

Guidance for Establishing Outdoor Seating in the Public Right of Way

On May 27, 2020, Mayor Melvin Carter issued executive order 2020-10, which allowed the expanded use of public right of way for outdoor dining. Mayor Carter has since extended the executive order on several occasions, subject to certain conditions.

The Mayor's Order authorized seating for food and beverage establishments to be offered on sidewalks, on-street parking spaces, and vehicular travel lanes. Further, food and beverage establishments with an existing sidewalk café obstruction permit were permitted to reestablish their sidewalk cafes as of June 1, 2020 without additional approvals, provided that the seating arrangement followed State Department of Employment and Economic Development COVID-19 guidelines. Executive Order 2020-10, as extended and amended, supplements state regulations governing food and beverage establishments, including guidance from the State Department of Health and Department of Employment and Economic Development.

Pursuant to the executive order, food and beverage establishments that wished to expand their outdoor dining area into on-street parking spaces, vehicular travel lanes, or streets, were encouraged to apply for Temporary C-19 Right of Way Obstruction Permits to use the public right of way for outdoor dining. Similarly, food and beverage establishments that wished to sell alcohol in the public right of way were encouraged to apply for a Temporary C-19 Outside Service License in conjunction with the Temporary C-19 Right-of-Way Obstruction permit.

Although Executive Order 2020-10 has been extended and remains active, all 2020 Temporary C-19 Right of Way Obstruction Permits have been rescinded as of March 2021.

The City is requiring food and beverage establishments to reapply for 2021 Temporary C-19 Right of Way Obstruction Permits and/or Temporary C-19 Outside Service Licenses, as applicable.

To establish an outdoor dining area in the public right of way in Saint Paul you must submit an application for a 2021 Temporary C-19 Right of Way permit. In addition, if alcohol will be served in the outdoor dining area, you must apply for a 2021 Temporary C-19 Outside Service License. A site plan also must be submitted, which at a minimum, details the following:

- The boundaries of the outdoor dining area
- The outdoor dining installation (required barriers, seating arrangement, signage, etc.)
- Traffic control measures

More detailed standards and conditions specific to the type of public right of way obstruction and the application can be found at: <https://www.stpaul.gov/departments/public-works/right-way>. Applications for street or lane closures will likely require additional information to be submitted and shown on the site plan.

For questions about site plan requirements in the public right of way please contact Bill Awker at 651-266-9804 or bill.awker@ci.stpaul.mn.us.