

**ORDER OF THE CITY MANAGER/DIRECTOR OF EMERGENCY SERVICES
OF THE CITY OF RANCHO MIRAGE, CALIFORNIA**

JULY 23, 2020

TEMPORARY USES, SPECIAL EVENTS, & SIGNAGE

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 has been named “Coronavirus Disease 2019,” abbreviated COVID-19, (“COVID-19”); and

WHEREAS, on March 4, 2020, the Governor of the State of California proclaimed 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 broader spread of COVID-19; and

WHEREAS, on March 7, 2020, Riverside County Public Health Officer Dr. Cameron Kaiser declared a Local Health Emergency, citing Riverside County’s first locally acquired case of COVID-19; and

WHEREAS, on March 10, 2020, the Riverside County Board of Supervisors ratified the Local Health Emergency and activated the Medical Health Department Operations Center to better coordinate public messaging and planning among community partners as Riverside County officials prepare for the spread of COVID-19; and

WHEREAS, on March 11, 2020, the California Department of Public Health issued guidance that in order to protect public health and slow the rate of transmission of COVID-19, large gatherings of 250 people or more at concerts, conferences, and professional, college, and school sporting events should be postponed or canceled for at least the remainder of the month of March 2020 and that smaller gatherings held in venues such as crowded auditoriums, rooms or other venues that do not allow social distancing of six feet per person should be postponed or canceled; and

WHEREAS, on March 12, 2020, the Governor of the State of California issued Executive Order N-25-20 providing that all residents are to heed any orders and guidance of state and local public health officials, including but not limited to the imposition of social distancing measures, to control the spread of COVID-19 and that authorized local legislative bodies are permitted to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to attend and to address the local legislative body, during the period in which local public officials impose or recommend measures to promote social distancing, including but not limited to limitations on public events; and

WHEREAS, on March 13, 2020, the President of the United States of America proclaimed and declared a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak 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, on March 16, 2020, the Governor issued Executive Order N-28-20 waiving certain requirements related to residential and commercial evictions and foreclosures to allow local jurisdictions more flexibility to prohibit residential and commercial evictions and foreclosures through May 31, 2020; and

WHEREAS, on March 16, 2020, the Riverside County Public Health Officer ordered the prohibition of all gatherings within the jurisdiction of the Public Health Officer of the County of Riverside with an expected presence of at least 10 individuals taking place, regardless of venue; and

WHEREAS, Rancho Mirage Municipal Code Chapter 2.52 “Disaster Operations and Relief” defines a “State of Emergency” to mean the duly proclaimed existence of actual or threatened conditions of disaster or of extreme peril to the safety of persons and property within the City of Rancho Mirage caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, earthquake, or other conditions, including conditions resulting from war or imminent threat of war, which conditions are, or are likely to be, beyond the control of the services, personnel, equipment and facilities of the city, requiring combined forces of other political subdivisions to combat; and

WHEREAS, Rancho Mirage Municipal Code Chapter 2.52 further provides that a “State of Emergency” may be declared for good and sufficient reason by the City Manager, if the City Council is not in session, subject to the City Council subsequently taking action to ratify the proclamation within seven days thereafter or the proclamation shall have no further force or effect; and

WHEREAS, on March 16, 2020, pursuant to Rancho Mirage Municipal Code Chapter 2.52, the City Manager, issued a “Proclamation of the Existence of a Local State of Emergency” for the purpose of assisting in a coordinated public health response to reduce transmission and illness severity, provide assistance to health care providers, coordinate and mitigate public services that may be disrupted from this emergency, and mitigate any other negative impacts of this emergency on the citizens of the City of Rancho Mirage; and

WHEREAS, on March 17, 2020, the Governor issued Executive Order N-33-20 ordering that to protect public health, that all individuals living in the State of California stay home or at their place of residence (“Shelter in Place”) except as needed to maintain continuity of operations of the federal critical infrastructure sectors, as outlined at <https://www.cisa.gov/critical-infrastructure-sectors>; and

WHEREAS, on March 19, 2020, the Rancho Mirage City Council adopted a resolution ratifying the Proclamation of the Existence of a Local State of Emergency issued by the City Manager on March 16, 2020 and the findings, determinations and conclusions set forth therein, and directed and authorized the City Manager and designee and other appropriate staff members and City officials to take all necessary and appropriate actions to effectuate the purpose of the Proclamation of the Existence of a Local State of Emergency, subject to any modifications as may be approved by the City Council from time to time during the State of Emergency; and

WHEREAS, pursuant to Rancho Mirage Municipal Code Chapter 2.52, during a State of Emergency affecting the City, the City Manager or designee shall, to the extent he or she deems necessary, have complete authority over all departments of the City and the right to exercise, within the area designated, all police powers vested in the City by the Constitution and laws of the State of California in order to effectuate the purpose Chapter 2.52; and

