



**COVID-19 Emergency Declaration – City of Santa Cruz Executive Order No. 2020-12  
(Establishing Social Distancing Requirements for Sidewalk Vendors and  
Display Device Operators)**

- A. WHEREAS, in light of the current COVID-19 pandemic, the Santa Cruz City Council declared a local health emergency re: Coronavirus (COVID-19) by Resolution No. NS-29,640 on March 10, 2020; and
- B. WHEREAS, under Santa Cruz Municipal Code (SCMC) § 2.20.030, the City Manager serves as the Emergency Services Director; and
- C. WHEREAS, in the event of an emergency declaration, as the Emergency Services Director, the City Manager has the authority to take various actions in the City’s interest, including making and issuing “rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency” (SCMC § 2.20.040(1)) and requiring “emergency services of any city officer or employee”[.] (SCMC§ 2.20.040(3)); and
- D. WHEREAS, as the Emergency Services Director, the City Manager also has the authority to “[e]xecute all of his or her ordinary powers as a City officer, all of the special powers conferred upon him or her by this chapter or by resolution adopted pursuant thereto, all powers conferred upon him or her by any statute, agreement approved by the City Council, or by any other lawful authority, and in conformity with Section 38791 of the Government Code, to exercise complete authority over the City and to exercise all police power vested in the City by the Constitution and general laws.” SCMC 2.20.040(5); and
- E. WHEREAS, On March 19, 2020, the Governor issued Executive Order N-33-20 and the California Public Health Officer issued a corresponding order requiring people to stay home except as needed subject to certain exceptions; and
- F. WHEREAS, as of today’s date, the County of Santa Cruz’s Health Officer has issued various “Shelter In Place” orders to slow transmission of the COVID-19 virus: the first is dated March 16, 2020; the second is dated March 31, 2020; the third is April 29, 2020; and the currently operative order is dated May 26, 2020. Furthermore, the County of Santa Cruz has issued three “Supplemental Orders,” dated April 8, 2020, May 6, 2020 and May 29, 2020; and
- G. WHEREAS, the afore-referenced orders establish socially distance protocols for all businesses and other entities legally operating within the County of Santa Cruz and City of Santa Cruz; and
- H. WHEREAS, the County Health Officer’s Supplemental Order dated May 29, 2020, authorizing all business operations and activities allowed under State 2 of the State’s Resilience Roadmap,

advised compliance with state orders, which includes the California Department of Public Health's COVID-19 INDUSTRY GUIDANCE: Retail (the "CDPH Guidance") dated May 19, 2020, specifying operating protocols for retail establishments and key prevention practices, including:

- physical distancing to the maximum extent possible; and
- use of face coverings by employees (where respiratory protection is not required) and customers/clients; and
- frequent handwashing and regular cleaning and disinfection; and
- training employees on these and other elements of the COVID-19 prevention plan; and

I. WHEREAS, the CDPH Guidance further; (1) specifies that each business establish a worksite specific COVID-19 prevention plan at every facility, to include a comprehensive risk assessment at every facility; (2) details topics for employee training to minimize the risk of COVID-19 spreading; (3) specifies individual control measures for temperature and/or symptom screenings; (4) details cleaning and disinfecting protocols; and (5) establishes physical distancing guidelines that include, among others:

- Retailers should create clearly marked curbside or outside pickup points that maintain physical distance with visual cues or other measures, and have purchased goods available there or available through home delivery.
- Implement measures to ensure physical distancing of at least six feet between workers and customers. This can include use of physical partitions or visual cues (e.g., floor markings, colored tape, or signs to indicate to where workers and/or employees should stand).
- Take measures at checkout stations to minimize exposure between cashiers and customers, such as Plexiglass barriers. Employees should also wear face coverings and customers are strongly recommended to wear face coverings as well. Some jurisdictions already require face coverings outside the home. Display signage at entrances, checkout lanes, and registers to remind customers of physical distancing at every opportunity.
- Provide a single, clearly designated entrance and separate exit to help maintain physical distancing where possible.
- Adjust maximum occupancy rules based on the size of the facility to limit the number of people in a store at one time, using no more than 50% maximum occupancy.
- Be prepared to queue customers outside while still maintaining physical distance, including through the use of visual cues; and

J. WHEREAS, the afore-referenced orders and operations protocols issued during this emergency and have all been issued because of the propensity of the virus to spread person-to-person and

also because the virus physically is causing property loss or damage due to its proclivity for aerial transmission and to attach to surfaces for prolonged periods of time; and

- K. WHEREAS, the same public health and safety considerations that prompted the afore-referenced socially distancing requirements are implicated by the interaction of members of the public with sidewalk vendors and persons who operate display devices pursuant to Santa Cruz Municipal Code Chapter 5.81 and/or California Government Code Sections 51036-51039; and
- L. WHEREAS, owing to the tendency for such operations to concentrate in areas with heavy foot traffic, where to ensure adequate social distancing it is necessary to maintain wider unobstructed paths for pedestrian travel, and the limited ability of sidewalk vendors to implement measures to ensure that customers are able to practice adequate social distancing, and to require such measures as a condition of receiving service, the operation of sidewalk vendors in areas not otherwise prohibited by existing ordinances and laws is impracticable in many locations; and
- M. WHEREAS, the public health and safety therefore requires the application of socially distancing requirements to said sidewalk vendors and display device operators who are legally conducting business or engaging in speech on City streets, sidewalks, parks and beaches;
- N. WHEREAS, California Government Code Section 51038 authorizes local authorities to enact restrictions upon persons who sell or exchange merchandise from a display device on the public right-of-way when these restrictions are directly related to objective health, safety and welfare concerns.

