

COVID-19 Emergency Declaration – City of Santa Cruz Executive Order No. 2020-04

- A. WHEREAS, in light of the current COVID-19 pandemic, the Santa Cruz City Council declared an emergency, and under SCMC 2.20, the City Manager serves as the emergency services director.
- B. WHEREAS, in the event of an emergency declaration, under SCMC 2.20.040, as the emergency services director, the City Manager has the authority to take various actions to protect public health and safety.
- C. WHEREAS, as the emergency services director, the City Manager has the authority to conduct a “summary nuisance abatement” under SCMC 2.20.080.
- D. WHEREAS, in light of the current circumstances, and given that large outdoor gatherings and food distribution operations are currently taking place within the City’s jurisdiction, an Executive Order is appropriate to establish clear guidance for outdoor food distribution. Due to the COVID-19 pandemic, the large gatherings that are currently occurring present a serious public health concern – to those who gather there and to the public generally.
- E. Many of these gatherings appear to be out of compliance with the County’s March 16, 2020 Shelter in Place order, prohibiting all non-essential “public and private gatherings of any number of people occurring outside a household or living unit”[.] The Shelter in Place Order further provides that “to the extent individuals are using shared or outdoor spaces, they must at all times as reasonably possible maintain social distancing of at least six feet from any other person[.]”
- F. WHEREAS, the City Manager has determined that there is a need to establish social distancing requirements, in addition basic operating and hygiene criteria for those wishing to engage in outdoor food service operations at this time.
- G. WHEREAS, this executive order shall apply during the COVID-19 pandemic and while social distancing is required or recommended by the County of Santa Cruz or the State of California.

NOW, THEREFORE, I MARTIN BERNAL, City Manager, in accordance with the authority provided to me as emergency services directed under the Santa Cruz Municipal Code, and in particular SCMC Chapter 2.20, do hereby issue the following Order, to become effective immediately.

IT IS HEREBY ORDERED THAT

- (1) For the protection of health and human safety, in addition to any other rules and/or regulations required by the City of Santa Cruz, the County of Santa Cruz, and/or the State of California, individuals and organizations engaging in outdoor food service operations must obtain a permit from the City of Santa Cruz, which will, at minimum, require these individuals and/or organizations to abide by the following basic safety rules.

Food service workers and/or food service operators, whether paid or volunteer, must:

- a. set up food service, distribution, and consumption to ensure that social distancing (generally six feet per person, unless the persons reside together) will be followed.
- b. Ensure that food is distributed in a packaged form for take-out.
- c. Ensure that gatherings of persons on site comply with social distancing guidance (persons shall be six feet apart).
- d. operate under standardized hours and days for food distribution (e.g. between 1 hour after sunrise and 1 hour before sunset).
- e. assign at least one worker to monitor the serving line and social distancing.
- f. serve food with overhead protection (tent, canopy) over foods.
- g. utilize adequate sneeze/cough protection for food during service if buffet style.
- h. ensure separation of food service from those being served.
- i. provide onsite hand washing with soap and disposable towels.
- j. use utensils and gloves while handling ready to eat foods.
- k. thoroughly wash their hands with soap and water for at least 20 seconds before and between glove usage.
- l. train food service workers (whether paid or volunteer) on proper hygiene practices.
- m. clean and sanitize all hard surfaces used in food service, including tables and counter tops, per current CDC Environmental Cleaning and Disinfection guidance.

- n. prevent people with any cold, flu, fever, allergy, or COVID-19 symptoms (including fever, cough, shortness of breath, runny nose, sneezes) from serving food.
  - o. screen food service workers for cold, flu, fever, allergy, or COVID-19 symptoms (including fever, cough, shortness of breath, runny nose, sneezes) and exclude sick people from working.
  - p. provide sufficient trash receptacles in the area.
  - q. limit the food service activity to no more than 2 hours, two times per day, to avoid temperature issues of potentially hazardous foods.
- (2) Individuals and organizations wishing to obtain a special outdoor food service operation permit, must submit an adequate plan to the City Manager, detailing the specific methods to be employed and the specific persons responsible for ensuring compliance with the rules above.
- (3) The City Manager's office shall promptly act on the permit application and shall have the discretion to approve or deny the permit based on reasonable health and safety considerations, including the adequacy and specificity of the plan presented and guidance from public health officials regarding outdoor food distribution and/or COVID-19 pandemic.
- (4) If the City Manager's office suspends, revokes, or denies a permit, such suspension, revocation, or denial is appealable under the rules and procedures set out in Santa Cruz Municipal Code Chapter 1.16.
- (5) The City Manager's office may revoke or suspend the permit at any time based on reasonable health and safety considerations, including whether or not are abiding by the health and safety considerations listed in subdivision (1) above, public nuisance conditions, and guidance from public health officials regarding outdoor food distribution and/or COVID-19 pandemic.
- (6) Any food service worker or food service operator who causes food to be served without a special outdoor food service permit is guilty misdemeanor under SCMC section 2.20.110, Penal Code 373a, SCMC 4.02.090, and/or Penal Code section 148(a), in addition to any other applicable law or regulation.
- (7) Any food service worker or food service operator who, with or without a permit, fails to comply with these basic safety rules listed in subdivision (1) above is guilty misdemeanor under SCMC section 2.20.110, Penal Code 373a, SCMC 4.02.090, and/or Penal Code section 148(a), in addition to any other applicable law or regulation.

(8) Conducting food service in violation of this executive order is a public nuisance, and the City is empowered to immediately abate food service operations that operate without the permit described herein, or which violate the basic food and safety rules listed in subdivision (1). Abatement of the food service operations can include seizure of all equipment used in violation of this order and/or arrests of persons in violation of this order.

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 Santa Cruz, its departments, officer, or employees.

IT IS SO ORDERED, on March 27, 2020



Martin Bernal

City Manager / Emergency Services Director