



**AMENDMENT NO. 7 TO PROCLAMATION OF
THE MAYOR OF THE TOWN OF MARANA
DECLARING THE EXISTENCE OF A LOCAL
EMERGENCY**

WHEREAS on March 17, 2020, Mayor Ed Honea issued a Proclamation of Local Emergency in response to the actions taken by federal, state, and local jurisdictions in addressing conditions related to the COVID-19 pandemic outbreak; and

WHEREAS on March 19, 2020, Arizona Governor Douglas A. Ducey issued Executive Order 2020-09, limiting the operations of certain businesses, including restaurants, until further notice to slow the spread of COVID-19; and

WHEREAS on March 23, 2020, Governor Ducey issued Executive Order 2020-12, prohibiting counties, cities, or towns from making or issuing any order, rule, or regulation that restricts or prohibits any person from performing any function designated as essential by the Governor, the Director of the Arizona Department of Health Services, or the Division of Emergency Management during the COVID-19 public health emergency; and

WHEREAS on March 30, 2020, Governor Ducey issued Executive Order 2020-18 "Stay Home, Stay Healthy, Stay Connected" ordering that until April 30, 2020, all citizens may leave their place of residence only for Essential Activities, to participate in or receive Essential Governmental Functions, or to participate in or fulfill Essential Functions, all as defined by Executive Orders 2020-18 and 2020-12; and

WHEREAS on April 16, 2020, President Trump unveiled Guidelines for Opening Up America Again, a three-phased approach for lifting government restrictions put in place in response to COVID-19; and

WHEREAS on April 29, 2020, Governor Ducey issued Executive Order 2020-33, "Returning Stronger," amending the "Stay Home, Stay Healthy, Stay Connected" Order, authorizing retailers that sell goods not classified as essential services under Executive Order 2020-12 to operate through delivery service, window service, walk-up service, drive-through service, curbside delivery, or by-appointment-only service so long as they implement procedures designed to address COVID-19 effective May 4, 2020, and authorizing the same retailers to open their stores to customers effective May 8, 2020; and

WHEREAS on May 4, 2020, Governor Ducey issued Executive Order 2020-34, "Building on COVID-19 Successes" resuming additional business operations for barbers, cosmetologists, and dine-in restaurants effective Monday, May 11, 2020,

provided they establish and implement protocols and best practices for businesses to address COVID-19; and

WHEREAS also on May 4, 2020, Governor Ducey issued guidance for restaurants resuming dine-in services, including recommendations that restaurants maintain physical distancing and operate with reduced occupancy and capacity based on the size of the business; and

WHEREAS on May 8, 2020, Pima County issued Recommendations for Temporary Expansion of Restaurant Seating Areas for restaurants in unincorporated areas of Pima County; and

WHEREAS on May 12, 2020, Governor Ducey issued Executive Order 2020-36 "Stay Healthy, Return Smarter, Return Stronger," rescinding Executive Orders 2020-18 and 2020-33 effective May 16, 2020 at 12:00 AM, and instituting a policy that promotes physical distancing, while encouraging social connectedness, and allows businesses to gradually and safely open in compliance with federal guidelines as the state continues to mitigate and prevent the spread of COVID-19; and

WHEREAS Mayor Honea has found it necessary to issue Amendments No. 1 through No. 6 to the Proclamation of Local Emergency to respond to the evolving nature of the emergency; and

WHEREAS Mayor Honea now finds it necessary to issue Amendment No. 7 to the Proclamation of Local Emergency to allow for the temporary expansion of restaurant seating areas for restaurants in the Town of Marana; and

WHEREAS all other provisions of the Proclamation of Local Emergency, as previously amended, not in conflict with this Amendment No. 7 will remain in force until the emergency declared herein abates and is withdrawn; and

NOW, THEREFORE, pursuant to A.R.S. § 26-307, A.R.S. § 26-311, and Town Code section 2-3-4 (E), the elements of which are met under the circumstances described in the March 17, 2020 Proclamation of Local Emergency, the Mayor of the Town of Marana, Ed Honea:

IT IS PROCLAIMED AND ORDERED AS FOLLOWS:

1. Notwithstanding any provision in the Town of Marana Land Development Code or other local regulations to the contrary, restaurants are hereby permitted to expand seating areas, as set forth in this Amendment No. 7, to maximize social distancing.
 - a. Restaurants may use the following potential expansion areas for additional seating: vacant land, vacant building space, common areas, sidewalks, parking lots, and similar areas. The expanded seating area is not required to be immediately adjacent to the existing restaurant footprint.

- b. When using parking lots for expanded seating, restaurants shall ensure that expanded seating areas do not block parking spaces designated for individuals with disabilities or emergency services access lanes.
 - c. Wherever parking or loading spaces are used for expanded seating, restaurants shall adhere to the following criteria:
 - i. Barriers with a minimum height and weight similar to curbs or wheel stops shall be provided on the Parking Area Access Lanes (PAAL) and along the sides of seating areas where adjacent parking spaces will remain in use.
 - ii. A five foot clear zone shall exist between the parking area barriers and the expanded seating area. Tables and equipment must not be located in this five foot clear zone.
 - d. Restaurants must obtain approval of the Town's Traffic Engineering Division before using on-street parking spaces located within a public street for expanded seating.
 - e. If a restaurant uses a temporary shade or tent structure in an expanded seating area, the restaurant must comply with applicable building codes and permitting requirements.
 - f. If construction of a structure involves electrical, grading/drainage, plumbing or other non-minor improvements, Town staff must evaluate the construction to determine if permits are needed.
 - g. Expansions must adhere to applicable requirements of the Americans with Disabilities Act (ADA), as well as applicable requirements of other agencies such as the Pima County Health Department Food Code, pandemic-related reopening guidelines, and the Arizona Department of Liquor License and Control regulations.
2. Restaurants may place temporary signage to indicate that they are open for dine-in services, have delivery, drive-thru, or carryout available, or that the restaurant has other items for sale. Any temporary signage restrictions currently in place in the Town, other than those necessary for safety purposes, shall be suspended until further notice.
 3. The Town of Marana Development Services Department shall provide same day review and evaluation for proposed temporary outdoor expansion at no cost to the applicant. A simple floor/table plan, landlord/owner consent letter, and vehicle barrier diagram (when located in parking lot) can be submitted by email for review.
 4. In accordance with A.R.S. § 26-307(B), this proclamation shall be effective when a copy is filed in the office of the Town Clerk. All existing laws and rules in conflict

of the same are hereby suspended during the time and to the extent that they conflict.

PROCLAIMED this 13 day of May, 2020 at the Town of Marana, Arizona.

TOWN OF MARANA



Mayor Ed Honea

ATTEST:



Cherry L. Lawson, Town Clerk

APPROVED AS TO FORM:



Frank Cassidy, Town Attorney

