

**EMERGENCY ORDER OF THE INGLEWOOD CITY COUNCIL
ADOPTING NEEDED MEASURES TO ASSIST LOCAL
BUSINESSES THROUGH THE COVID-19 CRISIS AND
APPROVING ADDITIONAL EMERGENCY MEASURES
ALLOWING FOR THE EXPEDITIOUS APPROVAL OF
OUTDOOR DINING.**

WHEREAS, international, national, state, and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus named "SARS-CoV-2," and the disease it causes which has been named "coronavirus disease 2019," abbreviated COVID-19, ("COVID-19"); and

WHEREAS, on March 4, 2020, the Governor of the State of California declared a state of emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for a broader spread of COVID-19; and

WHEREAS, On March 4, 2020, the Los Angeles County Board of Supervisors and Department of Public Health declared a local emergency and local public health emergency to aid the regional healthcare and governmental community in responding to COVID- 19; and

WHEREAS, on March 13, 2020, the President of the United States of America declared a national emergency and announced that the federal government would make emergency funding available to assist state and local governments in preventing the spread of and addressing the effects of COVID-19; and

WHEREAS, earlier this year the City Council proclaimed the existence of a local emergency to ensure the availability of mutual aid and an effective City response to the novel coronavirus ("COVID-19") ; and

WHEREAS, the Centers for Disease Control and Prevention, the California Department of Health, and the Los Angeles County Department of Public Health have all issued recommendations including but not limited to strict adherence to social distancing guidelines,

1 canceling or postponing group events, working from home, and other precautions to protect
2 public health and prevent transmission of this communicable virus. Other counties throughout
3 the state have similar directives; and

4 **WHEREAS**, on March 19, 2020, the Governor of the State of California, issued Executive
5 Order N-33-20, an Order of the State Public Health Officer ordering all individuals living in
6 California to stay home or at their place of residence except as needed to maintain continuity
7 of operations of outlined federal critical infrastructure sectors; and

8 **WHEREAS**, on March 19, 2020 the Los Angeles County Public Health Officer issued a
9 second countywide order, the Safer at Home For Control of COVID-19 Order, which was further
10 clarified on March 21, 2020. This public health order prohibits all public and private group
11 gatherings and events and requires people to stay in their homes with limited exceptions; and
12 requires closure of all non-essential retail businesses, shopping centers, playgrounds for
13 children, bars, nightclubs, movie theaters and all similar gathering places. The purpose of the
14 order is to further restrict and limit gathering of persons and require closures of non-essential
15 retail businesses in an effort to stem or slow the spread of the virus; and

16 **WHEREAS**, during the pendency of the local emergency and statewide state of
17 emergency, the City Council is empowered to make and issue rules and regulations on matters
18 reasonably related to the protection of life and property as affected by such emergency; and

19 **WHEREAS**, as a result of state and county public health orders, local businesses are
20 experiencing forced closure or major change in operation, or intense increased demand for
21 goods, both of which are challenging during this unprecedented health pandemic.

22 **WHEREAS**, July 13, 2020, Governor Gavin Newsom and the California Department of
23 Public Health today expanded statewide its indoor closures for businesses that encourage
24 mixing of individuals beyond immediate households and make physical distancing and wearing
25 face coverings difficult. Affected businesses include restaurants, wineries and tasting rooms,
26 movie theaters, family entertainment centers, zoos and museums and cardrooms.

27 **WHEREAS**, on July 14, 2020, Revised, the County of Los Angeles County Department of
28 Public Health Order is allowing takeout, delivery of food and in-person outdoor dining to

1 facilitate continued business operations at restaurants and other establishments, and these
2 important practices require some flexibility in local requirements; and

3 **WHEREAS**, this Emergency Order is adopted pursuant to the City's police powers and
4 powers afforded to the City in time of national, state, county and local emergency during an
5 unprecedented health pandemic, such powers being afforded by the State Constitution, State
6 law, and the relevant Inglewood Municipal Code to protect the peace, health, and safety of the
7 public, and to protect life and property as affected by the emergency, in that this Emergency
8 Order assists the local business community in dealing with the extreme economic challenges it
9 is facing as a result of measures to slow the spread of COVID-19, and provides relief from
10 various city deadlines during this unprecedented period of self-quarantine, self-isolation and
11 social distancing.

12 **SECTION 2.**

13 **1. OUTDOOR DINING ON PUBLIC PROPERTY**

14 While sit-down dining is permitted by the Los Angeles County Health Officer, certain City-
15 owned public properties may be used temporarily for outdoor dining during the pendency of
16 the local emergency, subject to the following requirements:

- 17 A. Restaurants desiring to use public property for outdoor dining (the "Permittee") shall
18 submit an application, on forms approved by the City, with City required insurance and
19 indemnification, photographs, drawings or depiction of the proposed location and
20 layout, and such restaurant shall obtain a temporary, no-cost permit from the Public
21 Works Department, which may be granted or denied at the City's discretion.
- 22 B. The City reserves the right to determine on a case-by-case basis the suitability and
23 appropriateness of the public property requested by the restaurant for outdoor dining.
- 24 C. The use of City property shall not interfere with vehicular and pedestrian traffic, or access
25 under the Americans with Disabilities Act.
- 26 D. No permanent item or structure shall be installed on City property.
- 27 E. Outdoor dining shall be done in accordance with all relevant federal, state, county and
28 local laws, orders, guidelines and restrictions, including, but not limited to, proper face

1 coverings and California Building Code accessible seating and parking requirements.

