

ADMINISTRATIVE ORDER NO. 56-23-02
of the
City Manager of the City of Eugene

**EXTENDING TEMPORARY OUTDOOR CAFÉ AND DAZ CAFÉ
SEATING FEE WAIVERS PURSUANT TO ADMINISTRATIVE ORDER
NO. 56-04-03-F, AND SUPERSEDING ADMINISTRATIVE ORDER NO. 56-
22-04.**

The City Manager of the City of Eugene finds as follows:

A. Section 2.020 of the Eugene Code, 1971, authorizes the City Manager of the City of Eugene to determine and set fees and charges to be imposed by the City for services, goods, use of municipal property, and licenses and permits.

B. In accordance with the procedures of Section 2.020 of the Eugene Code, 1971, on January 7, 2005, Administrative Order No. 56-04-03-F was issued adopting the Private Commerce on Public Property Fee Schedule (“the Fee Schedule”), as set forth in Exhibit A attached to that Administrative Order.

C. The Fee Schedule provides that the City or any entity with which the City contracts with for the administration of any private commerce on public property activities may waive the application and/or renewal fees providing:

1. The fees are waived for all applicants of the same class or type of activity; and
2. The waiver is in writing and states the specific fee(s) waived, and the time period to which it is applicable; and
3. A copy of the waiver is provided to the City.

D. On March 23, 2020, Governor Kate Brown issued Executive Order No. 20-12 (“Stay Home, Save Lives”), ordering Oregonians to stay at home, closing specified retail businesses, requiring social distancing measures for other public and private facilities, and imposing requirements for outdoor areas and licensed childcare facilities. On May 1, 2020, Governor Brown found that COVID-19 continued to threaten public health and safety, and remained a statewide emergency under ORS 401.025 and, therefore, she extended the statewide emergency that she had declared on March 8, 2020 (that was set to expire on May 7, 2020) for an additional 60 days, through July 6, 2020.

E. On May 14, 2020, Governor Kate Brown approved Lane County’s application to begin Phase 1 of her reopening plan for Oregon. Phase 1 includes the Governor’s guidance for restaurants, retail, personal services providers, malls and gyms. The Governor’s restaurant guidance requires, among other things, that restaurants ensure tables (both indoors and outdoors) are spaced at least six (6) feet apart so that at least six (6) feet between parties is maintained, including when customers approach or leave tables.

F. On June 5, 2020, Governor Kate Brown issued Executive Order No. 20-27 (A Safe and Strong Oregon) that established a framework for a statewide reopening process and guidelines that apply in Phase I and Phase II. The Executive Order requires that Food and Drink establishments implement physical distancing protocols consistent with guidance from the Oregon Health Authority. Lane County entered Phase 2 on June 5, 2020.

G. On December 3, 2020, Governor Kate Brown issued Executive Order 20-66 (Risk and Safety Framework) with new directives relating to the management of the ongoing COVID-19 emergency. Executive Order 20-66 set forth the framework for using data-driven indicators of disease spread to guide measures on a county-by-county basis.

H. To comply with the Governor's spacing requirements, some restaurants wanted to place appropriately spaced tables and chairs on public property abutting the restaurant property. EC 3.344 authorizes the City to issue Outdoor Café Permits and Downtown Activity Zone (DAZ) Café Seating Permits to allow restaurants to utilize abutting public right-of-way for this activity. To facilitate and support the reopening of restaurants in compliance with the Governor's executive orders, it was in the public interest to issue Administrative Order No. 56-20-01 waiving until October 31, 2020, the application fees, renewal fees, and license fees for all new and existing Outdoor Café Permits and DAZ Café Seating Permits. Administrative Order No. 56-20-01 expired on October 31, 2020.

I. After considering the Governor's Executive Order establishing spacing requirements which remained in effect, subsequent Administrative Orders were adopted extending the fee waivers.

J. On June 25, 2021, Governor Brown issued Executive Order No. 21-15, which rescinded all remaining COVID-19 restrictions. In that Executive Order, the Governor stated that enhanced COVID-19 precautions would be necessary for an additional period of time, for some congregate settings, following federal guidance. The Executive Order stated that the economic recovery from the COVID-19 pandemic is fragile, and as a state, Oregon must do everything it can to ensure that it retains the flexibility to design and implement programs to rapidly respond to emerging needs to support businesses, workers, and the Oregon economy. Therefore, taking into consideration Executive Order No. 21-15, on September 20, 2021, I issued Administrative Order No. 56-21-06 extending the waiver of fees adopted by Administrative Order No. 56-21-03. Administrative Order 56-21-06 expired on April 25, 2022.

K. State mandates regarding spacing, capacity, and masking requirements ended in early 2022, but many people remained uncomfortable with being close to each other indoors because of concerns about exposure to COVID-19. Therefore, I issued two additional extension Orders, with the most recent one adopted by Administrative Order No. 56-22-06 which will expire on April 20, 2023.

L. The economic recovery from the COVID-19 pandemic is fragile for many Eugene businesses where people gather to socialize, including restaurants and bars. In recent months, restaurants in downtown and elsewhere in Eugene have closed. Continuing to allow

restaurants and bars to place tables and chairs on abutting outdoor public property, such as sidewalks and parking spaces, provides people with dining options that would not otherwise be available. Therefore, it is in the public interest to extend the waiver of application fees, renewal fees, and license fees for all new and existing Outdoor Café Permits and DAZ Café Seating Permits until October 17, 2023.

On the basis of these findings, I order that:

1. Application fees, renewal fees, and license fees for all new and existing Outdoor Café Permits and DAZ Café Seating Permits are waived until October 17, 2023, unless extended for an additional time by administrative order.
2. This Order supersedes Administrative Order No. 56-22-06.

Dated and effective this 26th day of April, 2023.



Sarah Medary, City Manager