



**EXECUTIVE ORDER OF
THE DIRECTOR OF EMERGENCY
SERVICES/CITY MANAGER OF THE CITY OF SHAFTER**

WHEREAS, on February 26, 2020, the Centers for Disease Control confirmed the first possible case of community transmission of the novel coronavirus (COVID-19) in the United States. Thereafter, in response to the spread of COVID-19 in California, the California State Governor issued emergency declarations and orders requiring that California residents' social distance, requiring the closure of non-essential businesses and proposing a plan to re-open California; and.

WHEREAS, on March 16, 2020, the Chief Administrative Officer of Kern County determined that there is an imminent and proximate threat to the public health from the introduction of COVID-19 in Kern County and declared a Local Emergency and the Kern County Board of Supervisors proclaimed the existence of a local emergency for the County of Kern on March 17, 2020; and,

WHEREAS, on March 17, 2020, the City Council adopted Resolution No. 2711 proclaiming a local emergency in the City of Shafter due to the existence and spread of COVID-19; and

WHEREAS, pursuant to Resolution No. 2711 the City Council appointed the City Manager as the Director of Emergency Services and empowered the Director to make and issue rules and regulations and emergency orders on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the City Council; and

WHEREAS, Resolution No. 2711 deems the local emergency to continue to exist until its termination is proclaimed by the City Council; and

WHEREAS, the City of Shafter has identified a process to help businesses comply with the "social distancing" requirements mandated by the State as part of the plan to re-open. The process will allow businesses to apply to temporarily close some private parking lots or public streets/sidewalks in order to set up outdoor seating and/or display and sales areas each day; and

WHEREAS, in the interest of public health and safety; and for the protection of life and property, it is necessary for the City Manager, acting in the capacity of the Director of Emergency Services, to exercise his authority to issue temporary regulations that will permit personal services, outdoor display, and sales areas and supplemental outdoor dining in conjunction with existing restaurants, whereby businesses will be able to continue to provide service to the public while complying with social distancing protocols.



NOW, THEREFORE, I, Gabriel Gonzalez, Director of Emergency Services for the City of Shafter, do hereby issue the following order to become effective immediately, subject to confirmation as soon as practicable by the City Council:

IT IS HEREBY ORDERED THAT:

1. The emergency Temporary Use Permit for Outdoor Sales and Outdoor Dining procedures attached hereto as Exhibit "A" and incorporated by reference herein, shall regulate the approval of the provision of supplemental personal services, outdoor display and sales for business and dining for existing restaurants in the City of Shafter.

2. This Executive Order and the emergency Temporary Use Permit for Outdoor Sales and Dining procedures adopted thereby, shall remain in effect for as long as the State of California Department of Public Health and/or County or Kern prohibit dine-in restaurant food service, or otherwise require the implementation of social distancing within the interior of dine-in restaurants to combat the spread of COVID-19, or until made inoperative by further action of the City Council or the Director of Emergency Services.

3. The Director of Emergency Services may suspend, revoke, or amend the emergency Temporary Use Permit for Outdoor Sales and Dining procedures at any time to address any unanticipated problems or impacts.

4. This Order shall become effective immediately.

APPROVED and ADOPTED this 31st day of July 2020.

By:

Gabriel A. Gonzalez
Director of Emergency Services/City Manager



EXHIBIT "A"

Please see following pages.



336 Pacific Avenue, Shafter, California, 93263

APPLICATION FOR TEMPORARY USE PERMIT FOR OUTDOOR SALES AND DINING

Dear Applicant:

This letter is to inform you of the temporary policies and procedures that the City has regarding temporary outdoor sales and dining. In March 2020, in response to the outbreak of COVID-19, and under regulations from the State of California and the County of Kern, restaurants in Shafter were no longer allowed dine-in service. Now, as outlined in the guidelines for Stage 2 of the State Governor's 4-Stage Reopening Plan, restaurants have the opportunity to provide dining areas for their customers, while adhering to state and local public health regulations. Restaurants may now temporarily convert portions of adjacent parking areas, walkways, patios, common areas, sidewalks and public rights-of-way into customer dining areas. The opportunity for outdoor sales is also being provided for existing retail businesses.

