

## EMERGENCY EXECUTIVE ORDER 2020-10

I, Melvin Carter III, Mayor of the City of Saint Paul, on May 27, 2020, pursuant to Saint Paul Legislative Code Section 13.06, do hereby issue the following Executive Order:

On March 13, 2020, Minnesota Governor Tim Walz issued Executive Order 20-10 “Declaring a Peacetime Emergency and Coordinating Minnesota’s Strategy to Protect Minnesotans from COVID-19” pursuant to Minn. Stat. § 12.31, Subd. 2.

On March 15, 2020, Saint Paul Mayor Melvin Carter issued an “Emergency Declaration in response to the COVID-19 pandemic” pursuant to Minn. Stat. § 12.29; which the City Council consented to on March 17, 2020.

Saint Paul Leg. Code Chapter 13.06(b) provides that, “whenever necessary to meet an emergency ... the mayor may by executive order promulgate regulations ... for which adequate regulations have not been adopted ... regarding the conduct of persons and the use of property during emergencies, and respecting all other matters which are required to protect public safety, health and welfare in emergencies”.

On March 16, 2020, Minnesota Governor Tim Walz issued Executive Order 20-04 which ordered the temporary closure of Minnesota restaurants and bars to dine-in customers and also ordered the temporary closure of places of public accommodation and amusement, including but not limited to: theatres, museums, fitness centers, and community clubs; and Bars, taverns, brew pubs, breweries, microbreweries, distilleries, wineries, tasting rooms, clubs, and other places of public accommodation that offer alcoholic beverages for on-premises consumption until April 10, 2020.

On March 25, Governor Walz signed Executive Order 20-20 directing Minnesotans to stay at home and allowed only essential workers to go to work. This order was extended until May 4, 2020.

On May 13, 2020, Minnesota Governor Tim Walz issued Executive Order 20-56 which directed the Commissioners of Health, Employment and Economic Development, and Labor and Industry to develop a phased plan to achieve the limited and safe reopening of bars, restaurants, and other places of public accommodation beginning June 1, 2020.

On May 20, 2020, the Minnesota Department of Employment and Economic Development released industry guidance which will allow bars and restaurants to safely reopen on June 1, 2020. This guidance identified key requirements including:

- Develop and implement a COVID-19 Preparedness Plan
- Open for outdoor dining and/or curbside pickup/delivery only
- Ensure at least 6 feet of distance with maximum on-premises capacity to no more than 50 persons
- Limit table service to 4 persons, or 6 if part of one family unit
- Require reservations; do not allow walk-in customers
- Require masks or face shields to be worn by workers and strongly recommend masks for all customers
- Establish regular disinfection routine and train workers

On May 27, 2020, Governor Walz issued Executive Order 20-63 that included regulations for outdoor service provided by restaurants, food courts, cafes, coffeehouses, bars, taverns, brewer taprooms, micro distiller cocktail rooms, farm wineries, craft wineries, cideries, golf courses, and other Places of Public Accommodation offering food or beverages (including alcoholic beverages) for on premises consumption.

Saint Paul bars and restaurants impacted by the Governor's Executive Orders contribute to the vitality of Saint Paul, provide employment opportunities and services to residents, grow the City's tax base, and increase our sense of community. Ensuring that bars and restaurants can reopen under the guidelines laid out by the Minnesota Department of Employment and Economic Development will ease the burden on these businesses will assist them in survival and recovery, and, in turn, assist the City in its recovery.

Many Saint Paul bars and restaurants who have been impacted by the Governor's Executive Orders may not be able to create or expand outdoor space due to licensing, zoning, and other City ordinances regulating the use of public right of way and private property.

