



**CITY OF PALM SPRINGS
LOCAL EMERGENCY
SUPPLEMENTARY ORDER
ESSENTIAL CONSTRUCTION PROJECTS**

April 7, 2020

WHEREAS, on March 14, 2020, pursuant to the City of Palm Springs Municipal Code section 2.20.050(a)(1), the City Manager, acting as the Director of Emergency Services, declared the existence of a local emergency within the City of Palm Springs, due to the threat presented by the COVID-19 pandemic, which declaration was subsequently ratified by the Palm Springs City Council on March 19, 2020; and

WHEREAS, on March 19, 2020, the State of California imposed a “shelter in place” order, which required all persons in California to stay at home, unless they are essential workers; and

WHEREAS, pursuant to Palm Springs Municipal Code section 2.20.050(a)(6), the Director of Emergency Services is empowered 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, such rules and regulations must be confirmed at the earliest practicable time by the City Council; and

WHEREAS, the Director of Emergency Services is authorized to revise his emergency declaration and related orders, as the situation evolves.

NOW, THEREFORE, IT IS HEREBY DECLARED AND ORDERED, that:

1. Construction projects have the potential of exposing the City’s Building Inspectors to the COVID-19 virus. Therefore, all residential and commercial construction projects, except those defined in this Supplementary Order as “Essential Construction Projects”, shall be suspended until further notice. In addition to the Social Distancing Protocols set forth below, whenever possible, inspections shall be conducted via remote video-conferencing technology, such as Skype, Zoom, Facetime, etc.

2. "Essential Construction Projects" are limited to the following:
- a. Projects immediately necessary to the maintenance, operation, or repair of "Essential Infrastructure," including airports, utilities (including water, sewer, gas, and electrical), oil refining, roads and highways, public transportation, solid waste facilities (including collection, removal, disposal, and processing facilities), cemeteries, mortuaries, crematoriums, and telecommunications systems (including the provision of essential global, national, and local infrastructure for internet, computing services, business infrastructure, communications, and web-based services);
 - b. Projects associated with "Healthcare Operations," including creating or expanding Healthcare Operations, provided that such construction is directly related to the COVID-19 response. Healthcare Operations is defined to include hospitals, clinics, COVID-19 testing locations, dentists, pharmacies, blood banks and blood drives, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related and/or ancillary healthcare services, and excludes fitness and exercise gyms and similar facilities. Healthcare Operations also includes veterinary care and all healthcare services provided to animals. This exemption for Healthcare Operations construction shall be construed broadly to avoid any interference with the delivery of healthcare, broadly defined;
 - c. Affordable housing that is or will be income-restricted, including multi-unit or mixed-use developments containing at least 10% income-restricted units;
 - d. Public works projects if specifically designated as an "Essential Governmental Function" by the lead governmental agency undertaking them;
 - e. Shelters and temporary housing, but not including hotels or motels;
 - f. Projects immediately necessary to provide critical non-commercial services to individuals experiencing homelessness, elderly persons, persons who are economically disadvantaged, and persons with special needs;
 - g. Construction necessary to ensure that existing construction sites that must be shut down under this Supplementary Order are left in a safe and secure manner, but only to the extent necessary to do so; and
 - h. Construction or repair necessary to ensure that residences are safe, sanitary, or habitable to the extent such construction or repair cannot reasonably be delayed; and
 - i. Construction or repair necessary to ensure that buildings containing "Essential Businesses" as defined in the State Shelter in Place Order, as interpreted and implemented by Riverside County, are safe, sanitary, or

habitable to the extent such construction or repair cannot reasonably be delayed; and

- j. Construction of new single family or multiple-unit housing projects (including accessory dwelling units) previously approved by the City, with valid building permits, and in an active and continuing state of construction.

