



CITY OF PORT JERVIS
EST. 1907
NEW YORK

June 14, 2020

LIMITED STATE OF EMERGENCY DECLARATION

The Limited State of Emergency declared in the City of Port Jervis effective as of 12:01 a.m. on March 16, 2020 is hereby further EXTENDED.

WHEREAS, on January 30, 2020, the World Health Organization designated the novel coronavirus, COVID-19, outbreak as a Public Health Emergency of International Concern; and

WHEREAS, on January 31, 2020, United States Health and Human Services Secretary Alex M. Azar II declared a public health emergency for the entire United States to aid the nation's healthcare community in responding to COVID-19; and

WHEREAS, both travel-related cases and community contact transmission of COVID-19 have been documented in New York State, and in particular, Orange County, New York, and more cases are expected to develop and/or be discovered; and

WHEREAS, A Limited State of Emergency was declared in the City of Port Jervis effective as of 12:01 a.m. on March 16, 2020 extending through March 29, 2020 at 11:59 p.m.; and

WHEREAS, a Limited State of Emergency was declared and extended in the City of Port Jervis effective as of 12:01 a.m. on March 29, 2020 and extending through April 30, 2020 at 11:59 p.m.; and

WHEREAS, a Limited State of Emergency was declared and extended in the City of Port Jervis effective as of 12:01 a.m. on April 30, 2020 and extending through May 15, 2020 at 11:59 p.m.; and

WHEREAS, a Limited State of Emergency was declared and extended in the City of Port Jervis effective as of 12:01 a.m. on May 16, 2020 and extending through June 15, 2020 at 11:59 p.m.; and

WHEREAS, the Governor of the State of New York has lifted certain restrictions within the Mid-Hudson Region including Orange County, and by as a result, the City of Port Jervis, but certain restrictions remain; and

WHEREAS, the City of Port Jervis is addressing the threat that COVID-19 poses to the health and welfare of its residents and visitors.

NOW, THEREFORE, I, Kelly B. Decker, Mayor of the City of Port Jervis, County of Orange, State of New York, by virtue of the authority vested in me by the Constitution and the Laws of the State of New York, hereby find, pursuant to Section 24 of Article 2-B of the Executive Law, that a disaster is impending in the City of Port Jervis, and, as a result, I do hereby declare a continued Limited State of Disaster Emergency for the entire City of Port Jervis.

IN ADDITION, by virtue of the authority vested in me by Section 24(g) of Article 2-B of the Executive Law to temporarily suspend or modify any local law, ordinance, order, rule, or regulation, or parts thereof during a disaster emergency, if compliance with such local law, ordinance, order, rule, or regulation would prevent, hinder, or delay action necessary to cope with the disaster emergency, or if necessary, to assist or aid in coping with such disaster, I hereby Direct the following:

1. The Limited State of Emergency includes the CLOSURE of all City Buildings to the General Public unless escorted by an employee of the City, Community Development Agency, Department of Motor Vehicles or the City Court.
2. Except as set forth hereinafter, ALL in-person committee meetings, as well as any meetings held in our city buildings by outside organizations, are cancelled. The Committee Meetings that are cancelled include but are not limited to Planning Board and Zoning Board of Appeals. Business-essential boards that function according to timetables mandated by New York State will continue to hold their meetings. Such meetings will be limited to Board Members, Recording Secretaries and essential Department Heads, only. These essential boards include the City Council, Community Development Agency and Port Jervis Housing Authority. These Boards should attempt to limit their meetings to the extent possible. All other business to be conducted by a Board or organization ordinarily meeting in City owned properties, will be held over until those boards can met virtually or are authorized to meet again.
3. ALL Meetings held pursuant to the provisions of this Limited State of Emergency will be held with NO PUBLIC PRESENCE OR PARTICIPATION according to Executive Order 202.1. However, the City Council meeting(s) will continue to be broadcast live on Facebook and thereafter rebroadcast on Access 23, and will be limited to only such matters as are necessary to keep the City functioning properly, such as approvals of bills, resolutions, contracts, appointments and personnel issues. No Local Laws will be presented or moved on. This limitation of consideration of Local Laws shall include but not be limited to Local Law #2 of 2020 regarding the

proposal for a Tax Cap/Tax Cap Override but shall not include expiring laws requiring renewal to maintain the status quo.

