

Outdoor Dining Guidance for Cities and Towns

As the State of Rhode Island begins to reopen its economy in a phased and measured way, significant restrictions remain in place to protect public health and safety. In Phase I, restaurants may continue to offer their customers pick-up, drive-thru and delivery services but can also open for limited outdoor dining. The DBR has received many inquiries from cities and towns as to how they can help their local establishments offer outdoor dining in a safe & legal manner. Below we have summarized several important considerations that must be reviewed.

ZONING ORDINANCES

- Each city and town are responsible for their own zoning regulations and ordinances. Therefore, for cities and towns that do not currently permit outdoor dining, the issuance of special use permits, an executive order allowing for the temporary outdoor expansion of premises, and/or temporarily amending (or adding) pertinent articles in local zoning ordinances is encouraged.

BUILDING CODE

- The State Building Code has no requirements for the use of tents for outdoor dining. However, tent permits must be approved by the local building department.

FIRE CODE

- Adherence to the State Fire Code is required. Particularly, NFPA 1, ch. 25 and NFPA 101, ch. 11
- § 23-28.19-1 Sets requirements for tent licensing
- § 23-28.19-11 Sets regulations for prohibiting smoking within tents
- § 23-28.19-13 Sets requirements for the filling of gasoline appliances used around tents
- § 23-28.19-14 Sets requirements for the survey of tents and the installation and training of necessary fire appliances.
- 23-28.19-15 Sets requirements for firefighter detail
- § 23-28.19-16 Sets seating requirements

LIQUOR CONSUMPTION

- For establishments that have been issued a liquor license, the areas where the consumption of liquor is allowable is defined by its liquor service area. For establishments whose liquor service area does not extend to outdoor dining, these establishments would have to request a limited expansion of its liquor service area.
- To request this extension, the licensee is required apply to the city or town. The process generally includes notice and a public hearing and can take up to several weeks to complete. However, R.I. Gen. Laws § 3-5-17 eliminates the requirement for “advertisement or notice” when a licensee requests a temporary extension of its liquor service area.
- Therefore, in light of the extenuating and temporary nature of the present situation, we are encouraging the cities and towns to either enact a temporary ordinance, executive order, or blanket variance to allow qualifying establishments to temporarily expand their liquor service area so they can immediately serve liquor in their outside dining area.

If you have any questions, please feel free to submit your questions online to the Department of Business Regulation using the web form available at <https://dbr.ri.gov/critical/> or you may call the Department of Business Regulation at 401-889-5550.

Sincerely,
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Rhode Island Department of Business Regulation

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