

A PROCLAMATION REVISING SOCIAL DISTANCING
(QUEUEING) RULES IN THE PUBLIC RIGHT OF WAY
IN THE CITY OF BURBANK TO PREVENT THE
SPREAD OF COVID-19 BY DIRECTOR OF
EMERGENCY SERVICES

The Director of Emergency Services of the City of Burbank does hereby find:

1. On March 13, 2020, a local emergency was declared in the City of Burbank due to COVID-19 pandemic.
2. On March 17, 2020, the City Council by Resolution No. 20-29,135 confirmed the existence of the local emergency and confirmed the powers of the Director of Emergency Services to take all acts pursuant to Burbank Municipal Code Section 5-2-106 to protect life and property. The Council again confirmed the existence of a local emergency on May 12, 2020.
3. On March 19, 2020, the Governor issued an executive order similar to the Safer at Home Order.
4. On March 19, 2020, Los Angeles County Public Health issued an Order entitled Safer at Home for Control of COVID-19 (Order). This Order encompassed rules for events and gathering, social distancing and closure of non-essential businesses and areas, as well as listing categories of essential businesses allowed to stay open under the Order.
5. The Order applies within the Los Angeles County Public Health jurisdiction, which is all unincorporated areas and cities within Los Angeles County except for the cities of Long Beach and Pasadena (who have their own public health officers.) The City of Burbank is subject to this Order.
6. Since March 19, 2020, the Stay at Home order has been revised on numerous occasions adding to the list of prohibited and allowed activities.
7. The County Public Health Order is now known as Reopening Safer at Work and in the Community for Control of Covid-19 and was most recently updated on June 11, 2020. Over the past few weeks many more businesses have been allowed to reopen on a limited basis, although some businesses considered high risk activities are not allowed to reopen at all.
8. For instance, restaurants are allowed to have up to 60% of prior capacity and retail shops are only allowed to have 50% of their maximum capacity. However, the outlet must ensure six (6) feet of physical distancing.
9. Activities and business operations that are permitted must be conducted in accordance with the required Social (Physical) Distancing, reopening protocols, and other infection control protocols ordered by the Health Officer.
10. For purposes of the Order, "Social (Physical) Distancing" means, in part: Maintaining at least six (6) feet of physical distance from individuals who are not members of the same household.
11. Businesses as part of their reopening protocol must provide the following measures: Where lines may form at a facility, marking six (6) foot increments

- at a minimum, establishing where individuals should stand to maintain adequate Social (Physical) Distancing, whether inside or outside the facility.
12. The Order's intent is to protect the public from the avoidable risk of serious illness and death resulting from the spread of COVID-19. The Order finds sustained Social (Physical) Distancing and infection control measures will continue slowing the spread of COVID-19 and diminishing its impact on the delivery of critical healthcare services.
 13. The Order, however, does not supersede any stricter limitation imposed by a local public entity within the Los Angeles Public Health Jurisdiction.
 14. In March, with just essential businesses open, the City of Burbank experienced customer queueing in the public right-of-way including sidewalks and City-owned alleys; rather than on their own property. And customers waiting to enter essential businesses were not practicing social distancing of six (6) feet separation and were interfering with other members of the public safely navigating along sidewalks and other public right-of-way by not maintaining social distances.
 15. In response, on March 27, 2020, the Director of Emergency Services issued queueing rules for City sidewalks, which was extended. These rules did not allow queueing on public sidewalks or right-of-way.
 16. The devastating economic impacts of the Safer at Home Orders in effect since March 19, 2020, are still being felt. On May 14, 2020, CA Employment Development Department (EDD) reported it had processed 4.7 million unemployment benefit claims since the week ending March 14. This amounts to about 24.4% of the state's civilian labor force. The City of Los Angeles reported an unemployment rate of over 24% on May 8, 2020. Since some of the City's largest employment centers such as the studios and production related services have not reopened, there is no reason to believe Burbank's unemployment rate is lower than the State's or LA City's rate.
 17. Nationally since imposition of stay at home orders, 80% of the businesses nationwide sought some type of financial assistance. In Burbank, that would mean 10,080 businesses asked for some type of financial aid since the beginning of the COVID-19 crisis. Based on this data, one can conclude Burbank businesses are still suffering financial hardships from the pandemic's effects.
 18. On May 19, 2020, the City Council was presented with the Community Development Department's Economic Recovery Plan and Council embraced the plan, as well expressing their desire to assist our businesses in reopening.
 19. Because of the reduced capacity limitations, patrons are queueing in the public right-of way to await entry into the outlet or to pick up food or merchandise. The rules being promulgated herein is to assist the reopening of Burbank businesses by allowing orderly and shared use of the public sidewalk.
 20. The rules and regulations being issued pursuant to the authority vested in the Director of Emergency Services under Burbank Municipal Code Section 5-2-106 are reasonably related and necessary to the protection of life and property as affected by the spread of COVID-19.