3. All construction sites where “Essential Construction Projects” will proceed must have prepared and posted by no later than 11:59 p.m. on April 8, 2020 a “Social Distancing Protocol.” The Social Distancing Protocol must be substantially in the form attached to this Supplementary Order as Appendix A. The Social Distancing Protocol must be posted at or near the entrance of the relevant site, and shall be easily viewable by the public and employees. A copy of the Social Distancing Protocol must also be provided to each employee performing work at the construction site. All construction sites where construction will occur shall implement the Social Distancing Protocol and provide evidence of its implementation to any authority enforcing this Supplementary Order upon demand. The Social Distancing Protocol must explain how the construction site is achieving the following, as applicable:

- a. Limiting the number of people who can enter into the site at any one time to ensure that people in the site can easily maintain a minimum six-foot distance from one another at all times;
- b. Where lines or crowds may form at a site, marking six-foot increments at a minimum, establishing where individuals should stand to maintain adequate social distancing;
- c. Providing hand sanitizer, soap and water, or effective disinfectant at or near the entrance of the site and in other appropriate areas for use by employees and the public;
- d. Regularly disinfecting high-touch surfaces;
- e. Posting a sign at the entrance of the site informing all employees and the public that they should: avoid entering the facility if they have a cough or fever; maintain a minimum six-foot distance from one another (including while having meals/breaks); sneeze and cough into one’s elbow; not shake hands or engage in any unnecessary physical contact; and
- f. Any additional social distancing measures then being implemented (see the Centers for Disease Control and Prevention’s guidance at: <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>).

4. All employees working on “Essential Construction Projects” must follow the required Social Distancing Protocol at their respective construction sites, and

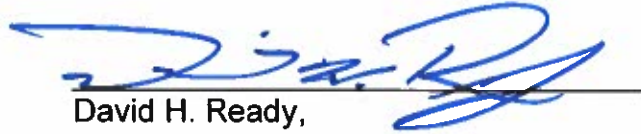
other social distancing and protective standards or guidelines as may be promulgated from time to time by City, County, State and federal authorities.

5. In furtherance of this Supplementary Order, unless expressly qualifying as "Essential Construction Projects," the following types of construction projects with active building permits, or with pending building permit applications, to be suspended by this order until termination of the local emergency, include, but are not limited to, the following:
 - a. Demolition and/or interior remodel of any space within an existing single-family home, condominium unit, or other structure used for residential purposes;
 - b. Demolition and/or interior remodel of any space within a commercial building, or completion of "tenant improvements" (TI's);
 - c. Construction of a new addition to or expansion of an existing single-family home, condominium unit, or other structure used for residential purposes;
 - d. Construction of a new addition to or expansion of an existing commercial building;
 - e. Construction of accessory structures related to and a part of an existing residential structure, such as new pools/spas, patio covers, bar-b-ques, fire pits, and similar structures;
 - f. Construction or installation of new solar photovoltaic systems; or
 - g. Construction of new commercial or industrial buildings.
6. In furtherance of this Supplementary Order, the City will continue to process the review and approval of all currently active building permit applications during the effectiveness of this Supplementary Order. However, issuance of building permits for construction projects not considered "Essential Construction Projects" will be deferred until such time as this Supplementary Order is terminated. Any building permit for any project that is deferred by this Supplementary Order shall automatically be extended by a period that is equal to the time period that begins on March 14, 2020 and ends on the day that the City of Palm Springs declares the end of this local state of emergency.

IT IS FURTHER DECLARED AND ORDERED, that pursuant to Palm Springs Municipal Code sections 1.06.040 and 2.20.100 and City Council Resolution 24738, dated March 19, 2020, the fine amounts for the first, second, third and any subsequent violation of this order may be up to \$5,000 for first violation, up to \$10,000 for any second violation, and up to \$25,000 for any third and subsequent violation. The citing officer shall be entitled to exercise his/her discretion in determining the amount of any such fine, having taken into consideration the severity of the violation.

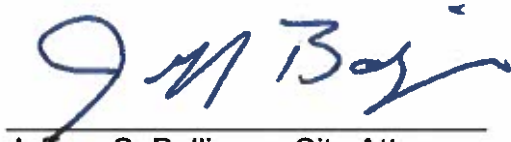
IT IS FURTHER DECLARED AND ORDERED, this order is a temporary emergency measure, which is effective immediately and shall remain in effect unless and until modified or superseded by the Director of Emergency Services, City Council or any county, state or federal order or declaration.

