



City of Roseville Director of Emergency Services

Executive Order 20-15

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, the Governor of California has proclaimed a “State of Emergency” on March 4, 2020; 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; and

WHEREAS, on November 17, 2020, Placer County was moved to the purple “widespread” tier of the State’s “Blueprint for a Safer Economy”; and

WHEREAS, on December 3, 2020, Governor Newsom announced a new Regional Stay-at-Home Order due to the increasing cases of COVID-19; and

WHEREAS, the metrics for evaluating opening and closing of businesses and various government operations and facilities are a rapidly evolving process with almost weekly changes from the California Department of Public Health and the State of California, often resulting in forward and backward movements through the Blueprint for a Safer Economy framework; and

WHEREAS, it is widely believed that the transmission of COVID-19 has increased due to colder weather and increased indoor activity and a need has arisen for increased outdoor options for various businesses in the City of Roseville; and

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. City of Roseville Director of Emergency Services Executive Order 20-10 is repealed and replaced in whole with this Executive Order 20-15.
2. In an effort to assist various businesses with their compliance with California Department of Public Health guidance, orders, and/or regulations, as well as other State, Federal, County, and local guidelines, orders, and/or regulations related to COVID-19, the City of Roseville will temporarily allow certain City-owned public properties, including certain public rights-of-way, to be used for eating and drinking establishments, retail and wholesale businesses, gyms and fitness centers, instructional studios, personal services (including hair and nail salons), massage establishments, and/or religious assembly during the current City of Roseville local emergency, subject to the following requirements:
 - i. Eating and drinking establishments, retail and wholesale businesses, gyms and fitness centers, instructional studios, personal services (including hair and nail salons), massage establishments, and/or religious assembly desiring to use public property for outdoor use 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.
 - iii. The proposed outdoor area shall not interfere with vehicular and pedestrian traffic, or access under the Americans with Disabilities Act and must demonstrate adequate parking is still made available.
 - iv. No permanent item and/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 area, but shall not be located in a "clear vision triangle" or otherwise restrict visibility of pedestrians or vehicles.
 - vi. The proposed outdoor area must be operated in accordance with all local, State, and Federal laws, orders, and requirements, including but not limited to health

guidelines and/or orders regarding number of patrons, table spacing, use of shared materials, staff hygiene, social distancing, noise ordinances, sale and consumption of alcoholic beverages, etc. The outdoor 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.

- vii. Hours of operation for outdoor uses shall not exceed the normal hours of operation for the corresponding business or operation for which the outdoor use is granted.
 - viii. No permit shall be issued unless proof of adequate insurance and adequate parking, as determined by the City of Roseville, is provided by the applicant. All eating and drinking establishments, retail and wholesale businesses, gyms and fitness centers, instructional studios, personal services (including hair and nail salons), massage establishments, and/or religious assembly utilizing public property operate at their own risk and shall defend and indemnify the City of Roseville for all activity that occurs in the outdoor area.
 - vix. No real property right is provided, given, or otherwise conveyed to any person or entity using public property for outdoor operations. 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 permittee shall return the public property to its original condition. 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.
 - x. This Executive Order 20-15 in no way grants or authorizes a use or operation that is inconsistent with any current California Department of Public Health and/or State, Federal, and/or local guideline, order, and/or regulation. All use or operations must follow all applicable building codes, fire codes (including specifically rules for use of portable heaters and tents), and/or any other laws, regulations, or guidelines in effect.
2. Additionally, the requirement to obtain required Planning approvals (Zoning, Special Event Permit, Design Review, etc.) for outdoor operations at existing eating and drinking establishments, retail and wholesale businesses, gyms and fitness centers, instructional studios, personal services (including hair and nail salons), massage establishments, and/or religious assembly on private property is suspended during the pendency of the City of Roseville local emergency, subject to the following requirements:
- i. Such eating and drinking establishments, retail and wholesale businesses, gyms and fitness centers, instructional studios, personal services (including hair and nail salons), massage establishments, and/or religious assembly obtains the approval of any property owners to operate the outdoor area on the private property. This Executive Order 20-15 does not circumvent private property agreements or leases and conveys no right to operate an outdoor area.
 - ii. The proposed outdoor area shall not interfere with vehicular and pedestrian traffic, or access under the Americans with Disabilities Act and must demonstrate adequate parking is still made available.

- iii. No permanent item and/or structures shall be installed. 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 area, but shall not be located in a "clear vision triangle" or otherwise restrict visibility of pedestrians or vehicles.
- vi. The proposed outdoor 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, sale and consumption of alcoholic beverages, etc. The outdoor 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.
- vii. Hours of operation for outdoor uses shall not exceed the normal hours of operation for the corresponding business or operation for which the outdoor use is granted.
- viii. The outdoor use must ensure adequate parking, as determined by the City of Roseville, is provided. All eating and drinking establishments, retail and wholesale businesses, gyms and fitness centers, instructional studios, personal services (including hair and nail salons), massage establishments, and/or religious assembly utilizing public property operate at their own risk and shall defend and indemnify the City of Roseville for all activity that occurs in the outdoor area.
- vix. No real property right is provided, given, or otherwise conveyed to any person or entity by reason of this Executive Order 20-15. 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 outdoor area shall be returned to its original condition. 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 Executive Order.
- x. This Executive Order 20-15 in no way grants or authorizes a use or operation that is inconsistent with any current California Department of Public Health and/or State, Federal, and/or local guideline, order, and/or regulation. All use or operations must follow all applicable building codes, fire codes (including specifically rules for use of portable heaters and tents), and/or any other laws, regulations, or guidelines in effect.

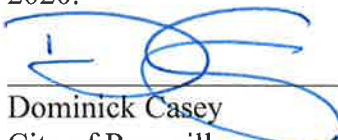
IT IS FURTHER ORDERED that failure of any person to comply with this Order and any order issued by a law enforcement officer pursuant to this Order constitutes an imminent threat to public health.

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 4th day of December, 2020.



Dominick Casey
City of Roseville
Director of Emergency Services

ATTEST:



Sonia Orozco
City Clerk

APPROVED AS TO FORM:



Robert R. Schmitt
City Attorney