The Director of Emergency Services of the City of Burbank does hereby order the following rules and regulations are instituted within the City Burbank for any retail or restaurant business (collectively Business) allowed to be opened under Los Angeles County Public Health Orders:

- A. Business shall follow these rules as to queueing on public sidewalks:
1. Customers of a Business may queue on public sidewalks fronting a Business, or if a corner Business on the side of the Business with public sidewalks, while waiting to enter the Business or to pick up food or merchandise.
 2. Customers must maintain at least six (6) feet of physical distance from individuals who are not members of the same household. To facilitate such spacing, Business may use chalk to mark six (6) feet positions but shall not use tape or any other markings on public sidewalks. Business may also use signage on their windows and buildings to mark social distancing.
 3. Business shall not allow queueing of customers beyond its frontage or side if on a corner. Business shall not allow queueing which blocks entry into another business. Business must ensure their customers maintain a clear path of travel of four (4) feet in width on the sidewalk for access and use by other members of the public.
 4. If Business customers are unable to maintain social distancing while queueing or are queueing where not permitted in these rules, then Business shall not allow such queueing and instead shall institute appointments for customers to return to Business at a later time to reduce the size of the queue to safe numbers while maintaining the six (6) feet physical distancing protocol.
 5. Any Business operating in the City of Burbank may allow queueing of customers on their own property, if customers are able to maintain separation by a distance of six (6) feet.
- B. Since many retail areas of the City have narrow store fronts with little frontage for queueing, the City encourages Businesses to work cooperatively to develop a queueing plan to accommodate neighboring Businesses (Plan). If Businesses agree to such a Plan, then a particular Business may allow customer queueing beyond their storefront as agreed to with the other businesses. In such case the following rules apply:
1. Customers of a Business may queue on public sidewalks fronting a Business, or if a corner Business on the side of the Business with public sidewalks, or beyond their frontage pursuant to the Plan, while waiting to enter the Business or to pick up food or merchandise.
 2. Customers must maintain at least six (6) feet of physical distance from individuals who are not members of the same household. To facilitate such spacing, Business may use chalk to mark six (6) feet positions but shall not use tape or any other markings on public sidewalks. Business may also use signage on their windows and buildings to mark social distancing.
 3. Business shall not allow queueing which blocks entry into another business. Business must ensure their customers maintain a clear path of travel of four (4) feet in width on the sidewalk for access and use by other members of the public.

4. If Business customers are unable to maintain social distancing while queueing or are queueing where not permitted under these rules, then Business shall not allow such queueing and instead shall institute appointments for customers to return to Business at a later time to reduce the size of the queue to safe numbers while maintaining the six (6) feet physical distancing protocol.
- C. Any Business shall not allow queueing of its customers, while waiting to enter their Business or to pick-up food or merchandise, in the City's public right-of-way including alleys, except on sidewalks as allowed under Sections A and B above.
- D. Pursuant to Burbank Municipal Code Section 5-2-301 it is unlawful to commit any act forbidden by this order. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Code including violating this order may be guilty of a misdemeanor pursuant Burbank Municipal Code Section 1-1-105.
- E. This order is effective immediately and shall remain in effect until expiration of the Local State of Emergency or the lifting of this order by further order of the Director of Emergency Services or the City Council.
- F. If any section, subsection, sentence, clause or phrase of this order is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this order.

DATED this 15th day of June 2020.



Judie Wilke
Acting City Manager and
Acting Director of Emergency Services