



## **ADMINISTRATIVE ORDER NO. 1 TO ADDRESS COVID-19**

Temporary Policies Due to the Economic Impacts of COVID-19 Pandemic  
Revised Order Issued: July 14, 2020

By virtue of authority vested in me as the City Manager of the City of Chino Hills pursuant to the provisions of the Chino Hills Municipal Code, Section 2.08.060, to ensure the efficient administration of all affairs of the City, and as the Director of Emergency Services (CHMC Sections 2.44.080 and 2.44.170), I hereby declare the following orders to be necessary to protect the economic well-being of the community. This Order will take effect immediately and remain in effect until the current COVID-19 emergency is terminated by City Council resolution.

This Order is issued in accordance with, and incorporates by reference the March 4, 2020 Proclamation of a State of Emergency issued by Governor Gavin Newsom; the March 10, 2020 declaration of public health emergency issued by the San Bernardino County Board of Supervisors and San Bernardino County Health Officer; the March 11, 2020 declaration by the World Health Organization identifying COVID-19 to be a pandemic; the March 13, 2020 declaration by the President of a National Emergency relating to COVID-19; the City Manager's Proclamation of Emergency of March 16, 2020 and the March 17, 2020 Resolution Confirming a Local Emergency Declaration issued by the Chino Hills City Council ("Local Emergency Declaration").

In addition to loss of life, the pandemic has imposed extreme economic hardship suffered by both businesses and residents in the City caused by stay-at-home orders, forcing all non-essential businesses to close and causing a steep increase in unemployment. On May 23, 2020, the California Department of Public Health approved the San Bernardino County Board of Supervisors' request to reopen more businesses, including dine-in restaurants and stores. In response to this order, businesses in Chino Hills have begun to reopen in compliance with the "San Bernardino County Readiness and Reopening Plan, Final Update 5-22-2020". Only recently have a number of restaurants reopened, often at much less capacity to allow for social distancing. Further, on or around July 1, 2020, the Governor has closed inside dining and only allowed take-out and outdoor dining in restaurants.

At the June 23, 2020 City Council meeting, the City Council provided direction to have the City Manager implement the following temporary changes. These temporary changes are intended to assist residents and local businesses in surviving economically in these challenging times and recovering from the COVID-19 impacts.

**PURSUANT TO THE AUTHORITY GRANTED BY GOVERNMENT CODE SECTIONS 8630 AND 8634 AND CHINO HILLS MUNICIPAL CODE CHAPTER 2.44.080 AND 2.44.170 TO PROMULGATE, ISSUE, AND ENFORCE RULES, REGULATIONS, ORDERS, AND DIRECTIVES, THE CITY MANAGER, ACTING AS THE EMERGENCY SERVICES DIRECTOR, ORDERS THE FOLLOWING:**

- 1) **Temporary Banners:** The City shall waive the payment of permit fees for permits for Temporary Banners for promotional events required by Chino Hills Municipal Code ("CHMC") Section 16.38.047.
- 2) **Special Events:**
  - i. The City shall waive the payment of permit fees for special events conducted within existing commercial centers and related to retail business promotion, notwithstanding CHMC Section 12.36.120.
  - ii. The City shall provide a 14-day expedited special event permit review process for events conducted within existing commercial centers and related to retail business promotion.
  - iii. The City shall waive the payment of permit fees for temporary banners for special events permitted within existing commercial centers and related to retail business promotion, notwithstanding CHMC Sections 12.36.040 and 16.38.047.
- 3) **Outdoor Dining Patios:** Notwithstanding CHMC Section 16.09.100 Commercial Outdoor Patio Guidelines, the Community Development Director or designee may issue a temporary outdoor dining patio ("Temporary Patio") permit for any restaurant or retail food facility without payment of a permit fee, subject to the following:
  - i. The Temporary Patio shall be located, designed and operated in such manner as to not interfere with ADA access, pedestrian circulation, vehicular circulation, and emergency access, and the Temporary Patio shall comply with ABC licensing requirements, CHMC Title 15 requirements, National Pollutant Discharge Elimination System (NPDES) requirements, and County Public Health Code requirements including requirements related to COVID-19 safe practices;
  - ii. The Temporary Patio shall be located adjacent to the restaurant;
  - iii. The Community Development Director or designee is authorized to temporarily waive otherwise applicable on-site parking requirements for any restaurant or retail food facility that wishes to conduct temporary outdoor dining pursuant to a Temporary Patio permit within a portion of the onsite or off-street parking area that serves the restaurant or retail food facility or retail operation. The Community Development Director or designee may issue a Temporary Patio permit with this waiver pursuant to this paragraph on condition that the applicant provide acceptable indemnity and insurance and that law enforcement and fire personnel have no health and safety concerns with the issuance of the permit. Notwithstanding the above, the Community Development Director or designee may issue the Temporary Patio Permit without having first received the proof of insurance required by the terms of the permit, provided that proof of adequate insurance is submitted to the Director or designee within 72 hours after issuance of the Temporary Patio permit. If the applicant fails to timely provide proof of insurance, the permit will automatically become null and void.

