



CITY OF STOCKTON

LOCAL EMERGENCY ORDER

Pursuant to the Proclamation of a State of Emergency in California Governor by Gavin Newsom on March 4, 2020 as a result of the COVID-19 pandemic; the Governor's Executive Orders (including but not limited to N-33-20); the City Manager's Proclamation of a Local Emergency dated March 12, 2020, and subsequent ratification by the Stockton City Council on March 17, 2020; the Orders of the San Joaquin Director of Emergency Services dated March 19, March 21, March 26, April 14, April 24, May 8, June 2, and July 13, 2020; and Government Code Section 8634, I hereby issue the following Order:

Public Property

1. Certain City-owned public properties may be used temporarily for specific personal care services (nail salons, body waxing, tattoo parlors, hair salons and barbershops as identified by the Order of the San Joaquin County Public Health Officer dated July 13, 2020) in an outdoor setting during the pendency of the local emergency. In lieu of obtaining a revocable permit per SMC 16.72.127, a no-fee temporary outdoor personal services permit shall be required, subject to the following requirements:
 - A. Businesses desiring to use public property for the provision of specific personal care services shall submit an application, on forms approved by the Community Development Department, with photographs, drawing or depiction of the proposed location and layout, and such businesses shall obtain a temporary, no-cost permit from the Community Development Department; the Temporary Permit may be granted or denied in the City's discretion.
 - B. The City reserves the right to determine on a case-by-case basis the suitability and appropriateness of the public property requested by the business for outdoor operations.
 - C. The use of City property (public space) shall not interfere with vehicular and pedestrian traffic, or access under the Americans with Disabilities Act.
 - D. No permanent item or structure shall be installed on City property.
 - E. Any temporary outdoor fencing shall be provided in a safe manner and not exceed three (3) feet in height.
 - F. Chairs and/or stations shall be placed in a manner that observes six-foot (6'-0") physical distancing between groups of customers.

- G. A minimum four (4' 0") foot wide path of travel shall be provided and maintained along all pedestrian walkways from 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.
- H. Hours of operation for outdoor uses shall coincide with the hours of operation for the corresponding business with which the outdoor use is granted.
- I. All forms of speaker amplification associated with the outdoor service provided under this order shall be prohibited.
- J. Businesses shall comply with all applicable State and County laws, regulations, and health orders pertaining to the aforementioned personal care services covered by this emergency order.
- K. No real property right is provided, given, or otherwise conveyed to any person or entity using public property for outdoor business purposes. Any such use permitted hereunder shall cease not later than termination of the City local emergency. The City reserves the right, in its sole discretion during the pendency of the City local emergency, to terminate or extend any use 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.

Private Property

- 2. Until indoor personal care services are permitted by the San Joaquin County Health Officer, outdoor personal care services on private property may operate during the pendency of the local emergency. In lieu of obtaining a temporary activity permit per SMC 16.164.010, a no-fee temporary outdoor personal services permit shall be required, subject to the following requirements:
 - A. No permanent item or structure may be installed in association with outdoor seating provided under this order.
 - B. Chairs and/or stations shall be placed in a manner that observes six-foot (6'-0") physical distancing between groups of customers.
 - C. A minimum four (4' 0") foot wide path of travel shall be provided and maintained along all pedestrian walkways from 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.
 - D. Outdoor business areas shall not encroach on vehicular path of travel (i.e. site access and/or fire lanes)
 - i. Up to 100% of the Business' private off-street parking spaces may be utilized for the outdoor provision of personal care services.

- E. Hours of operation for outdoor business uses on private property shall coincide with the hours of operation for the corresponding business with which the outdoor use is granted
 - F. All forms of speaker amplification associated with the outdoor service provided under this order shall be prohibited
 - G. Businesses shall comply with all applicable State and County laws, regulations, and public health orders pertaining to the aforementioned personal care services covered by this emergency order.
3. The provisions in the Stockton Municipal Code limiting temporary signage such as, for example, A-frame, window signs or banner signs, for business advertisement and promotion are suspended during the pendency of the local emergency, 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, including access under the Americans with Disabilities Act.

Failure to comply with any of the terms of this Order is an imminent threat to public health and shall result in immediate revocation of the temporary outdoor personal care services permit and closure of the business.

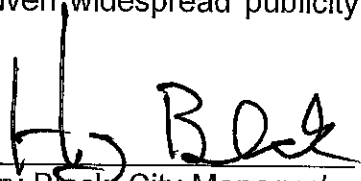
This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the City of Stockton, its departments, officers, employees, or any other person.

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.

This order shall remain in effect until the Proclamation of a State of Emergency is rescinded, upon which time this order shall automatically terminate.

This Order shall be filed in the City Clerk's Office and given widespread publicity and notice as is reasonably practicable.

Dated: July 29, 2020

By: 
Harry Black, City Manager/
Director of Emergency Services
City of Stockton