4. Signs will be posted at the entrance(s) to all city buildings. The sign will include lists of the phone numbers of departments that may need to be contacted. Additionally, email addresses will be provided. These are the safest forms of contact during this time.
5. Those that have bills and/or taxes that need to be paid, can do so by mailing them to City Hall. In addition, there will be a drop box provided at the front entrance to City Hall; and

IN ADDITION, by virtue of the authority vested in me by Section 25(1) of Article 2-B of the Executive Law, which states that “upon the threat or occurrence of a disaster, the chief executive of any political subdivision is hereby authorized and empowered to and shall use any and all facilities, equipment, supplies, personnel and other resources of his political subdivision in such manner as may be necessary or appropriate to cope with the disaster or any emergency resulting therefrom”, and in accordance with the applicable Management Rights provisions in any of the collective bargaining agreements now in effect between the City of Port Jervis and its representative employee organizations, I hereby direct all City Department Heads to arrange, modify or limit the work schedules of their respective departments in such a manner as may be necessary to attempt to minimize the risks to City employees, residents and visitors associated with the current novel coronavirus, COVID-19 outbreak in accordance with recommendations issued by all relevant medical professionals and/or government agencies.

IN ADDITION,

WHEREAS, the Governor, by and through his Executive Orders has identified and put forward a phased reopening plan and modified the previous suspension of certain business activity to allow limited activity including that associated with the conduct of business outdoors, while still maintaining required closures and other restrictions; and

WHEREAS, the New York State Department of Health and the New York State Liquor Authority has put forth guidelines whereby certain business may open utilizing outdoor areas; and

WHEREAS, New York State Executive Law Section 29-a provides for the directive by the governor during an emergency that may suspend any local law, ordinance or regulation or part thereof and include other terms and conditions; and

WHEREAS, this portion of my Emergency Order is in response to the aforesaid COVID-19 disaster emergency declaration, consistent with the requirements of NYS Executive Law Section 29-a, and is deemed a reasonable, temporary and prudent method to enable on-premises outdoor service of food and beverages at restaurants and bars in the City of Port Jervis to operate consistent with the Governor’s Executive Order 202.38 and assist in the recovery from the

disaster by mitigating the adverse economic impact that COVID-19 had and continues to have on such businesses; now, therefore

I, Kelly B. Decker, Mayor, of the City of Port Jervis, in accordance with the Governor's Executive Order 202.38 do hereby declare the following;

During this state of emergency, the provisions of the City's Zoning local law related to the on-premises outdoor service of food and beverages at restaurants and bars are suspended.

Furthermore, in order to ensure the protection of public health and safety the following emergency regulations are hereby set in place as they relate to on-premises outdoor service of food and beverages at restaurants and bars (hereinafter referred to as "outdoor commercial activities") are set in place:

That upon submission of an application as provided for in this Emergency Order, the City Code Enforcement Officer (CEO) shall have the authority to issue temporary emergency outdoor commercial activity permits to existing City of Port Jervis restaurants and bars engaged in the business of on-premises service of food and beverages, and in doing so, may waive parts of the City Code as they relate to the engaging of such business activity outside of a wholly enclosed building, use of onsite sidewalks, and required parking areas for outdoor commercial activity. Specific regulations regarding signs, reviews by other boards or commissions of the City, required parking spaces, and requirements for site plan review or special permits are hereby suspended. Such outdoor commercial activity shall be conducted only by such commercial businesses located on the site for which the permit is being issued or on contiguous lots, public spaces such as parking spaces, street closures, and other open spaces in reasonable proximity to the existing business as determined by the CEO. Additionally, the CEO may revoke any temporary emergency outdoor commercial activity permit for violations of its terms. The capacity of outdoor dining spaces shall be limited to no more than 50% of the seating capacity as determined by the certificate of occupancy of the existing business.

Applicability:

This emergency approval is valid only for restaurants and bars located in zoning districts where they are already approved to operate by right. Such business must be existing on the effective date of this Order. Outdoor commercial activity will be permitted in parking areas and public or private spaces as made available, including parking lots and parking spaces as well as street closures and other open spaces. The use may also be extended to contiguous lots. All such uses shall be subject to the restrictions and limitations of the State permitting agencies and guidelines that they issue.