WHEREAS, Rancho Mirage Municipal Code Chapter 2.52 further provides that during a State of Emergency, the City Manager or designee is empowered to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by the State of Emergency; provided, however, that such rules and regulations must be confirmed at the earliest practicable time by the City Council and that during a State of Emergency, the City Manager or designee is empowered to execute all of his or her ordinary powers as City Manager, all of the special powers conferred upon the City Manager by Chapter 2.52 or by resolution or emergency plan adopted by the City Council and all powers conferred upon the City Manager by any statute, by any agreement approved by the City Council and by any other lawful authority; and

WHEREAS, effective May 1, 2020, the Riverside County Health Officer and the County Executive Officer as Director of Emergency Services, issued an amended order which discouraged the use of N95 masks for non-medical reasons, and required all persons including Essential Workers to wear face coverings such as scarves (dense fabric, without holes), bandanas, neck gaiter, or other fabric face coverings while in a public setting such as: (a) waiting in line to go inside a store; (b) shopping at a store; (c) picking up food at a restaurant; (d) on public transportation (or waiting for it); (e) in a taxi or rideshare vehicle; (f) seeking healthcare; (g) going into facilities allowed to stay open; (h) working an essential job that interacts with the public; and that children 2 years and older should be encouraged to wear a mask when around others closer than 6 feet, and when they do, they must be supervised by an adult; and

WHEREAS, the amended order provides that although face coverings are not required to be worn by people at home, in the car alone or with members of their own household, or outdoors while complying with social distancing guidelines, businesses must require face coverings at the work place, inform customers and post signs about the need to wear a face covering, and refuse entry and service to anyone not wearing a face covering; and

WHEREAS, on May 9, 2020, the Riverside County Public Health Officer ordered the rescission of the following amended health orders: (1) the April 2, 2020 amended order related to short term lodging facilities; (2) the April 29, 2020 amended order placing restrictions on golf courses; and (3) the April 29, 2020 amended order requiring the use of face coverings and practice of social distancing; and

WHEREAS, by rescinding its health orders, the County of Riverside aligned itself with the State's Orders as they now exist or may be issued or amended in the future; and

WHEREAS, on June 18, 2020, Governor Newsom ordered all Californians to wear face coverings while in public and/or high-risk settings, including when shopping, taking public transit or seeking medical care; and

WHEREAS, the economic impacts of COVID-19 have been significant and threaten the stability of local businesses; and

WHEREAS, a significant number of Rancho Mirage residents and business owners may be experiencing substantial losses of income as a result of business closures, the loss of hours or wages, or layoffs related to COVID-19, hindering their ability to keep up with their rents, mortgages, and utility bills; and

WHEREAS, Rancho Mirage Municipal Code Chapter 17.46 (Temporary Use Permits) regulates certain short-term activities allowable with adjacent and surrounding uses; and

WHEREAS, during this state of emergency, it is necessary to promote stability and protect public health and slow the rate of transmission of COVID-19, by (1) requiring all Temporary Use Permit activities to comply with any and all related COVID-19 Federal, State and/or local laws, rules, regulations and/or orders; (2) authorizing denial of such permits if such activities raise public safety concerns or otherwise conditioning such permit to address public health and safety; (3) authorizing the Development Services Director or designee to waive filing fees for such permits; (4) prohibiting Temporary Use Permits in all Residential zones; (5) prohibiting approval of Temporary Use Permits which conflicts with federal, state, and/or local guidelines, including without limitation Riverside County, regarding large gatherings, as such guidelines may be amended; (6) relaxing the limit on number and frequency of events subject to such permits; and

WHEREAS, the California Department of Alcoholic Beverage Control (the “ABC”) recently provided ABC-218 CV19 Instructions regarding Temporary Catering Authorization which is intended to assist qualified hospitality businesses with reopening in a manner that is consistent with local and state health and safety directives, which specifically includes temporarily expanding the licensed area of a qualified business to accommodate patrons while abiding by social distancing guidelines and directives; and

WHEREAS, qualified licensees that desire to participate in ABC’s Temporary Catering Authorization program shall submit ABC approval to the Planning Department and may be subject to obtaining a Temporary Use Permit; and

WHEREAS, Rancho Mirage Municipal Code Chapter 5.12 (Special Event Permits) regulates special events and was put in place to preserve the peace and tranquility of City’s residential neighborhoods by regulating certain special events within such residential neighborhoods in a manner that avoids or mitigates the negative secondary effects that some special events have on in areas zoned for residential use; and

