

CITY OF HEALDSBURG

RESOLUTION NO. 34-2021

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
HEALDSBURG AUTHORIZING A TEMPORARY EXTENSION  
FOR OUTDOOR ACTIVITIES AND ENCROACHMENTS FOR  
BUSINESSES OPERATING IN THE PUBLIC RIGHT OF WAY

WHEREAS, California Government Code §8630 empowers the City Council to proclaim the existence or threatened existence of a Local Emergency when the City is affected or likely to be affected by a public calamity; and,

WHEREAS, Government Code §8634 empowers the City to promulgate orders and regulations to provide for the protection of life and property; and,

WHEREAS, pursuant to Healdsburg Municipal Code Chapter 9.04, the Director of Emergency Services has declared the existence of a Local Emergency, which Local Emergency has been ratified by the City Council on March 16, 2020; and,

WHEREAS, since that time, many retail establishments and restaurants in the City have been entirely shut down or engaged in only limited operations; and

WHEREAS, in mid-May 2020, the Governor of the State of California and the California Department of Public Health published guidance, including social distancing requirements, regarding the opening of certain businesses subject to stages established by the State; and

WHEREAS, on June 1, 2020, City Council authorized Resolution 64-2020 permitting Temporary COVID-19 Outdoor Activities and Encroachment Agreements (hereinafter the “Outdoor Activities Agreement”) that authorized commercial business activities on approved public sites that were consistent with State and County orders regarding essential businesses; and

WHEREAS, the City has an important governmental interest in maintaining a thriving business community and protecting the health, safety, and economic welfare of its citizens and businesses; and

WHEREAS, in order to protect the health and safety of the City, while fostering economic wellbeing of the City’s citizens and businesses, the City wishes to assist both essential and non-essential businesses in remaining open, or re-opening when lawfully permitted to do so; and

WHEREAS, the program has evolved since it began in June 2020, and there is a need to modify the Temporary Outdoor Activities Permit Agreement to develop improvements in outdoor operations including, but not limited to, maintenance, design standards, safety, and to ensure compliance with local, state, and federal law;

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, it is necessary to issue and implement this Resolution to protect life, property and civil order.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HEALDSBURG DOES HEREBY ORDER AS FOLLOWS:

SECTION 1. Outdoor Activities Extended. To facilitate the reopening of businesses in a manner that is consistent with State and local social distancing requirements, all City of Healdsburg laws, regulations and/or policies that would otherwise prohibit businesses from engaging in their business activities outside are hereby suspended.

SECTION 2. Eligible Businesses and Compliance with State and County Orders. This Resolution only applies to those businesses that require outdoor space in order to effectively operate while complying with State and local social distancing requirements. Nothing in this Resolution shall authorize a particular business, that is not otherwise authorized to do so, to operate outside unless and until that business is authorized to operate pursuant to State and County Orders. All businesses must be in full compliance with all State and County Orders regarding reopening and operation in order to comply with this Resolution.

SECTION 3. Temporary Outdoor Activities Agreement Extension. To be eligible to engage in outdoor activities pursuant to this Resolution, businesses shall be required to enter into a Temporary Outdoor Activities Agreement Extension (hereinafter the “Temporary Parklet Program Agreement”).

The Director of Emergency Operations (hereinafter the “Director”) or his designee shall be authorized to enter into a Temporary Parklet Program Agreement Extension with the applicant and shall be entitled to seek the review of any City staff regarding any and all site-specific considerations related to the proposed outdoor activities and program guidelines. The Director may choose to enter into a Temporary Parklet Program Agreement Extension on any terms he deems necessary, including but not limited to modifications to the proposed location of outdoor activities, to ensure ongoing protection of the public health and safety of the City.

The City shall only enter into a Temporary Parklet Program Agreement Extension that authorizes activities that are consistent with State and County orders regarding essential businesses.

SECTION 5. No Interference with Private Property. Nothing in this Resolution relieves a business from any obligations or laws requiring consent of adjacent property owners for use of private property. Businesses seeking to operate outdoors shall obtain consent of any private property owners whose property will be used for outdoor operations.

SECTION 6. Building Permit and Design Review Required. Nothing in this Resolution relieves a business from the requirement to obtain a building permit for outdoor activities if a building permit would otherwise be required, nor does this Resolution relieve a business from complying with all provisions of the Building Code, including but not limited to maximum occupancy requirements. Nothing in this Resolution relieves a business from the requirement to undergo design review for exterior alterations if such design review is required pursuant to any historic property standards, except that temporary installments, including but not limited to, tents, fencing, barriers and enclosures, may be authorized to facilitate proposed outdoor activities.

SECTION 7. County Permits. Nothing in this Resolution relieves a business from the requirement to obtain any and all County permits regarding the provision of food and dining services.

SECTION 8. Violations of Resolution. Any violation of this Resolution or any other local, State, or Federal law shall constitute an imminent threat to the public health and is hereby declared to be a public nuisance and shall be subject to enforcement as such; violations of this order may result in the immediate termination of a Temporary Parklet Program Agreement and the cessation of any activities authorized by said Agreement and this Resolution.

SECTION 9. Effective Date of Resolution. This Resolution shall become effective on the date signed by the Mayor of the City of Healdsburg and shall expire on January 17, 2023 unless repealed or further extended by City Council. This Resolution shall only apply to the extent businesses are authorized to operate pursuant to State and County orders regarding essential businesses.

PASSED, APPROVED AND ADOPTED this 5th day of April 2021, by the following vote:

AYES: Councilmembers: (4) Hagele, Kelley, Palacios and Mayor Mitchell

NOES: Councilmembers: (0) None

ABSENT: Councilmembers: (0) None

ABSTAINING: Councilmembers: (1) Jimenez

SO ORDERED:

ATTEST:

  
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Evelyn L. Mitchell, Mayor

  
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Raina Allan, City Clerk

I, RAINA ALLAN, City Clerk of the City of Healdsburg, do hereby certify that the foregoing is a full, true, and correct copy of Resolution No. 34-2021 adopted by the City Council of the City of Healdsburg on the 5th day of April, 2021.

  
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Raina Allan, City Clerk

