

**CITY OF OXNARD**

**DIRECTOR ORDER NO. 20-10**

**ORDER OF THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF OXNARD PROVIDING FLEXIBILITY TO RESTAURANTS WITH LIMITED INDOOR SEATING CAPACITY, FLEXIBILITY TO CONDUCT FARMERS MARKETS, FLEXIBILITY TO RETAILERS TO ENHANCE CUSTOMER ENGAGEMENT, AND EXTENDING THE TIME FOR BUSINESSES TO RENEW DANCE PERMITS WITHOUT PENALTIES**

WHEREAS, Government Code section 8630 and Chapter 6 of the Oxnard City Code empower the City Manager of the City of Oxnard (“City”), acting in the capacity of the Director of Emergency Services (the “Director”), to proclaim the existence or threatened existence of a local emergency when the City is affected or likely to be affected by a public calamity and the City Council is not in session; and

WHEREAS, on March 4, 2020, the Governor of the State of California (the “Governor”) declared a state of emergency in response to the spread of the COVID-19 respiratory disease; and

WHEREAS, on March 13, 2020, in response to the rapidly evolving public health crisis resulting from the COVID-19 pandemic, the Director proclaimed the existence of a local emergency (the “Local Emergency”); and

WHEREAS, on March 17, 2020, the City Council adopted Resolution No. 15,304, proclaiming the Local Emergency and ratifying the Director’s March 13, 2020 proclamation; and

WHEREAS, on March 19, 2020, the Governor issued Executive Order N-33-20, ordering all individuals in the State of California to stay home or at their place of residence except as needed to maintain continuity of operations of sixteen critical infrastructure sectors; and

WHEREAS, on March 20, 2020, the Ventura County Health Officer issued an Order directing persons living in the County of Ventura to stay at their places of residence and restricting non-essential activities in response to COVID-19, imposing stay-at-home directives and further operational restrictions on businesses within the County in an effort to stop the spread of COVID-19; and

WHEREAS, on April 9, 2020, the Ventura County Health Officer issued an Order prohibiting all gatherings, adding to the list of essential businesses and requiring implementation of social distancing protocols; and

WHEREAS, on April 20, 2020, the Ventura County Health Officer issued an order closing certain non-essential businesses and prohibiting non-essential activities to combat COVID-19; and

WHEREAS, on May 7, 2020, the Ventura County Health Officer issued an Order requiring all businesses to establish, implement and enforce COVID-19 prevention plans, and

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reiterating that all permanent food facilities may only prepare and offer food to customers via delivery service, pick up for takeout, and drive-thru; and

WHEREAS, on May 12, 2020, the Governor issued guidance for the eventual reopening of restaurants in counties certified as meeting state benchmarks for addressing the COVID-19 pandemic; and

WHEREAS, the City wishes to make it easier, while establishing specific requirements, for restaurants with limited indoor seating capacity, farmer's markets and retailers to operate safely and successfully; and

WHEREAS, a business may renew its dance permit by submitted an application along with fees to the City no later than 30 days before such permit expires; and

WHEREAS, submittal of a dance permit renewal application less than 30 days before the date the permit expires or after the date the permit expires does not keep the permit in effect; and

WHEREAS, the City wishes to allow businesses to renew their dance permits late without penalties.

NOW, THEREFORE, THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF OXNARD DOES HEREBY ORDER AS FOLLOWS:

#### **SECTION 1. Establishment and Enhancement of Outdoor Seating Areas**

For a period of six (6) months from the date of this order or until the Governor's Stay at Home orders are lifted, whichever comes first, and provided dine-in restaurant services are allowed by the Governor's orders and Ventura County's orders, restaurants may establish or expand outdoor seating areas, provided these areas:

- a. maintain Americans with Disabilities Act accessibility;
- b. are under the control of the restaurant or authorization has been obtained (such as from landlord);
- c. comply with all Ventura County Environmental Health regulations; and
- d. comply with any relevant Department of Alcohol Beverage Control regulations.

Outdoor dining areas may be established in the public rights of way, such as sidewalks, upon prior approval of the City's Community Development Director or designee. Anything added to public sidewalks shall not impede sight distances, access to utilities, and shall address safety from vehicles. The use of City streets for expanded dining may be allowed subject to a Temporary Use Permit with prior consultation with City departments such as Public Works, Police and Fire.

#### **SECTION 2. Converted Parking Areas Allowed**

Outdoor dining areas may include converted parking areas, provided:

- a. the reduced business occupancy with COVID 19 rules supports these conversions;
- and

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- b. the City's Community Development Director or designee determines that the conversion can be accomplished safely.

### **SECTION 3. Farmer's Markets on Private Property Allowed**

Subject to the COVID 19 Farmer's Market standards as provided by the State of California and Ventura County, Farmers Markets may occur on private property.

### **SECTION 4. Manufacturer's Food Services and Restrooms**

Manufacturers seeking to re-open in compliance with state and local COVID-19 orders may convert existing on-site parking spaces to provide food services and restrooms for their employees.

As a result of a manufacturer converting on-site parking spaces to provide food services and restrooms for their employees, employees will likely seek to park on a nearby street. In that case, the City may suspend the enforcement of any on-street parking restrictions provided the relevant CC&Rs are suspended by the HOA at issue.

### **SECTION 5. Additional Operational Standards**

The City's Community Development Director may consider and authorize additional restaurant operational standards upon request.

### **SECTION 6. Retail Displays**

Retailers complying with the Governor and Ventura County orders may provide limited sidewalk or outdoor displays to elevate the shopping experience and better engage customers.

### **SECTION 7. Extension of Dance Permit Renewals**

The City shall accept dance permit renewal applications after the expiration date of such permit without requiring business owners to re-apply as a new applicant or being assessed penalties for late renewals. The City shall pro-rate dance permit fee renewals from the date the City receives the permit fee until June 30, 2021. Businesses may not hold dance activities without a valid permit or in violation of a statewide or county order.

SECTION 8. This Order may be modified or rescinded by further Order by the Director or by the City Council.

SECTION 9. This Order shall remain in effect during the period this Local Emergency exists and shall terminate upon City Council's determination that the Local Emergency no longer exists.

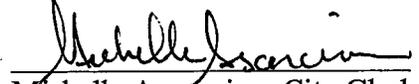
SECTION 10. This Order shall become effective immediately.

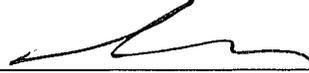
SECTION 11. This order shall be given publicity and notice as required by Government Code section 8634.

SECTION 12. The City Clerk shall certify to the adoption of this Order and shall cause a certified Order to be filed in the Office of the City Clerk.

Dated: May 21, 2020

By:   
Alexander Nguyen  
City Manager/Director of Emergency Services  
City of Oxnard

ATTEST:  
  
Michelle Ascencion, City Clerk

APPROVED AS TO FORM:  
 5/21/2020  
Stephen M. Fischer, City Attorney