



EMERGENCY ORDER OF THE CITY MANAGER OF THE CITY OF UKIAH, IN HIS CAPACITY AS THE DIRECTOR OF EMERGENCY SERVICES FOR THE CITY, EXPANDING THE TEMPORARY USE OF PROPERTY FOR BUSINESSES IMPACTED BY COVID-19.

A. Background:

1. On March 4, 2020, the Governor of the State of California responded to the COVID-19 pandemic by issuing a Proclamation of State of Emergency under the authority of California Government Code Section 8625.
2. On March 18, 2020, in Resolution No. 2020-14, in response to the Governor's proclamation and the threat of the spread of COVID-19 in the City, the City Council ratified the proclamation of a local emergency pursuant to Government Code Section 8550, et seq., and Ukiah City Code Section 5125.
3. Under the Local Emergency Declaration in Resolution No. 2020-14, during the existence of this local emergency, the City Manager or his designee is authorized to take whatever action is authorized under the Ukiah City Code and state and federal law, subject to any required authorization from the City Council, consistent with the Resolution and its basic purposes.
4. Under Ukiah City Code Section 5130 and consistent with California Government Code Section 8634, in a declared local emergency the City Manager has the authority to promulgate orders and regulations to provide for the protection of life and property, where necessary to preserve the public order and safety. All such orders and regulations to be effective must be in writing and signed by the promulgating official and must be confirmed at the next regular meeting of the City Council.
5. The Governor and Mendocino County Health Officer have issued a series of orders that restrict the type of business that can operate and how those businesses can provide services and goods due to the risk of COVID-19 infection.
6. Businesses permitted to open are required to modify their operations to comply with federal, state, and local directives and guideline to ensure compliance with Social Distancing Requirements and other COVID-19 risk mitigation measures.
7. In order to comply with health orders, the City of Ukiah recognizes that business need to have the ability to modify operations which require unique allowances and temporary relief from certain zoning and land use regulations.

B. Order

IT IS ORDERED by the City Manager, in his capacity as the Director of Emergency Services for the City of Ukiah, as follows:

1. Businesses including but not limited to retail, restaurants, and mobile food vendors may apply at no cost for the temporary use of City-owned and private property for

modified business operations as may be necessitated by the impacts of COVID-19, subject to the following requirements:

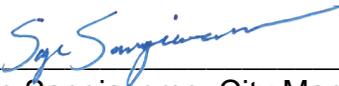
- a. Businesses desiring to utilize public or private property beyond that which is otherwise permitted shall submit a no-fee Temporary Use Permit Application in a form approved by the City Manager, which shall include a description of proposed use and a drawing/depiction of the proposed location and layout.
- b. The Director of Community Development or his designee may approve and issue the permit without providing notice of or conducting a hearing on the application otherwise required of a use permit application.
- c. The City reserves the right to determine on a case-by-case basis the suitability and appropriateness of the use requested by the business. The requested use shall have limited impact on other businesses operating in close proximity.
- d. The City may impose Conditions of Approval on any temporary use that is deemed reasonable and necessary to promote the safe and orderly use of the property and assure compatibility with surrounding land use.
- e. The use area and any furnishings shall be maintained in an attractive, clean (free from spills, litter and other debris) and safe manner. During non-operational hours, furnishings shall be secured within the use area or stored indoors.
- f. Businesses must comply with all local, state and federal laws, regulations, and guidelines governing the temporary use including public health orders. Food vendors/Restaurants must maintain a food facility permit from the County of Mendocino Environmental Health Division, and alcoholic beverage sales are not permitted without a license, permit or other legally authorized approval issued by the California Department of Alcohol and Beverage Control.
- g. The business must have a valid sellers' permit issued by the State Board of Equalization and a City of Ukiah business license.
- h. Temporary signage may be placed to designate and/or advertise the use; signs shall not be dangerous or hazardous to vehicles or pedestrians.
- i. The use of property shall not interfere with vehicular and pedestrian traffic, or access under the Americans with Disabilities Act.
- j. No permanent item or structure may be installed except for that which may be permitted through the normal building and planning process.
- k. Any such temporary use permitted shall cease upon termination of this Order, and the business shall return the property to the condition existing at the time of permit issuance.
- l. Any street, sidewalk, or City improvements, furnishings, and utilities damaged or destroyed by use and/or facility shall be replaced to City standards with the cost borne by the business.
- m. When utilizing City-owned property, the business must provide the City of Ukiah with a Certificate of Insurance and Additional Insured Endorsement

naming the City of Ukiah as additionally insured in the amount of \$1,000,000 (one million dollars). Exemptions may apply within the Downtown Business Improvement District, which provides coverage for and has provisions for some accessory objects under the Ukiah Main Street Program. Higher limits may apply with high-risk activities.

- n. No real property right is provided, given, or otherwise conveyed to any person or entity using City-owned property as provided herein.
 - o. A temporary use permit in the public right-of- away is an interruptible privilege. The City may interrupt the operation of a temporary use at any time due to anticipated or actual conflicts. Such conflicts may arise from, but are not limited to, repairs or upgrades to the street, sidewalk, utilities, or other public improvement within the public right-of-way, or demonstrations or emergencies occurring in the area.
 - p. The City reserves the right to suspend temporary use granted under this Order if a business fails to comply with any of the requirements.
2. The provisions in the Ukiah Municipal Code limiting temporary signage such as, for example, A-frame, window signs or banner signs, for business advertisement and promotion are suspended until the termination of this Order, provided that such signs do not block, impede or otherwise interfere with the public rights-of-way and the safe travel of vehicles and pedestrians.
 3. Usage Fees for existing Outdoor Dining Permits are suspended until the termination of this Order.

C. Other

1. This Order shall be effective through December 31, 2020 or until the termination of the local emergency, whichever comes first.
2. 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 Ukiah, its departments, officers, employees, or any other person.
3. If any provision of this Order or the application thereof to any person or circumstances is held to be invalid, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.
4. This Order shall be filed in the City Clerk's Office and given widespread publicity and notice.



Sage Sangiacomo, City Manager
Director of Emergency Services, City of Ukiah

Dated: 05/15/2020