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

IT IS HEREBY ORDERED THAT:

- 1. All provisions of the afore-referenced orders declaring and explaining the public health, safety and welfare hazards and emergency posed by the COVID-19 virus, as well as the rationale for said orders' regulations and restrictions relative to the transmission of said virus, are hereby incorporated by reference.
- 2. As used in this Order, the term "non-appurtenant business" shall refer to any business operating on a City street, sidewalk, park or beach which does not have a corresponding fixed business location operating out of a building on that street, sidewalk, park or beach.
- 3. Non-appurtenant businesses which, pursuant to the afore-referenced orders, may legally conduct their operations shall, when operating on city streets, sidewalks, parks and beaches, adhere to the following "socially distancing" regulations:
  - a. Refrain from conducting business on sidewalks which are less than 16 feet in width.
  - b. Conduct business only on the curb side of the sidewalk and no further than 6 feet inward from the curb.

- c. Conduct business no less than 30 feet from any outdoor extension area, outdoor curb extension area and any other non-appurtenant outdoor business or appurtenant business entrance, and otherwise not use any outdoor area which has been approved by the City for use by an appurtenant business per Executive Order 2020-11.
- d. Have hand sanitizer onsite. Proprietors and employees shall frequently sanitize their hands using said sanitizer and in no event less than after each transaction with a member of the public and immediately following each said transaction. In addition, said sanitizer will be available for use by each member of the public who transacts with, or interacts with, the business. Signage advising members of the public of this availability of hand sanitizer for their use shall be prominently displayed.
- e. Proprietors and employees of the business will wear face masks at all times while conducting, setting up for or disassembling the business operation.
- f. Proprietors and employees shall prohibit members of the public from coming within six feet of a business operation except to examine and/or purchase merchandise, and only one member of the public at a time shall be allowed within six feet of a business operation at any time. Signage advising members of the public of this six foot restriction shall be prominently displayed.
- g. Non-appurtenant businesses shall deal with only one member of the public at a time, and shall exclude all others from within the marked business perimeter during such time. While so interacting all other members of the public shall be requested to maintain at least six feet from the business perimeter. Signage advising members of the public of this six foot restriction shall be prominently displayed.
- h. Tape, chalk or other non-permanent markers shall delineate a six foot perimeter or boundary around each non-appurtenant business table or merchandise display area, and only one member of the public at a time shall be permitted within such perimeter or boundary.
- i. Tape or other non-permanent markings shall be spaced no less than six feet apart along one side of each non-appurtenant business and customers shall be directed to form a line along such markings to deter members of the public from congregating outside of the business perimeter in violation of social-distancing requirements.
- j. Each member of the public who approaches the business operation to inspect or purchase merchandise will be required to wear a face mask while doing so. Signage advising members of the public of this face mask requirement shall be prominently displayed, and no service shall be provided or transaction conducted with any member of the public not wearing a face mask.
- k. Proprietors and employees shall regularly, and in no event less than once every thirty minutes, disinfect all displayed merchandise and other touch surfaces such as tabletops.

1. Prominently post signage advising members of the public that they should not come within six feet of the business operation if they are experiencing COVID-19 symptoms.
- m. No proprietor or employee experiencing COVID-19 symptoms shall conduct business or be present at the business operation.
4. All rules and regulations set forth in Paragraph 3 above shall apply to persons who place display devices (as defined in Santa Cruz Municipal Code Chapter 5.81) on City streets, sidewalks, parks and beaches and who take the position that they are not using said display devices to conduct business but, rather, only to engage in speech activity.
5. Notwithstanding the rules and regulations set forth in Paragraph 3, above, no non-appurtenant business shall operate at such times, and in such locations, that the Director of Emergency Services has determined, due to their configuration and the volume of pedestrian traffic present, cannot practicably be operated in a manner that ensures appropriate social distancing protocols can be maintained.
6. Any City employee authorized by Santa Cruz Municipal Code Section 4.02.021 or identified in the Director's April 8, 2020 Executive Order Director No. 2020-05 is authorized to implement this order and issue any necessary guidance or rules consistent with this order.
7. This order shall take effect immediately and shall terminate at such time as the Health Officer amends or terminates the order requiring businesses to conduct their operations pursuant to social distancing protocols.
8. Any person who violates any of the provisions of this Executive Order is subject to citation and/or abatement pursuant to Chapter 2.20 and Title 4 of the Santa Cruz Municipal Code.

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 June 4, 2020**



Martín Bernal  
City Manager / Emergency Services Director