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

4 G. Dining tables shall be placed in a manner that observes six-foot social distancing between
5 groups of customers. Customers in the same household dining together are counted as
6 one group and are exempt from this requirement while sitting at the same table(s).

7 H. A minimum of four foot wide path of travel shall be provided and maintained along all
8 pedestrian walkways from the public right-of-way and/or parking lot to all public building
9 entrances. No outdoor use may obstruct this required pedestrian clearance, transit
10 stops or loading areas in any manner, regardless of the width of the sidewalk.

11 I. Unless hours of operation are expressly extended or restricted by the permit, hours of
12 operation for outdoor uses shall coincide with the hours of operation for the
13 corresponding business with which the outdoor use is granted.

14 J. All forms of speaker amplification associated with the outdoor dining provided under
15 this order shall be prohibited.

16 K. Professionally produced temporary signage may be utilized to designate the outdoor
17 dining. Handwritten signage is expressly prohibited.

18 L. Restaurants shall comply with all applicable State and County laws and regulation
19 pertaining to outdoor dining (including but not limited to the consumption of alcoholic
20 beverages) under this provision.

21 M. Restaurants are required to keep the outdoor dining area (as defined in their Application
22 for Temporary Outdoor Dining Permit) clean of debris at all times and must identify staff
23 responsible for ongoing cleaning at all times during open hours. Restaurants must
24 provide trash receptacles within the outdoor dining space and must empty them each
25 day after closing.

26 N. No real property right is provided, given or otherwise conveyed to any person or entity
27 using public property for outdoor dining purposes. Any such use permitted hereunder
28 shall cease not later than the termination of the City local emergency, and the Permittee

1 shall return public property to the condition existing at the time of permit issuance. The
2 City reserves the right, in its sole discretion during the pendency of the City local
3 emergency, to terminate or extend any use permit issued hereunder, with or without
4 cause. Upon termination of any use permit granted hereunder, the Permittee shall
5 return City-owned public property to the condition existing at the time of permit
6 issuance.

7 **2. OUTDOOR DINING ON PRIVATE PROPERTY**

8 While sit-down dining is permitted by the Los Angeles County Health Officer, the
9 requirement to obtain a Special Use Permit or Planning Commission approval for outdoor dining
10 on private property is suspended during the pendency of the local emergency, subject to the
11 following requirements:

- 12 A. No permanent item or structure may be installed in association with outdoor dining
13 seating provided under this order.
- 14 B. Dining tables shall be placed in a manner that observes six-foot social distancing between
15 groups of customers. People in the same party seated at the same table do not have to
16 be six feet apart. All members of the party must be present before seating and hosts
17 must bring the entire party to the table at one time.
- 18 C. A minimum of four foot wide path of travel shall be provided and maintained for
19 pedestrian walkways from the public right of way and/or parking area to all building
20 entrances. No outdoor use may obstruct this required pedestrian clearance in any
21 manner, regardless of the width of any adjacent sidewalk.
- 22 D. All forms of speaker amplification associated with the outdoor dining provided under
23 this order shall be prohibited.
- 24 E. Professionally produced temporary signage may be utilized to designate the use of public
25 property for outdoor dining. Handwritten signage is expressly prohibited.
- 26 F. Restaurants shall comply with all applicable State and County laws and regulation
27 pertaining to outdoor dining (including but not limited to sale and the consumption of
28 alcoholic beverages) under this provision.

1 G. Parking requirements for restaurants temporarily using their parking lots for outdoor
2 dining are temporarily suspended under this emergency order, however the City
3 reserves the right to revoke this privilege on a case-by-case basis. Additionally, all
4 California Building Code accessible parking requirements will be enforced.

5 H. All requirements of the Americans with Disabilities Act (ADA) must be observed
6 including, but not limited to, providing sufficient clearance and walkway space to allow
7 safe access and egress.

8 This Order is not intended to, and does not, create any rights or benefits, substantive or
9 procedural, enforceable at law or in equity, against the City of Inglewood, its departments,
10 officers, employees, or any other person. If any provision of the Order to the application thereof
11 to any person or circumstances is held to be invalid, the remainder of the Order, including the
12 application of such part of provision to other persons or circumstances, shall not be affected
13 and shall continue in full force and effect. To this end, the provisions of this Order are severable.

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

16
17 Dated: July 28, 2020.

By: 

Mayor James T. Butts., Jr.
City of Inglewood

18
19
20
21 N:\ALEWIS\Econ Development - Emergency Order - Outdoor Dining 7.20.docx