Attached you will find a copy of the Temporary Use Permit for Outdoor Sales and Dining Application and all the information needed to process it in the quickest manner possible. Please read all directions and requirements carefully and use the checklist provided before submitting your application. Please submit a completed application and all required materials to the Shafter Planning Department at 336 Pacific Avenue, Shafter, CA 93262 in person (by appointment only) or by mail. You may also e-mail the application to Wayne Clausen, Planning Director, at wclausen@shafter.com. A completed application should be submitted prior to the expansion of any outdoor sales or dining.

If you have any questions, please feel free to call (661) 746-5002. Once approved, a Temporary Use Permit for Outdoor Sales or Dining is in effect for and expires 14 days after the order is lifted in accordance with all applicable State and local health orders.

SHAFTER PLANNING DEPARTMENT



336 Pacific Avenue, Shafter, California, 93263

TEMPORARY USE PERMIT FOR OUTDOOR SALES AND DINING SUBMITTAL CHECKLIST

Your application must include the following to obtain a Temporary Use Permit for Outdoor Sales and Dining:

- 1. APPLICATION** – A completed Temporary Use Permit for Outdoor Sales and Dining Application.
- 2. SITE PLAN AND SALES OR DINING AREA** – See Temporary Outdoor Sales and Dining Site Plan Submittal Requirement Checklist on Page 3 of this application package. See example site plan attached to this package.
- 3. INDEMNIFICATION AGREEMENT** – See agreement on page 5 of this application package.
- 4. PROPERTY OWNER APPROVAL** – See letter on page 6 of this application package.
- 5. TEMPORARY USE PERMIT FEES** – Waived
- 6. PUBLIC RIGHT-OF-WAY** - If outdoor seating is proposed on City-owned right-of-way, please contact the Public Works Department at (661) 746-5002 for submittal requirements of the following items:
 - Encroachment Permit
 - Liability Insurance and Worker's Compensation
 - Certificate of Insurance and Endorsement
- 7. STATE REQUIREMENTS** – Applicant shall comply with the TUP application for COVID related expansions and any State and County of Kern Guidelines.



336 Pacific Avenue, Shafter, California, 93263

**APPLICATION FOR TEMPORARY USE PERMIT FOR
OUTDOOR SALES AND DINING**

TUP No.

CONTACT INFORMATION				
Applicant Name:		Applicant Phone Number:		
Applicant Email:				
Business Name:		Business License No:		
Business Address:				
Property Owner Name:		Property Owner Phone Number:		
Property Owner Address:				
Property Owner Email:				
EMERGENCY CONTACTS				
Emergency Contact No. 1 Name:		Emergency Contact No. 2 Name:		
Phone Number:		Phone Number:		
APPROVAL SIGNATURES & DATE				
Applicant Signature:		Date:		
Property Owner Affidavit attached:				
BUSINESS OPERATION				
Hours of Operation: From:		To:	Current Seating Occupancy:	
<i>*Outdoor sales and dining area must close with normal operating hours</i>				
Area(s) Used	Parking Area	Walkway	Right-of-Way	Other
PLANNING DIVISION USE ONLY DEPARTMENT APPROVAL				
PLANNING:		BUILDING:		
ENGINEERING:		POLICE DEPARTMENT:		
FIRE DEPARTMENT:		HUMAN RESOURCES:		
Issued on:				

TEMPORARY OUTDOOR SALES AND DINING SITE PLAN SUBMITTAL REQUIREMENTS

Your site plan/layout must be a minimum of 8.5" x 11" and demonstrate the following:

<input type="checkbox"/>	A sales or dining area layout that includes basic dimensions
<input type="checkbox"/>	The proposed sizes, locations, number, and arrangement of all barriers , tables, chairs, umbrellas, generator and other furnishings
<input type="checkbox"/>	Maximum 50% on-site parking spaces may be converted*
<input type="checkbox"/>	Location of property lines, parking spaces and curb line
<input type="checkbox"/>	The locations and dimensions of all existing and proposed obstructions within and adjacent to proposed improvements. Existing trees, lamp posts, planters and all other improvements within the public right-of-way may not be removed or relocated
<input type="checkbox"/>	A minimum distance of six feet (6'-0") between tables when in use
<input type="checkbox"/>	A minimum 4'-0" ADA accessible pedestrian path of travel from the storefront and the parking areas
<input type="checkbox"/>	Outdoor sales or dining area may not encroach into drive aisles and shall be setback 2 ft. from the adjacent curb face of parking striping
<input type="checkbox"/>	Circulation of employees, patrons, vehicles and trash loading and unloading
<input type="checkbox"/>	The locations and descriptions of temporary signage and all other signage in compliance with applicable public health requirements
<input type="checkbox"/>	Visual clearance of a 10'-0" right triangle from the curb line, when the dining area is adjacent to driveways or on a corner lot
<input type="checkbox"/>	If portable heaters are proposed, all applicable building/fire requirements must be met
<input type="checkbox"/>	Location of fire protection equipment (i.e. fire hydrants, fire department connections, post indicating valves, OS&Y)
<input type="checkbox"/>	If umbrellas or canopy covers are provided, they must maintain a minimum 7'-0" clearance from ground level, not to exceed 10-0"

TEMPORARY SIGNAGE

<input type="checkbox"/>	The approval of the Temporary Outdoor Sales or Dining Permit depends on compliance with the Event Related Temporary Sign Policy. A Permit may be obtained only for those types of signs permitted by the City of Shafter Zoning Ordinance. If no signs will be displayed, please check the box to the left. If you will be using signs, please fill in the information requested below.
Number of Signs	
Size of Signs	
Text on Signs	

*Subject to City approval

SALES OR DINING IN PUBLIC RIGHT-OF-WAY

If the proposal includes sales or dining in the public right-of-way please contact the Engineering Division at (661) 746-5002 for more information. Please check the box on the left to indicate Applicant is in agreement with the following:

<input type="checkbox"/>	Approval of an Encroachment Permit through the Engineering Division.
<input type="checkbox"/>	Proof of Liability Insurance and Worker's Compensation .
<input type="checkbox"/>	Certificate of Insurance and Endorsement. Check the box to the left indicating that you understand the permit will not be issued until you have submitted and the City has approved all the proper insurance needed for this event. This includes proof of a City approved general liability policy covering the event as required under the encroachment permit application. The general liability policy will be primary and non-contributory, the City of Shafter must be named as an additional insured by endorsement and a waiver of subrogation is required. (If auto insurance is required, an additional insured endorsement and waiver of subrogation is also required. See attached insurance matrix for additional details on requirements, minimum policy limits, and acceptable ratings for insurance companies.

TEMPORARY OUTDOOR SALES AND DINING ADMINISTRATIVE REQUIREMENTS

Check the box on the left to indicate Applicant is in agreement with the following:

<input type="checkbox"/>	The plans and permit for a temporary outdoor sales or dining area shall be kept on the approved location at all times.
<input type="checkbox"/>	The permit is only valid during the State's stay-at-home order. Once the order is lifted, the temporary outdoor dining area must be removed within 14 days.
<input type="checkbox"/>	It is the responsibility of the Property Owner/Applicant to comply with all CAL/OSH and health orders and guidance for restaurants provided by the Governor's Office and the County of Kern.
<input type="checkbox"/>	Outdoor dining areas shall be limited to serving and consumption of food and non-alcoholic beverages, unless authorized otherwise by Alcohol Beverage Control (ABC). Please refer to ABC-218 CV19 Instructions for additional information at: https://www.abc.ca.gov/abc-218-cv19-instructions/ . It is the responsibility of the Applicant/Business Operator to comply with all ABC requirements.
<input type="checkbox"/>	The City shall have the rights to suspend or prohibit the operation of a temporary outdoor sales or dining area at any time if necessary to safeguard the public health, safety and welfare.
<input type="checkbox"/>	Each permit shall be personal to the permittee and is not transferrable, delegable, or assignable.
<input type="checkbox"/>	Once a temporary outdoor sales or dining area is removed, the applicant is responsible for returning the existing paving to its original state



336 Pacific Avenue, Shafter, California, 93263

INDEMNIFICATION AGREEMENT

Please read, fill in, and sign at the bottom

In consideration of being granted a Temporary Use Permit for Outdoor Sales or Dining, and to the full extent permitted by law, the undersigned, _____, on behalf of _____ hereby agrees to defend, indemnify, and hold free and harmless the City of Shafter, its elected officials, officers, employees, and agents, with respect to any and all liabilities, claims, suits, actions, losses, expenses or costs of any kind, whether actual, alleged or threatened, including the payment of actual attorney’s fees, court costs and any and all other costs of defense, incurred as a consequence of, arising out of, or in any way attributable to, the granting of a Temporary Use Permit for Outdoor Sales or Dining to (name and date of event)