WHEREAS, during this state of emergency, it is necessary to promote stability and protect public health and slow the rate of transmission of COVID-19, by (1) authorizing the Development Services Director to deny Special Event Permits if underlying activities raise public safety concerns, (2) and authorizing the Development Services Director or their designee to waive application fees for such permits; and (3) prohibiting approval of Special Event Permits which conflicts with federal, state, and/or local guidelines, including without limitation Riverside County, regarding large gatherings, as such guidelines may be amended; and

WHEREAS, Rancho Mirage Municipal Code Section 17.28.080 (Prohibited Signs) prohibits banners or pennant signs, except for temporary banners for new businesses which are limited to forty-five days; and

WHEREAS, additional measures are necessary to promote stability, protect public health, and mitigate the negative economic impacts of COVID-19 in the City of Rancho Mirage; and

WHEREAS, during this state of emergency, it is necessary to promote stability amongst commercial developments in the City of Rancho Mirage through relaxing certain prohibited signage requirements respecting banners, which is conducive to public health, since it aids those developments in communicating with its customers, and aids those employed by those businesses from losing the income they rely upon to pay their rent, buy food, pay medical care costs and purchase prescribed medications; and

WHEREAS, in order to protect public health, slow the rate of transmission of COVID-19, and mitigate negative economic impacts caused by COVID-19, the City Manager has determined it is necessary to adopt and implement this Order based on the following: (1) this order will promote stability, protect the public health, and mitigate the negative economic impacts of COVID-19 in the City of Rancho Mirage during the COVID-19 outbreak; (2) the Order will prevent widespread business disruptions; (3) the Order may enable residents whose income is affected by COVID-19 under existing regulations to promote and stimulate their business and better provide services to residents; (4) the Order will promote compliance with the Governor's Executive Orders; and (5) the Order will help alleviate the stress and anxiety for residents and businesses caused by COVID-19 and help such businesses better serve residents and consumers.

NOW, THEREFORE, I, Isaiah Hagerman, City Manager and Director of Emergency Services for the City of Rancho Mirage, do hereby issue the to become effective immediately, subject to ratification as soon as practicable by the City Council:

IT IS HEREBY ORDERED AS FOLLOWS:

1. **THAT** all Temporary Use Permit activities must comply with any and all related COVID-19 Federal, State and/or local laws, rules, regulations and/or orders.
2. **THAT** Temporary Use Permits and Special Event Permits may be denied if such activities raise public safety concerns, as determined by the Development Services Director and/or their designee; or may be conditioned to ensure such permit will be in full compliance with the Rancho Mirage Municipal Code, this Order, and/or federal, state, and/or local laws, rules, regulations and/or orders.
3. **THAT** the Development Services Director may waive Temporary Use and Special Event Permit filing/application fees.
4. **THAT** no Temporary Use Permit shall be approved in any Residential Zone of the City during the State of Emergency.

5. **THAT** no Temporary Use Permit and/or Special Event Permit shall be issued which conflicts with federal, state, and/or local guidelines, including without limitation Riverside County, regarding large gatherings, as such guidelines may be amended.
6. **THAT** any limitations on number or frequency of events subject to a Temporary Use and/or Special Event Permit as set forth in the Rancho Mirage Municipal Code shall not be enforced, unless otherwise causing public health or safety concerns, provided such events meet the requirements set forth in the Municipal Code and this Order.
7. **THAT** qualified licensees that desire to participate in ABC's Temporary Catering Authorization program shall submit ABC approval to the Planning Department and may be subject to obtaining a Temporary Use Permits.
8. **THAT** notwithstanding Section 17.28.080 (Prohibited signs), subsection E, which otherwise limits banners to forty-five days, in commercial developments, banners limited to thirty (30) square feet or less shall be permitted through the State of Emergency, unless otherwise terminated sooner by the City Manager/Director of Emergency Services and/or City Council. Notwithstanding the forgoing, all other regulations of such signage shall remain in place and shall not be deemed or construed to expand applicants' rights or limit City's existing regulations, rights and remedies.
9. **THAT** a violation of this Order shall be subject to all the remedies set forth in Title 14 of the Rancho Mirage Municipal Code, including without limitation a misdemeanor offence, and the remedies set forth therein shall be cumulative and in addition to any and all other remedies, civil, equitable or criminal, afforded to the City under State and Federal laws.
10. **THAT** this Order shall become effective immediately and shall expire upon State of Emergency, unless terminated earlier or extended by the City Manager/Director of Emergency Services or the City Council.

ADOPTED this 23rd day of July 2020.



Isaiah Hagerman, City Manager
And Director of Emergency Services

ATTEST:

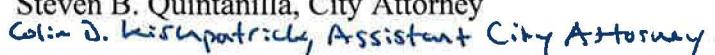


Kristie Ramos, City Clerk

APPROVED AS TO FORM:



for Steven B. Quintanilla, City Attorney



Colia D. Lissner, Assistant City Attorney