

CITY OF MENDOTA

EMERGENCY SERVICES DIRECTOR ORDER No. 20 – 03

RELATED TO ISSUING TEMPORARY COVID-19 PANDEMIC RESPONSE ORDERS

DECLARATION OF THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF MENDOTA ISSUING TEMPORARY COVID-19 PANDEMIC RESPONSE ORDERS TO ENSURE THE SAFETY OF OUR COMMUNITY

WHEREAS, on March 4, 2020, Governor Newsom declared a State of Emergency due to the outbreak and spread of COVID-19 (Novel Coronavirus); and

WHEREAS, on March 15, 2020, the County of Fresno declared a State of Emergency in response to the continuing spread of COVID-19; and

WHEREAS, at the City of Mendota’s (“City”) March 16, 2020, Special City Council Meeting, the City Council adopted Resolution No. 20-18, proclaiming a local emergency in response to the continuing spread of COVID-19; and

WHEREAS, pursuant to Governor Newsom’s Executive Order N-33-20, signed March 19, 2020, all residents of the City of Mendota have been directed to “immediately heed the current State public health directives ... [which] are consistent with the March 19, 2020, Memorandum of Identification of Essential Critical Infrastructure Workers During COVID-19 Response, found at: <https://covid19.ca.gov/>”; and

WHEREAS, Executive Order N-33-20 also requires “all individuals living in the State of California to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors, as outlined at <https://www.cisa.gov/identifying-critical-infrastructure-during-covid-19>”; and

NOW, THEREFORE, as the Director of Emergency Services pursuant to Mendota Municipal Code (“MMC”) Section 2.44.050, and by the powers vested in me by MMC Section 2.44.060 and the City Council of the City of Mendota in Resolution No. 20-18, I hereby issue the following orders, effective immediately and for so long as Executive Order N-33-20 and the Local Emergency declared in Resolution No. 20-18 in response to the COVID-19 pandemic emergency remain in effect:

1. Except as provided in Subdivision 1.1 below, all businesses shall cease public-facing business operations at 10:00 p.m. each night and may recommence at 4:00 a.m. the following morning.
 - 1.1 The following critical infrastructure businesses and services in the City, as defined by the Cybersecurity and Infrastructure Security Agency (“CISA”) at <https://www.cisa.gov/identifying-critical-infrastructure-during-covid-19>, are not subject to this Section’s provisions:

- 1.1.1 Public safety or emergency service providers, including, but not limited to, fire, police, emergency medical services, hospital, healthcare, and sanitation services and related contractors.
 - 1.1.2 Utilities, cable, and telecommunications providers.
 - 1.1.3 Financial Services, excluding any grocery stores, gas stations, and other businesses with onsite automated teller machines (“ATM”) alone.
 - 1.1.4 Delivery services.
 - 1.1.5 Federal, State, County, or City government or their agencies working within the course and scope of their public service employment.
2. Except as provided in Subdivisions 2.1 and 2.2 below, all businesses and service providers in the City shall not allow members of the public to use waiting areas while waiting for services to be rendered. All businesses and service providers shall direct customers to return to said business or service provider at a certain time or upon receipt of notification from the business or service provider.
 - 2.1 The following CISA critical infrastructure businesses and services are not subject to this Section:
 - 2.1.1 All hospital and healthcare service providers and related contractors.
 - 2.1.2 The United States Postal Service (“USPS”) and its related contractors.
 - 2.2 Outdoor parking areas where customers may wait in their vehicles while the services are being rendered.
 - 2.3 Any businesses and service providers ordered to close their waiting rooms pursuant to this section that fail to comply shall be punishable by administrative citation. The City shall provide the business a written warning, and one (1) day thereafter, noncompliance shall subject the business to an administrative fine of \$1,000 for the first offense, \$5,000 for the second offense, and \$10,000 for the third and any future offenses.
3. All businesses and service providers in the City shall, to the best of their ability, comply with the following policies to prevent the spread of COVID-19:
 - 3.1 Train employees on best hygiene practices, including washing their hands often, not less than hourly, using soap and water for at least twenty (20) seconds.
 - 3.2 By signage or other means, encourage customers to exercise social distancing throughout the venue.