No further administrative approval or site plan or special permit, or any other local approval is required as long as the outdoor activity complies with all of the terms and conditions of this Emergency Order.

Emergency approvals automatically expire upon the repeal or expiration of this emergency.

Additional Criteria

a. Occupancy of the outdoor dining area(s) for any single establishment may not exceed 50% of the lowest occupancy loads specified on the establishment's Non-residential Use Permit/Certificate of Occupancy or Maximum Occupancy Certificate.

Seating area(s) must be accessible for disabled patrons.

Any area used for outdoor dining or service activities must be clearly delineated by cordon, marking or other means, and must be located on firm, level surfaces (such as existing lawns, patios, sidewalks, paved parking spaces, *etc.*).

Tents: All tents shall: (1) be flame-resistant with appropriate labeling affixed to the tent material; (2) remain open on all sides; (3) be located at least 5 feet from any building; and (4) be securely anchored to prevent collapse or uplift during inclement weather.

No cooking or open flame is permitted under any tent.

b. Use of on-site space must show how safe ingress and egress is preserved for both vehicles and pedestrians and that parking standards are not exceeded by more than 25%;

c. Health Department: all State and local health department guidelines for service and social distancing must be followed and shown on the plan. Permits must be obtained where required;

d. Sidewalks: use of sidewalk requires maintaining a three-foot distance between the activity and the open area of the sidewalk;

e. Hours of Operation: outdoor activities are allowed only during normal business hours provided, however, that no outdoor activities approved under this section shall be open after 12:00 Midnight;

f. Sidewalk displays or tables must be secured or removed overnight;

g. Alcohol: Approvals must be obtained as required by the State Liquor Authority including need for gated area and security where required;

h. Pets: Pets are prohibited at outdoor dining activities except as provided in the Americans with Disabilities Act;

i. Use of outdoor speakers, live music, call systems, will be reviewed by the CEO on a case by case basis;

j. All tables, chairs, umbrellas, tents, lighting, and other accessories must be removable and maintained in good visual appearance and condition. The outdoor area must be kept free of trash and debris, and any trash containers must be removed or appropriately stored at the end of each business day;

k. No outdoor dining or service area or other commercial activity may obstruct a fire lane or fire equipment;

I. Except as waived under this Emergency Order, all business operations must otherwise comply with all other state, local and Executive Orders issued by the Governor related to the sale of alcohol, health, and safety requirements.

Applications: Applications shall be submitted to the Code Enforcement Officer and include the following:

- a. Drawing showing the location of all outdoor activities including required social distancing regulations and appropriate ingress and egress as needed for staff and patrons;
- b. Access to restrooms where required;
- c. Proof of required permits from State Liquor Authority or Health Department;
- d. Proposed hours of operation;
- e. Location and type of amplified sound equipment and lighting, if any.

Approval: The Code enforcement officer shall be the responsible to either approve or deny the application based on the criteria above and the adequacy of the plan for the space. The Code Enforcement Officer may consult with the City Planning Board.

Expiration: Upon the repeal or other expiration of this Emergency Order, all areas used in expansion to conform with this Emergency Order shall be restored to their previous condition.

Each of the directives contained herein shall run from the date of this Executive Order through June 23, 2020 at 11:59p.m., subject to extension/early termination by further Order. The suspension of the aforesaid policies and Local Laws shall be imposed in such a manner as to create the minimum deviation from the requirements of said policies and laws consistent with the disaster action deemed necessary.

As the Chief Executive of the City of Port Jervis, I, Kelly B. Decker, exercise the authority vested to me under Section 24 of the New York State Executive Law, to preserve the public safety and hereby render all required and available assistance vital to the security, well-being, and health of the citizens of the City of Port Jervis. I hereby direct all departments and agencies of the City of Port Jervis to take whatever steps necessary to protect life and property, public infrastructure and provide such emergency assistance as deemed necessary in accordance with this Order.

SO ORDERED ON JUNE 14, 2020

KELLY B. DECKER, Mayor