April 7, 2020



David H. Ready,
City Manager/Director of Emergency Services

APPROVED AS TO LEGAL FORM:



Jeffrey S. Ballinger, City Attorney

EXHIBIT "A"

Social Distancing Protocol

Appendix A: Social Distancing Protocol

Measures To Keep People At Least Six Feet Apart (check all that apply to the facility)

- Placing signs outside the store reminding people to be at least six feet apart, including when in line.
- Placing tape or other markings at least six feet apart in customer line areas inside the store and on sidewalks at public entrances with signs directing customers to use the markings to maintain distance.
- Separate order areas from delivery areas to prevent customers from gathering.
- All employees have been instructed to maintain at least six feet distance from customers and from each other, except employees may momentarily come closer when necessary to accept payment, deliver goods or services, or as otherwise necessary.
- Optional—Describe other measures: _____

Measures To Prevent Unnecessary Contact (check all that apply to the facility):

- Preventing people from self-serving any items that are food-related.
 - Lids for cups and food-bar type items are provided by staff; not to customers to grab.
 - Bulk-item food bins are not available for customer self-service use.
- Not permitting customers to bring their own bags, mugs, or other reusable items from home.
- Providing for contactless payment systems or, if not feasible, sanitizing payment systems regularly.
Describe: _____
- Optional—Describe other measures (e.g. providing senior-only hours): _____

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Measures To Increase Sanitization (check all that apply to the facility):

- Disinfecting wipes that are effective against COVID-19 are available near shopping carts and shopping baskets.
- Employee(s) assigned to disinfect carts and baskets regularly.
- Hand sanitizer, soap and water, or effective disinfectant is available to the public at or near the entrance of the facility, at checkout counters, and anywhere else inside the store or immediately outside where people have direct interactions.
- Disinfecting all payment portals, pens, and styluses after each use.
- Disinfecting all high-contact surfaces frequently.
- Optional—Describe other measures: _____

* Any additional measures not included here should be listed on separate pages, which the business should attach to this document.

You may contact the following person with any questions or comments about this protocol:

Name: _____

Phone number: _____

Appendix A: Social Distancing Protocol

Business name: _____

Facility Address: _____

Approximate gross square footage of space open to the public: _____

Businesses must implement all applicable measures listed below, and be prepared to explain why any measure that is not implemented is inapplicable to the business.

Signage:

- Signage at each public entrance of the facility to inform all employees and customers that they should: avoid entering the facility if they have a cough or fever; maintain a minimum six-foot distance from one another; sneeze and cough into a cloth or tissue or, if not available, into one's elbow; and not shake hands or engage in any unnecessary physical contact.
- Signage posting a copy of the Social Distancing Protocol at each public entrance to the facility.

Measures To Protect Employee Health (check all that apply to the facility):

- Everyone who can carry out their work duties from home has been directed to do so.
- All employees have been told not to come to work if sick.
- Symptom checks are being conducted before employees may enter the work space.
- All desks or individual work stations are separated by at least six feet.
- Break rooms, bathrooms, and other common areas are being disinfected frequently, on the following schedule:
 - Break rooms: _____
 - Bathrooms: _____
 - Other _____ :
- Disinfectant and related supplies are available to all employees at the following location(s): _____
- Hand sanitizer effective against COVID-19 is available to all employees at the following location(s): _____
- Soap and water are available to all employees at the following location(s): _____
- Copies of this Protocol have been distributed to all employees.
- Optional—Describe other measures: _____

Measures To Prevent Crowds From Gathering (check all that apply to the facility):

- Limit the number of customers in the store at any one time to Select _____ (or other enter _____). which allows for customers and employees to easily maintain at least six-foot distance from one another at all practicable times.
- Post an employee at the door to ensure that the maximum number of customers in the facility set forth above is not exceeded.
- Placing per-person limits on goods that are selling out quickly to reduce crowds and lines.
Explain: _____
- Optional—Describe other measures: _____