- 3.3 Using tape, chalk, or other means, encourage customers to exercise social distancing by marking six (6) foot intervals where customers are expected to wait in lines inside and outside of the venue.
- 3.4 Provide additional opportunities for persons to use hand washing or sanitizing stations throughout the venue.
- 3.5 Following use by each customer, or as often as is reasonably practicable, disinfect all customer touch points throughout the venue using cleansing wipes, alcohol- or bleach-based solutions, or other effective means recommended by the Centers for Disease Control and Prevention (“CDC”), California Department of Public Health (“CDPH”), or Fresno County Department of Public Health (“FCDPH”).
- 3.6 At a minimum, restrict site access to less than half the maximum allowable capacity under the California Building Standards Code and California Fire Code, or a greater restriction if needed to achieve social distancing.
- 3.7 Follow all CDC, CDPH, FCDPH, and other organizations’ guidance regarding COVID-19 best practices, including, but not limited to, the following:
 - 3.7.1 Coronavirus Disease 2019 (COVID-19) and Retail Food, Beverage, and Other Related Service Venues, accessible in full at <https://www.co.fresno.ca.us/home/showdocument?id=41904>.
 - 3.7.2 Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 (COVID-19), accessible in full at <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>.
 - 3.7.3 CDC Environmental Cleaning and Disinfection Guidance, accessible in full at <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cleaning-disinfection.html>.
 - 3.7.4 Certified Farmers’ Market Managers and Certified Producers Sales of Pre-bagged Produce and Best Practices, accessible in full at <https://www.cdfa.ca.gov/is/i & c/pdfs/CFMGuidanceDuringCOVID-19Pandemic.pdf>
 - 3.7.5 COVID-19 Guidance Provided by American Trucking Associations, accessible in full at <https://www.trucking.org/COVID19>.
- 4. Restaurants, bars, and taverns, as defined in Subdivision 4.1 below, may provide curbside pickup or delivery of alcoholic beverages so long as accompanied by food, if permitted by State law, including, without limitation, any California Department of Alcoholic Beverage Control (“ABC”) Notice of Regulatory Relief. In addition to serving food alongside alcoholic beverages, restaurants, bars, and

taverns providing curbside pickup or delivery of alcoholic beverages must package the alcoholic beverages in a container with a secure lid or cap and in a manner designed to prevent consumption without removal of the lid or cap (e.g., no lids with sipping holes or openings for straws. Further, any licensee selling such beverages for off-sale consumption must adhere to the ABC's Notices of Regulatory Relief and Guidance by License Type, accessible in full at <https://www.abc.ca.gov/notice-of-regulatory-relief/>, <https://www.abc.ca.gov/second-notice-of-regulatory-relief/>, and <https://www.abc.ca.gov/guidance-by-license-type/>.

4.1 Definitions:

4.1.1 "Restaurant" means any establishment that sells food for consumption on-premises.

4.1.2 "Bars" and "Taverns" mean any establishment with the following types of ABC licenses:

4.1.2.1 40 – On Sale Beer (Bar, Tavern)

4.1.2.2 42 – On Sale Beer and Wine – Public Premises (Bar, Tavern)

4.1.2.3 48 – On Sale General – Public Premises (Bar, Night Club)

4.1.2.4 51 – Club

4.1.2.5 57 – Special On Sale General

4.1.2.6 60 – On Sale Beer – Seasonal

4.1.2.7 61 – On Sale Beer – Public Premises

5. Except as provided in Subdivision 5.1 below, Motorized Itinerant Vendors and Sidewalk Vendors, as defined in Subdivision 5.3 below, shall cease all food-related business operations within the City.

5.1 Motorized Itinerant Vendors and Sidewalk Vendors may continue food-related business operations within the City so long as their facilities allow for immediate access to a hand washing sink with running water for employee use. These Motorized Itinerant Vendors and Sidewalk Vendors may not provide tables and chairs for customers or otherwise encourage or allow onsite consumption of food by customers.

5.2 Motorized Itinerant Vendors and Sidewalk Vendors ordered to cease food-related business operations in the City pursuant to this section that fail to comply shall be punishable by administrative citation. The City shall provide

the business a written warning, and one (1) day thereafter, noncompliance shall subject the business to an administrative fine of \$1,000 for the first offense, \$5,000 for the second offense, and \$10,000 for the third and any future offenses.

5.3 Definitions:

5.3.1 "Motorized itinerant vendor" means a person, other than a sidewalk vendor, engaged in the business of selling food, goods, wares, merchandise or any other thing of value from a motorized unit.

5.3.2 "Sidewalk vendor" means a person who sells food or merchandise from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance, or from one's person, upon a public sidewalk or other pedestrian path, excepting therefrom, "Certified farmers' markets" operated in accordance with Chapter 10.5 of Division 17 of the California Food and Agricultural Code and any regulations adopted pursuant to that Chapter.

6. This Order shall be subject to amendment or repeal at any time, and shall not be deemed to confer any contractual obligations, property rights, or assume any liability on the City of Mendota's behalf.

7. If any provision of this Order or its application to any person or circumstance is held to be invalid, then the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

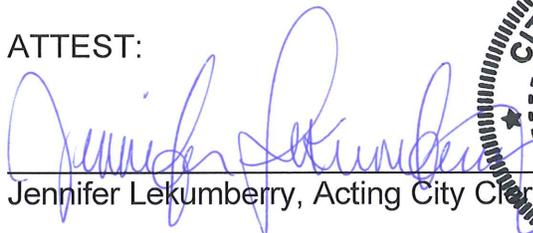
IT IS SO ORDERED.

DATE AND TIME: April 7, 2020 at 11:30 a.m.



Cristian Gonzalez, Director of Emergency Services

ATTEST:



Jennifer Lekumberry, Acting City Clerk