NOW, THEREFORE, I, Melvin Carter, Mayor of the City of Saint Paul, in an effort to ease the financial burden and aid in the recovery of Saint Paul businesses impacted by Minnesota Governor Walz's Executive Orders, do hereby issue the following Emergency Executive Order:

1. Any Establishment (defined as a restaurant, bar, general retail, outdoor commercial use, farmers market, brew-on-premise store, or outdoor garden center operating in the City of Saint Paul) that wishes to operate or expand its use on to outdoor public or private property must comply with Governor Walz Executive Order 20-63, the Minnesota Department of Employment and Economic Development industry guidance for safely reopening, the Americans with Disabilities Act, the Minnesota State Building Code, all other laws and regulations, and ordinances not affected by this order.
2. Any Establishment that currently has a Seasonal Outside Service Area License or a Right of Way Obstruction Permit may open for outdoor seating under the terms of that license or permit following any necessary alterations required by the Minnesota Department of Employment and Economic Development.
3. Any Establishment that wishes to expand an existing outdoor service area or establish a new outdoor service area may provide outdoor service provided that they are in compliance with paragraph 1 above, and, if applicable, must do the following:
  - a. For Establishments holding a liquor license, submit an application and obtain a license for a Temporary C-19 Seasonal Outside Service Area which will have the requirements and criteria of Saint Paul Leg. Code Sec. 409.06 (g), as amended below. Any such application must include either a Temporary C-19 Right of Way Obstruction Permit or documentation of ownership or written agreement with the property owner to occupy the outdoor space.
  - b. For all Establishments wishing to occupy the Right of Way, submit an application and obtain a permit for a Temporary C-19 Right of Way Obstruction which will have the requirements and criteria of Saint Paul Leg. Code 106.01(b) and (c) as amended below.
4. For the purposes of allowing outside seating and services, and to the extent required to facilitate such seating and services, the following requirements for the Seasonal Outside Service Area License under Saint Paul Leg. Code Section 409.05(g) and Chapter 310.09 and Right of Way

Obstruction Permit under Saint Paul Leg. Code Section 106.01 (b) and (c), and the Zoning Code are amended as follows:

- a. All fees are waived.
  - b. Public hearing and notice requirements are waived.
  - c. Provided that legal authority to use proposed outdoor space exists, consent of neighboring property owners are waived.
  - d. Business and temporary sign regulations are waived.
  - e. Off-street parking requirements are waived to the extent that:
    - i. Such parking is not required by the Americans with Disabilities Act.
    - ii. The Establishment has the legal right to occupy the area.
  - f. Unless contrary to state law, establishments may expand use on to off-street parking areas provided that that the parking area is on the same lot or abuts the location of the principal use, and/or may expand use on to other vacant areas that are zoned for business uses on the same or abutting lot of the principal use.
  - g. Requirements for Conditional Use Permits are waived.
  - h. All Establishments obtaining a C-19 Right of Way Obstruction Permit must agree to defend and indemnify the City as required by Saint Paul Leg. Code Sec. 116.15.
  - i. For Farmers Markets permitted under Sec. 65.515, the requirements of subsections (a) and (b) of that ordinance remain in effect. Subsections (c) through (f) of the ordinance are suspended during the Emergency.
  - j. For an Outdoor Garden Center permitted under Sec. 65.518 the requirements of subsections (a), (b) and (d) of that ordinance remain in effect. Subsection (c) of the ordinance is suspended during the Emergency.
5. Provided that the application and supporting documents for a Temporary C-19 Seasonal Outside Service Area and a Temporary C-19 Right of Way Obstruction Permit meet all legal requirements as outlined in this Order (including approval of site plan, verification of insurance, and verification of legal authority to occupy the proposed area) and the director finds that no grounds exist for the denial of such application, I authorize the Director of the Department of Safety and Inspections and the Director of the Department of Public Works to administratively approve, modify, deny or revoke such application.
6. I hereby further direct the Director of the Department of Safety and Inspections and the Director of the Department of Public Works to take all actions necessary to facilitate the use of outdoor property for Saint Paul businesses, and to expedite all applications as described in this Order.

Pursuant to Chapter 13 of the Saint Paul Legislative Code, this Executive Order will take effect on June 1, 2020 and, if not sooner rescinded or later extended, shall expire at the end of forty (40) days after its effective date or at the end of the declared local emergency to which it relates, whichever occurs first.

Signed: May 27, 2020



Mayor Melvin Carter III