The undersigned hereby represents that he or she has read and fully understands that by signing this Agreement, important legal rights are being waived and legal obligations are being assumed. If signing as a representative, the undersigned further represents that he or she is fully authorized to enter into this Agreement on behalf of each and every person, group, business and/or organization to which the COVID-19 Temporary Use Permit is being issued.

Applicant’s Signature

Date



336 Pacific Avenue, Shafter, California, 93263

PROPERTY OWNER APPROVAL

Must be read, filled in, and signed by the owner of the property or management company.

_____ (owner/prop. management) hereby grants full permission and approval for _____ (applicant) for the expansion of an outdoor sales or dining area at _____ (location) on _____ (date). Additionally, I have been notified of the full extent of the proposed outdoor sales or dining area and agree to not hold the City of Shafter responsible for any problems or concerns that may arise due to it.

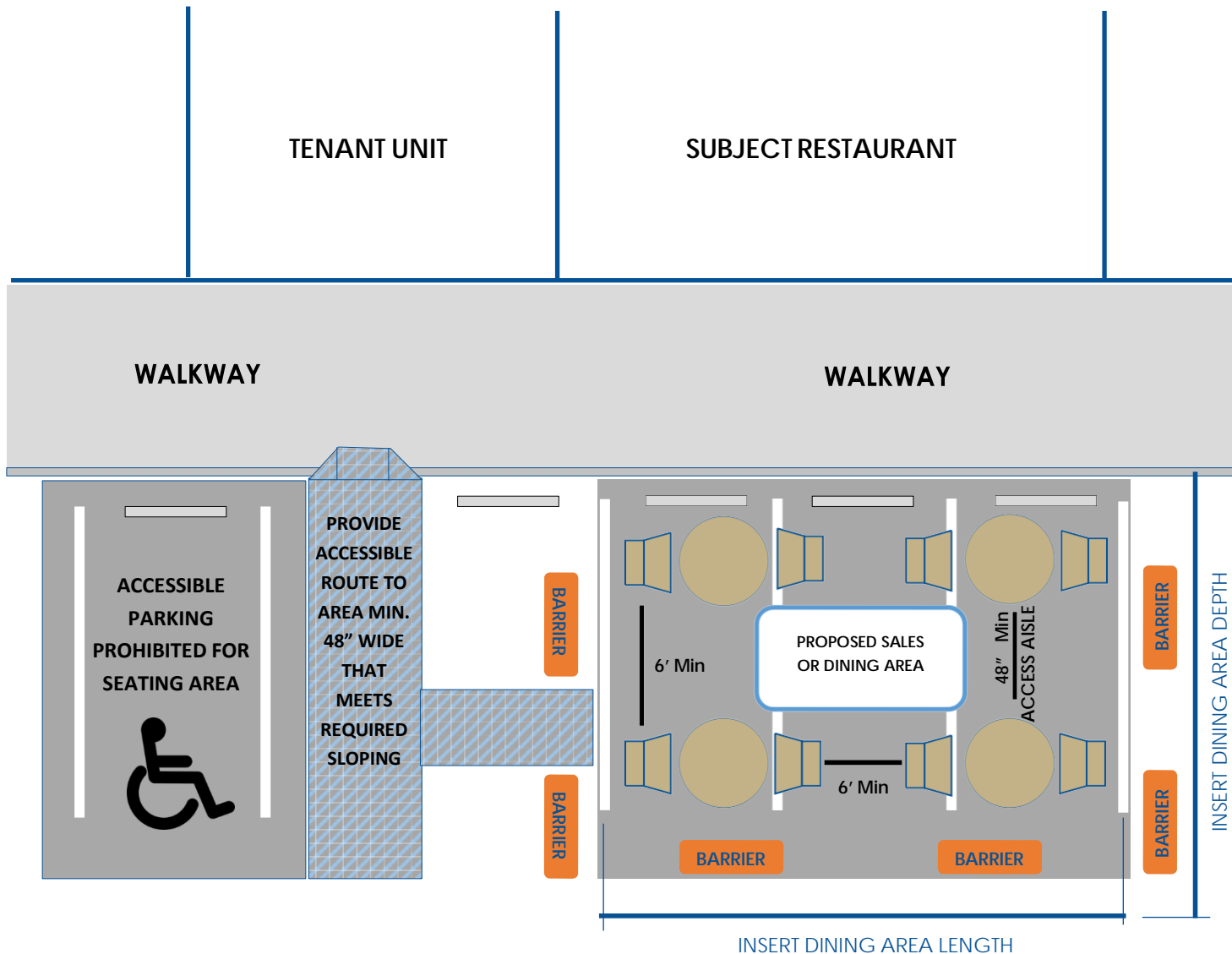
Signature of owner or person authorized _____ Date _____

