

Ordinance No. 1682(21)

**An Urgency Ordinance of the City of Lompoc,
County of Santa Barbara, State of California,
Extending Permission For Temporary Outdoor Dining at City
Restaurants and Food Service Establishments Until
December 31, 2021, to Alleviate Economic Hardship and
Preserve Public Peace, Health, And Safety**

WHEREAS, pursuant to Government Code Section 36937(b), an ordinance takes effect immediately if it is “[f]or the immediate preservation of the public peace, health or safety, containing a declaration of the facts constituting the urgency, and is passed by a four-fifths vote of the city council”; and

WHEREAS, the President of the United States has declared a State of National Emergency related to the spread of the COVID-19 virus and the Governor has proclaimed a State of Emergency for the State of California and issued Executive Orders directing measures to mitigate the spread of cases of COVID-19 within the State of California; and

WHEREAS, the City Council of the City of Lompoc adopted a proclamation of a local emergency related to the COVID-19 virus on March 17, 2020; and

WHEREAS, on July 16, 2020, the City’s Director of Emergency Services issued Proclamation No. 4 (2020) temporarily suspending City regulations that would prohibit outdoor operation of City businesses, and that Proclamation was ratified and approved by the City Council on July 21, 2020; and

WHEREAS, Proclamation No. 4 (2020) will remain in effect until terminated by the City Council or until the City Council declares an end to the local state of emergency caused by COVID-19, whichever occurs first; and

WHEREAS, the closure of businesses due to COVID-19 has resulted in severe economic hardship for many business in Lompoc and this economic hardship is very likely to continue even after the City Council declares an end to the local state of emergency.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOMPOC, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Recitals. The foregoing recitals are true and correct, and are incorporated herein by reference as findings of fact.

SECTION 2. Urgency Findings. The City Council finds that there is a current and immediate threat to public peace, health, and safety caused by the severe economic impacts of COVID-19 on local business. In particular, the City Council finds that the disruption of the economy caused by the COVID-19 pandemic has threatened the financial stability of City residents due to layoffs, reduced hours, and potential increased medical expenses, and of City businesses due to the need for employees to work from home, the need to reduce business hours, legal requirements for certain kinds of businesses to close, and a decrease in consumer demand, due in part to concerns about

health and safety. The effects of this economic disruption are likely to continue on even after COVID-19-related health regulations and restrictions are lifted and a state of emergency comes to an end. Allowing City restaurants and food service establishments to continue limited outdoor dining operations would facilitate economic recovery by helping customers feel safe while patronizing City restaurants and food service establishments, and thus encouraging their patronage, and allowing businesses to increase the space in which they can conduct business, which, for certain businesses such as restaurants could directly lead to increased sales. The measures taken in this Ordinance will therefore protect the health and safety of City residents, and promote the stabilization of the local economy, which will preserve public peace, health, and safety.

SECTION 3. Outdoor Dining. Notwithstanding any provision of the Lompoc Municipal Code, all restaurants and food service establishments operating in the City (collectively, “Businesses”), are temporarily permitted to operate outdoor dining, subject to compliance with the following requirements:

- (a) Businesses shall comply with all State and County health orders, State executive orders, State and County laws, State and County regulations, and all industry-specific State guidance, including the use of face coverings and social distancing. Businesses are not permitted to operate outdoors if doing so would violate any State or County health order, State executive order, State or County law, State or County regulation, or any industry-specific State guidance.
- (b) Businesses shall comply with the requirements of all industry-specific licensing and permitting authorities. Businesses are not permitted to operate outdoors if doing so would violate any industry-specific license or permit held by the Business.
- (c) Access required under the Americans with Disabilities Act shall be maintained at all times.
- (d) Businesses may not operate on City sidewalks, in the public right-of-way, or on any other City property, unless a permit for such operation has been issued by the City.
- (e) Businesses shall comply with all City noise regulations (Lompoc Municipal Code Chapter 8.08).
- (f) Live music and amplified sound are prohibited, unless a permit has been issued by the City.
- (g) Businesses shall provide conveniently located outdoor waste and recycling receptacles for customers, and shall ensure that all trash is cleaned up at the end of each day.
- (h) Outdoor operation is only allowed between the hours of 7:00 a.m. and 10:00

p.m., unless otherwise permitted by the City.

- (i) Businesses shall comply with all requirements of the California Fire Code. All entrances and exits in Business establishments shall remain unobstructed at all times. Fire hydrants must remain unobstructed at all times.
- (j) Each Business shall establish a buffer of at least 10-feet, marked by a physical barrier, including but not limited to cones or a rope, separating dining tables from vehicular traffic in streets or parking lots.

SECTION 4. Relation To Other Laws. Nothing in this Order is intended to, or shall be deemed to, waive or suspend any provision of state or federal law, any Executive Order issued by the California Governor, any Health Order issued by the State Public Health Officer or County of Santa Barbara Health Officer, or any private agreement, covenant, or lease regarding the use of private property.

SECTION 5. Environmental Review. The adoption and implementation of this Ordinance is not a project, as defined in California Environmental Quality Act (CEQA) Guidelines section 15378, because it has no potential for resulting in physical change to the environment, either directly or indirectly, and is therefore not subject to environmental review under CEQA pursuant to CEQA Guidelines section 15060(c)(3).

SECTION 6. Effective Date. This Ordinance shall take effect immediately upon its adoption by a 4/5 vote, pursuant to Government Code section 36937, and shall remain in effect through December 31, 2021, unless earlier terminated or extended by the City Council.

This Ordinance was adopted by the City Council of the City of Lompoc at its duly noticed regular meeting on July 6, 2021, by the following electronic vote:

AYES: Council Member(s):
NOES: Council Member(s):
ABSENT: Council Member(s):

Jenelle Osborne, Mayor
City of Lompoc

Attest:

Stacey Haddon, City Clerk
City of Lompoc