- iv. Temporary Patio permits shall expire on the 90th day from the date that these temporary practices are authorized or upon the expiration of the Local Emergency Declaration, whichever is sooner; however, upon application, the Community Development Director may extend the Temporary Patio permits an additional 90 days;
- v. The hours of operation for the Temporary Patio shall be between 7:00 a.m. and 10:00 p.m. every day or as modified by the Community Development Director or designee based on compatibility of the neighboring residential uses;
- vi. The noise levels of the Temporary Patio shall be in compliance with the City's noise standards; and
- vii. The Temporary Patio shall be kept clean at all times.
- viii. The fee for the Temporary Patio permit issued pursuant to this order is hereby waived.

The City shall make every effort to issue the Temporary Patio permit within five (5) days.

- 4) **Outdoor Dining Patios in Public Right of Way:** In addition to obtaining a Temporary Patio permit, any restaurants and retail food facilities desiring to locate a patio for dining on public sidewalk or public street must obtain a temporary encroachment permit ("Temporary Encroachment Permit").
- i. The Public Works Director or designee may issue such a Temporary Encroachment Permit pursuant to CHMC Chapter 12.12 (titled: "Excavation Permit"), with appropriate conditions, including indemnity and insurance acceptable to the City. The Public Works Director or designee may issue a Temporary Encroachment Permit pursuant to this paragraph without having first received the proof of insurance required by the terms of the permit, provided that proof of adequate insurance is submitted to the Public Works Director within 72 hours after issuance of the Temporary Encroachment Permit. If the applicant fails to timely provide proof of insurance, the permit will automatically become null and void.
  - ii. Temporary Encroachment Permits issued pursuant to this paragraph shall expire on the 90th day from the date that these temporary permits are authorized or upon the expiration of the Local Emergency Declaration, whichever is sooner; however, upon application, should the Community Development Director extend the Temporary Patio permits an additional 90 days, the Public Works Director may also extend the associated Encroachment Permit for the same additional 90 day period. The fee for the
  - iii. Temporary Encroachment Permit issued pursuant to this order is hereby waived.
- 5) **Yard Sales:** Notwithstanding CHMC Section 5.04.330, the City shall waive the permit fee for Yard Sale permit applications and waive the frequency provision of three (3) yard sales per twelve (12) month period per household.

Pursuant to Government Code Section 8634, this Order shall be widely publicized.

This version of Administrative Order No. 1 supersedes all previous versions of Administrative Order No. 1. A violation of any of the above prohibitions constitutes a misdemeanor under Chino Hills Municipal Code Section 1.36.010 and is punishable by fines not to exceed \$1,000 or imprisonment not to exceed six months or by both.

Date: 7/9/2020

  
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Benjamin Montgomery  
City Manager/Director of Emergency Services

ATTEST:

  
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CHERYL BALZ, CITY CLERK