Telephone number _____ Fax Number _____ Address _____

Property Management, if applicable _____ Date _____

Telephone number _____ Fax Number _____ Address _____

(EXAMPLE) PROPOSED OUTDOOR SALES OR DINING SITE PLAN



TENANT INFORMATION

BUSINESS NAME

ADDRESS

UNIT (IF APPLICABLE)

TENANT AREA (SQ FT)

OUTDOOR AREA INFORMATION

AREA OF OUTDOOR USE (SQ FT)

SURFACE MATERIALS

COVERED (YES/NO)

NO. OF TABLES/SEATS

BARRIER TYPE

HOURS OF OPERATION

City of Shafter Insurance Requirements

Temporary Use Permits, Community Events, General Temporary Use of City Property

(TUP's, Special Community Events involving use of City property, Temporary Use of City Property)

All self-insurance, self-insured retentions, and deductibles must be declared and approved by the City.

Type of Insurance Coverage	General Liability	Automobile Liability	Workers' Compensation
Required?	Yes	Depends - see below	Depends - see below
Minimum Limits of Coverage	\$1,000,000 Per Occurrence with a general aggregate not less than two million dollars (\$2,000,000).	\$2,000,000 Combined Single Limit Per Occurrence Minimum	Workers' Compensation to Statutory Limits; \$1,000,000 Minimum Employers' Liability Limit
Minimum A.M. Best's Guide Rating / Other Requirements	A / VII	A / VII	A / VII or State Compensation
Additional Insured Endorsement Required? Need ISO Form Numbered CG 20 10 11 85 (or similar)	Yes	Yes - if autos are used on City property.	No
Waiver of Subrogation Endorsement Required?	Yes	Yes - if autos are used on City property.	Yes
Comments	Coverage shall state that Vendor insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.	Vendor shall provide auto liability coverage for owned, non-owned, and hired autos using ISO Business Auto Coverage form CA 00 01 (or equivalent) with	Not needed for sole proprietors or partnerships with no employees or when only volunteers are used.



SHAFTER BUILDING DEPARTMENT SELF-INSPECTION CHECKLIST

The purpose of this document is to aid the business owner or operator in conducting a self-inspection of their business in an effort to correct any general violations that may exist or develop during the Coronavirus modification of outdoor dining and outdoor retail.

Please contact the Shafter Building Department at (661) 746-5002 for additional items such as canopies, heaters, drapery, etc. for approval.

Egress

- Is the seating arranged to facilitate quick exit in the event of an emergency?
- Are exits clear of obstructions, combustible materials, or crowding?
- Is there protective barriers in place to allow for protection between moving vehicles and seating/shopping area, which do not completely impede emergency response access?
- Maintain aisles and cross-aisles throughout area tables, shelves, racks etc.

Electrical

- Are all electrical outlets, switches and cover plates safe from apparent shock or other electrical hazards?
- Is the area maintained clear at least 36" in front of electrical panel?
- Are extension cord(s) of heavy-duty construction, grounded, and maintained in good condition?
- Are extension cords(s) put away at the end of the day?

Fire Protection Equipment

- Are the Fire Lanes clear from all obstructions?
- Are the fire lanes marked No Parking?
- Have all fire extinguishers been serviced and tagged within the last 12 months?
- Is there a maintained minimum 3' clearance around fire hydrants

Business Name

Business Owner's Printed Name

Business Owner's Signature

Date