirements of the American Disabilities Act and social distancing guidelines can be maintained.

(d) All items must be moved inside the business when the business is not operating during normal operating hours. Overnight, outside storage is strictly prohibited.

(e) The City reserves the right, at its sole discretion and without any right of appeal by a business operator, to order the business operator to remove outdoor dining or sidewalk sales that:

- (1) Create an obstruction to, or cause congestion of, pedestrian or vehicular traffic;
- (2) Present a danger to the health, safety, or general public welfare;
- (3) Violate the requirements of the State Directives;
- (4) Conflict with construction work zones for the completion of repairs or reconstruction projects; or
- (5) Is deemed to be incompatible with the overall objectives of the City.