

CITY OF NEW PORT RICHEY, FLORIDA

ORDER FOR TEMPORARY PUBLIC USE OF RAILROAD SQUARE RIGHT-OF-WAY

WHEREAS, the City Council of the City of New Port Richey, Florida has declared a local state of emergency due to the Covid-19 Virus pandemic in accordance with the state of emergency declared by the Governor of the State of Florida;

WHEREAS, the City Manager has been granted such powers in accordance with the local state of emergency to take such actions as deemed necessary to protect the public during the state of emergency;

WHEREAS, businesses within the City have been ordered by the Governor to cease their normal operations during the state of emergency;

WHEREAS, the use of outdoor areas has been allowed by businesses serving the general public which are otherwise restricted in their indoor operations;

WHEREAS, the right-of-way of Nebraska Avenue lying between Grand Boulevard and Adams Street is commonly known as Railroad Square (hereinafter referred to as "Railroad Square"); and

WHEREAS, Railroad Square is an outdoor space available to be used by the public and patrons of the surrounding businesses in a manner that will assist said businesses in their operations during the temporary restrictions on their operations during the state of emergency.

NOW, THEREFORE, I Debbie L. Manns, as the City Manager of the City of New Port Richey, Florida, by the authority vested in me by the City Council of the City of New Port Richey under the various resolutions declaring and extending the local state of emergency in response to the Covid-19 Virus, do hereby Order the following:

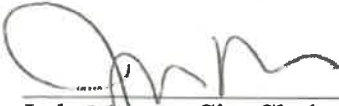
1. Railroad Square shall be closed to motor vehicle traffic between the hours of 4:00 p.m. and 11:00 p.m. from Monday to Friday, and between the hours of 11:00 a.m. and 11:00 p.m. on Saturday and Sunday (hereinafter referred to as the "Public Use Period").
2. During the Public Use Period, sufficient barriers and maintenance of traffic devices shall be placed by the City to ensure the safety of pedestrians using Railroad Square and eliminating the entry therein of any motor vehicle not specifically authorized to enter said area by the City.
3. During the Public Use Period, security of the area shall be provided by the City to ensure the safety of the general public as deemed necessary.
4. During the Public Use Period, within the enclosed area of Railroad Square and any private property immediately adjacent thereto and touching thereon, there shall be a temporary

moratorium on the possession and consumption of alcoholic beverages in open containers, so long as the same are not contained within glass bottles or metal cans.

5. Any alcoholic beverage vendor holding an alcoholic beverage license issued by the State of Florida Department of Business and Professional Regulation (hereinafter referred to as "DBPR") shall obtain approval by the DBPR of the temporary expansion of its licensed premises to include the area of Railroad Square and the business owner's adjacent property in accordance with Florida law, and the City hereby designates the use of Railroad Square during the Public Use Period as a special event as provided under Florida law.
6. The temporary expansion or establishment of sidewalk cafes may be authorized by the City on an expedited basis.
7. Nothing contained herein shall be deemed or construed to limit the liability of alcoholic beverage license holders over the improper dispensing of alcoholic beverages to underage or intoxicated persons.
8. The provisions of this Order are temporary and are intended to be terminated upon the entry of such orders by the Governor of the State of Florida removing the temporary restrictions on the operations of businesses of the type adjacent to Railroad Square.
9. This Order may be terminated at any time by order of the City Manager, irrespective of any future orders issued by the Governor of the State of Florida.

DONE AND ORDERED, this SL day of May, 2020, effective at 12:00 a.m. of the following day.

Attest:


Judy Meyers, City Clerk


Debbie L. Manns, City Manager

Approved as to Form:


Timothy P. Driscoll, City Attorney