



City of Pittsburg

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LOCAL EMERGENCY ORDER

Effective Date: June 5, 2020

On March 4, 2020, the Governor of the State of California declared a state of emergency due to COVID-19. On March 6, 2020, Contra Costa Health Services (CCHS) released community guidelines for reducing the spread of COVID-19, and on March 10, 2020, the Contra Costa County Board of Supervisors issued an emergency proclamation to respond to COVID-19. On March 16, 2020, Health Officers from Contra Costa and other Bay Area counties ordered residents to shelter in place. On March 16, 2020, the City Council held a special meeting and voted unanimously to proclaim the existence of a local emergency in response to the COVID-19 pandemic. Pursuant to Government Code Section 8634, the City of Pittsburg Director of Emergency Services issues the following Order:

1. If sit-down dining is permitted by the Contra Costa County Health Officer, certain City-owned public properties, portions of the City rights-of-way used for parking, private property may be used for temporary outdoor dining during the pendency of the local emergency to ensure proper social distancing, subject to the following requirements:
 - A. Restaurants desiring to establish temporary outdoor dining during the local emergency to ensure proper social distancing shall submit an application, on forms approved by the Community Development Department, and such restaurants shall obtain a temporary, no-cost permit from the Community Development and/or Public Works Departments, which permit may be granted or denied in the City's discretion.
 - B. For applications seeking to utilize public property or rights-of-way for temporary outdoor dining:
 - i. the City reserves the right to determine on a case-by-case basis the suitability and appropriateness of the public property or rights-of-way requested by the restaurant for outdoor dining;
 - ii. the use of City property or rights-of-way shall not interfere with vehicular and pedestrian traffic, or access under the Americans with Disabilities Act; and
 - iii. no real property right is provided, given, or otherwise conveyed to any person or entity using public property or rights-of-way for outdoor dining purpose.
 - C. No permanent item or structure shall be installed in association with the temporary outdoor dining.
 - D. Temporary fencing or other approved barriers no less than one (1) foot tall

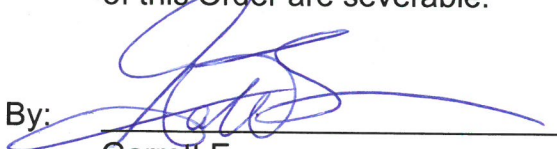
and not exceeding three (3) feet tall shall be placed in a safe manner around the outdoor dining area.

- E. Dining tables shall be placed in a manner that observes six-foot (6'-0") social distancing between groups of customers. Customers in the same household dining together are counted as one group and are exempt from this requirement while sitting at the same table(s).
 - F. A minimum four (4' 0") foot wide pedestrian path of travel shall be provided and maintained along all pedestrian walkways, including but not limited to those connecting the public right-of-way and/or parking lot to all public building entrances. No outdoor use may obstruct this required pedestrian clearance in any manner, regardless of the width of the sidewalk.
 - G. The use shall not interfere with vehicular and pedestrian traffic, or access under the Americans with Disabilities Act.
 - H. Outdoor furniture shall be attractive and made of high quality, durable materials. Outdoor furniture and fixtures shall be kept in good working and aesthetic condition at all times.
 - I. Tables and chairs must be removed and stored indoors during non-business hours.
 - J. Outdoor dining areas shall be maintained in a clean condition at all times. Businesses approved to use public property or the public right-of-way for temporary outdoor dining shall be responsible for keeping the designated public property or rights-of-way clear of litter and debris.
 - K. The business operator shall be required to provide at least one outdoor trash receptacle and recycling container when the outdoor seating area is in use. The receptacles shall be regularly emptied and shall not be allowed to overflow.
 - L. Unless hours of operation are expressly extended or restricted by the permit, hours of operation for outdoor uses shall coincide with the hours of operation for the corresponding business with which the outdoor use is granted; however, in no event shall outdoor dining be permitted between the hours of 10:00 pm and 8:00 am.
 - M. All forms of speaker amplification associated with the outdoor dining provided under this order shall be prohibited.
 - N. Temporary signage may be utilized to designate the area used for outdoor dining.
 - O. Restaurants shall comply with all applicable State and County laws and regulations pertaining to outdoor dining (including but not limited to sale and consumption of alcoholic beverages) under this provision.
2. The provisions in the City of Pittsburg Municipal Code specifying minimum

parking requirements, as applicable, are suspended during the pendency of the local emergency for existing businesses at the discretion of the City Manager or their designee in order to provide for outdoor dining, provided that the number of spaces utilized for outdoor dining does not exceed the allocated number of spaces for the existing use or a maximum of ten (10) spaces, whichever is greater, and provided that the use of parking spaces does not block, impede or otherwise interfere with the safe travel of vehicles and pedestrians, including access under the Americans with Disabilities Act. 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.

3. This Order shall remain in effect until termination of the local emergency. Temporary outdoor dining permits approved under this order shall be provided a five (5) day grace period to return to indoor dining practices.
4. 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 Pittsburg, its departments, officers, employees, or any other person.
5. The City reserves the right, in its sole discretion during the pendency of the City local emergency, to terminate or extend any permit issued hereunder, with or without cause. Upon termination of any use permit granted hereunder, the permittee shall return City-owned public property to the condition existing at the time of permit issuance.
6. If any provision of this Order to 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.

By: _____


Garrett Evans
City Manager/Director of Emergency Services
City of Pittsburg