



City of Roseville Director of Emergency Services

Executive Order 20-10

WHEREAS, the California Emergency Services Act, Chapter 7, of the California Government Code, commencing with section 8550, confers upon the governing bodies of the political subdivisions of this state emergency powers necessary to protect health and safety and preserve lives and property; and

WHEREAS, section 8630 of the California Government Code states that, “a local emergency may be proclaimed only by the governing body of a county, city and county, or city or by an official so designated by ordinance adopted by such governing body”; and

WHEREAS, City of Roseville Municipal Code, Title 9, Chapter 9.28, designates the City Manager as the Director of Emergency Services and empowers the City Council to proclaim the existence or threatened existence of a local emergency when this City is affected or likely to be affected by an emergency, including but not limited to, an epidemic; and

WHEREAS, a novel (new) Coronavirus Disease 2019 (COVID-19), with outcomes ranging from mild to severe illness and in some cases death, has arisen in China and spread to numerous other countries including the United States, and specifically the geographic boundaries of Placer County and the City of Roseville; and

WHEREAS, a “Proclamation of the Existence of a Local Emergency and Authorization for the Director of Emergency Services/City Manager to Undertake Emergency Measures on Behalf of the City of Roseville” (hereinafter “Proclamation”) was approved by the Council of the City of Roseville at a special meeting on March 17, 2020 proclaiming a “local emergency”; and

WHEREAS, the Proclamation conferred on the Director of Emergency Services certain rights, duties, and obligations to issue any order or regulation necessary to enforce Federal, State, County, and/or local requirements, orders, and/or regulations, including any orders and regulations necessary to provide for the protection of life and property; and

WHEREAS, on March 19, 2020, Governor Newsom issued Executive Order N-33-20 ordering all of California to stay at home, unless in the category of essential services.

WHEREAS, on May 12, 2020 Placer County’s COVID-19 Variance Attestation submission was officially posted on the California Department of Public Health’s website, allowing Placer County (and the incorporated cities within) to begin reopening additional businesses in Stage 2 of the Governor’s re-opening framework. These businesses include, but are not limited to, dine-in restaurants, subject to certain requirements.

NOW, THEREFORE, IT IS HEREBY ORDERED

1. In an effort to assist dine-in restaurants with their compliance with Governor Newsom's Executive Order N-33-20 and the California Department of Public Health's order and guidelines related to COVID-19 and Phase 2 re-opening, the City of Roseville will temporarily allow certain City-owned public properties, including certain public rights-of-way, to be used for outdoor dining during the current City of Roseville local emergency, subject to the following requirements:
 - i. Dine-in restaurants desiring to use public property for outdoor dining shall submit an Encroachment Permit application, through the City of Roseville's Development Services Department, which may be granted or denied at the City's discretion.
 - ii. The City of Roseville reserves the right to determine on a case-by-case basis the suitability and appropriateness of the public property requested by the restaurant for outdoor dining.
 - iii. The outdoor dining area shall not interfere with vehicular and pedestrian traffic, or access under the Americans with Disabilities Act.
 - iv. No permanent item or structures shall be installed on City of Roseville property. Further, no permanent or temporary signage shall be affixed to any publicly-owned structure, including but not limited to streetlights, benches, bus shelters, or similar appurtenances. Signage erected in violation of this provision is subject to immediate removal by the City of Roseville. Temporary A-frame signs may be used, as provided in the City of Roseville's Sign Ordinance.
 - v. Temporary fencing not exceeding three (3) feet tall shall be placed in a safe manner around the outdoor dining area, but shall not be located in a "clear vision triangle" or otherwise restrict visibility of pedestrians or vehicles
 - vi. The outdoor dining area must be operated in accordance with all local, State, and Federal laws, orders, and requirements, including but not limited to health guidelines and orders regarding number of patrons, table spacing, use of shared materials, staff hygiene, social distancing, noise ordinances, etc. Restaurants shall comply with all applicable laws and regulations pertaining to outdoor dining (including but not limited to sale and consumption of alcoholic beverages and food service).
 - vii. Hours of operation for outdoor uses shall not exceed the normal hours of operation for the corresponding restaurant for which the outdoor use is granted.
 - viii. No permit shall be issued unless proof of adequate insurance, as determined by the City of Roseville, is provided by the restaurant. Restaurants operate at their own risk and shall defend and indemnify the City of Roseville for all activity that occurs in the outdoor dining area.

- vix. No real property right is provided, given, or otherwise conveyed to any person or entity using public property for outdoor dining purpose. Any such use permitted hereunder shall cease upon termination of the City of Roseville local emergency, unless terminated sooner. At such time of termination, the restaurant permittee shall return the public property to the condition existing at the time of permit issuance. The City of Roseville reserves the right, in its sole discretion during the pendency of the City of Roseville local emergency, to terminate or extend any permit issued hereunder. Upon termination of any use permit granted hereunder, the permittee shall return the City of Roseville property to the condition existing at the time of permit issuance.
2. Additionally, the requirement to obtain required Planning approvals (Zoning, Special Event Permit, Design Review, etc.) for outdoor dining at existing restaurants on private property is suspended during the pendency of the City of Roseville local emergency, subject to the following requirements:
 - i. Such dine-in restaurant obtains the approval of any property owners to operate the outdoor dining area on the private property. This Order does not circumvent private property agreements or leases and conveys no right to operate an outdoor dining area.
 - ii. No permanent item or structures shall be installed on the private property outdoor dining area.
 - iii. Temporary fencing not exceeding three (3) feet tall shall be placed in a safe manner around the outdoor dining area.
 - iv. The outdoor dining area must remain clear of drive aisles and fire lanes necessary to provide adequate vehicular circulation and access by public safety vehicles in the event of a fire, medical, or other emergency.
 - v. The outdoor dining area must be operated in accordance with all local, State, and Federal laws, orders, and requirements, including but not limited to health guidelines and orders regarding number of patrons, table spacing, use of shared materials, staff hygiene, social distancing, noise ordinances, accessibility, restrooms, etc. Restaurants shall comply with all applicable laws and regulations pertaining to outdoor dining (including but not limited to sale and consumption of alcoholic beverages and food service).
 - vi. Hours of operation for outdoor uses shall not exceed the normal hours of operation for the corresponding restaurant for which the outdoor use is granted.
 - vii. Any such use permitted hereunder shall cease upon termination of the City of Roseville local emergency, unless terminated sooner. At such time of termination, the restaurant permittee shall cease the outdoor dining. The City of Roseville reserves the right, in its sole discretion during the pendency of the City of Roseville local emergency, to terminate or extend this Order.

IT IS FURTHER ORDERED that failure of any person to comply with this Order and any order issued by a law enforcement officer pursuant to this Order constitutes an imminent threat to public health.

IT IS FURTHER ORDERED that all of the foregoing provisions shall apply only during the period in which the City of Roseville local emergency is in effect, or as sooner terminated by future order of the Director of Emergency Services.

IT IS FURTHER DIRECTED that as soon as hereafter possible, this Order be filed with the City Clerk for the City of Roseville and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits substantive or procedural, enforceable at law or in equity, against the City of Roseville, its officers, elected officials, employees, agents, or other persons.

IN WITNESS HERETO this 27th day of May, 2020.



Dominick Casey
City of Roseville
Director of Emergency Services

ATTEST:



Sonia Orozco
City Clerk

APPROVED AS TO FORM:



Robert R. Schmitt
City Attorney