

City of Piedmont
COUNCIL AGENDA REPORT

DATE: May 18, 2020
TO: Mayor and Council
FROM: Sara Lillevand, City Administrator
SUBJECT: Confirmation of Emergency Order #2020-01

RECOMMENDATION

Confirm Emergency Order #2020-01, making emergency regulations regarding park use during the COVID-19 emergency.

BACKGROUND

On March 16, 2020, the City Administrator, in her role as Director of Emergency Services for the City of Piedmont, proclaimed the existence of a local emergency related to the COVID-19 outbreak, which was ratified by the City Council the same night.

On the same date, the Alameda County Health Officer issued an order directing all individuals living in Alameda County to shelter in place, with limited exceptions, and has issued subsequent orders modifying and extending the original shelter in place order, most recently by Order No. 20-10, issued on April 29, 2020. These orders place restrictions on many aspects of everyday life, including the use of parks and other recreational facilities.

To comply with the intent and letter of these orders, the City needed to make adjustments to city regulation regarding the use of parks, because COVID-19 continues to pose a threat to public health, safety and welfare. Section 5.6 of the Piedmont City Code authorizes the Director of Emergency Services to “make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, that such rules and regulations must be confirmed at the earliest practicable time by the City Council”.

On May 1, 2020, the Director of Emergency Services issued Emergency order #2020-01, which takes the following actions.

- Authorizes the Director of Emergency Services, “to close all or any portion of any city park, recreational facility, or other open or public space, or portion thereof” to limit the possible transmission of COVID-19 and or/ enforce any requirement of orders issued by the Alameda County Health Officer.

- Requires dogs to be on leash in all parks in Piedmont, including the portions designated by the City Code to be off leash areas.

The first provision of the order is necessary because the County order prohibits the use of and require the closure of, "...outdoor recreational areas and facilities with high-touch equipment or that encourage gathering, including, but not limited to, playgrounds, gym equipment, climbing walls, picnic areas, dog parks, pools, spas, and barbecue areas..." many of which exist within Piedmont's parks.

The second provision of the order is necessary because the County order, in the provision listed above, closes all dog parks. Only one of Piedmont's four off leash areas (Linda Dog Park) is an enclosed park completely set aside for dogs. The other three, (portions of Piedmont Park, portions of Dracena Park, and Blair Park) are located within general use parks. Staff determined that requiring dogs to be on leash was a reasonable method to achieve the goal of opening these parks while also complying with the county order closing dog parks.

The order became effective at 12:01 a.m. on Monday, May 4, 2020 and will remain in effect until it is extended, rescinded, superseded, or amended in writing by the Director of Emergency Services or until the City Council proclaims the termination of the local emergency.

PENALTIES FOR VIOLATION

The order provides that violation of the requirement that all dogs be on leash is an infraction with a fine \$100 per violation, which is equal to the general off leash penalty in the City Code.

Violation of park closures imposed by the Director of Emergency Services under this order is punishable by an administrative citation, which carries a fine of \$100 per violation. As provided in Chapter 5 of the City Code, violations of any emergency rules or regulations issued by the Director of Emergency Services are also misdemeanors punishable by a fine of \$500, six months in jail, or both. The City intends to issue administrative citations for violations of this portion of the order unless there are repeated or egregious violations, in which case a misdemeanor would be considered.

By: John O. Tulloch, Assistant City Administrator, City Clerk

EMERGENCY ORDER # 2020-01

AN ORDER OF THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF
PIEDMONT RELATED TO USE OF PARKS AND PUBLIC SPACES

WHEREAS, on March 16, 2020, pursuant to Government Code Section 8630 and Chapter 5 of the Piedmont City Code, the Director of Emergency Services proclaimed the existence of a local emergency related to the COVID-19 outbreak; and

WHEREAS, on the same date, the City Council passed Resolution 16-2020, which ratified the proclamation of the existence of a local emergency as issued by the Director Of Emergency Services; and

WHEREAS, on March 16, 2020, the Alameda County Health Officer issued an order directing all individuals living in Alameda County to shelter in place, with limited exceptions; and

WHEREAS, the Alameda County Health Officer has issued subsequent orders modifying and extending the original shelter in place order, most recently by Order No. 20-10, issued on April 29, 2020 (“Alameda County Health Officer Order”); and

WHEREAS, the COVID-19 continues to pose a threat to public health, safety and welfare; and

WHEREAS, Section 5.6 of the Piedmont City Code authorizes the Director of Emergency Services to “make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, that such rules and regulations must be confirmed at the earliest practicable time by the City Council”; and

WHEREAS, the Director of Emergency Services finds it necessary to issue regulations pursuant to this authority;

UNDER THE AUTHORITY OF CHAPTER 5 OF THE CITY CODE OF THE CITY OF
PIEDMONT, TO PROTECT THE PUBLIC HEALTH THE DIRECTOR OF EMERGENCY
SERVICES HEREBY ORDERS:

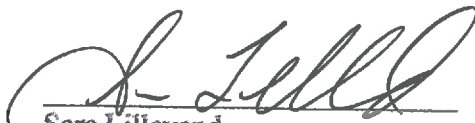
1. Notwithstanding the provisions of Section 3.3.12 of the Piedmont City Code, the Director of Emergency Services is empowered to close any city park, recreational facility, or other open or public space, or portion thereof, that may be used for gathering during the period of the City’s declared local emergency, where the Director determines such closure is necessary to limit transmission of coronavirus, enforce any requirement in the Alameda County Health Officer Order, or otherwise necessary to protect public health and safety.
2. To protect public health and safety, the provisions of Section 3.4.2 of the Piedmont City Code establishing off-leash areas are hereby temporarily suspended and notwithstanding Section 3.4.4 of the Piedmont City Code, all dogs must remain on leash at all times in all parks, playfields, and recreational facilities as required by Section 3.4.1 of the Piedmont

City Code. Any violation of leash requirements shall be subject to enforcement pursuant to Sections 3.4.1 and 3.4.6 of the Piedmont City Code.

3. Pursuant to Government Code section 8634 and City Code 5.10, a violation of this Order, including any closure requirement established hereunder, shall be a misdemeanor subject to a fine of \$500 per violation or imprisonment not to exceed six months. In addition to being subject to enforcement as a misdemeanor, any such violation shall be subject to a civil fine in the amount of \$100 to be enforced via the issuance of an administrative citation, without prior written notice, pursuant to Chapter 1 of the City Code, and may be enforced by any person empowered under the City Code to issue administrative citations.

This order shall become effective at 12:01 a.m. on Monday, May 4, 2020. This order will remain in effect until it is extended, rescinded, superseded, or amended in writing by the Director of Emergency Services or until the City Council proclaims the termination of the local emergency.

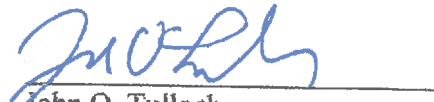
IT IS SO ORDERED:



Sara Lillevand
Director of Emergency Services

Dated: 5-1-2020

Attest:



John O. Tulloch
City Clerk

Approved as to form and legality



Michelle Marchetta Kenyon, City Attorney
Sergio Rudin, Assistant City Attorney