

OFFICE OF THE MAYOR
CITY OF BRIDGEPORT, CONNECTICUT

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Joseph P. Ganim
Mayor

EMERGENCY LOCAL CHIEF EXECUTIVE ORDER

ORDER: No. 3 AMENDED

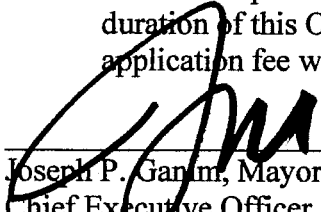
ISSUED: March 17, 2021
BY: Joseph P. Ganim, Mayor
FOR: City of Bridgeport, CT
FILING: at City Clerk's Office
POSTING: on City of Bridgeport's Website
PUBLICATION: in Mayoral Press Releases & Addresses
EFFECTIVE DATE / TIME: 5:00 PM on Thursday March 18, 2021

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ATTEST
CITY CLERK

Pursuant to the authority vested in me as Local Chief Executive pursuant to Connecticut State statutes and regulations, Executive Orders issued by Connecticut State Governor Ned Lamont, and the Charter and Code of Ordinances of the City of Bridgeport, I hereby amend Emergency Local Executive Order No. 3 (issued on May 7, 2020) so as to extend its duration due to the continuation of the Federal, State and Local COVID-19 pandemic states of emergency.

NOW THEREFORE, IT IS PROCLAIMED AND ORDERED that, Order No. 3 (attached hereto) is hereby amended as follows:

- The fourth *Now Therefore* Clause on page 5, fifth bullet is hereby amended to state:
"Shall be valid through December 31, 2021; unless earlier terminated by the Zoning Official in the exercise of his reasonable discretion, or due to State or local executive order, regulation or guideline."
- The seventh *Now Therefore* Clause on page 6 is hereby amended to state:
"NOW THEREFORE, IT IS FURTHER PROCLAIMED AND ORDERED that, this order shall remain in effect until October 31, 2020, (the "effective period") unless amended, extended or earlier terminated.
- A new final *Now Therefore* Clause is hereby added to state:
"NOW THEREFORE, IT IS FURTHER PROCLAIMED AND ORDERED
Applicants granted Temporary Outdoor Dining Permits for 2020 will not need to reapply for another permit for 2021, but rather such permit shall continue in effect for the duration of this Order No. 3 as amended. For those new applicants who file in 2021, the application fee will be waived."



Joseph P. Ganim, Mayor
Chief Executive Officer, City of Bridgeport
Duly Authorized

Dated: May 17, 2021



Joseph P. Ganim
Mayor

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EMERGENCY LOCAL CHIEF EXECUTIVE ORDER

ORDER: No. 3

ISSUED: May 7, 2020
BY: Joseph P. Ganim, Mayor
FOR: City of Bridgeport, CT
FILING: at City Clerk's Office
POSTING: on City of Bridgeport's Website
PUBLICATION: in Mayoral Press Releases & Addresses
EFFECTIVE DATE / TIME: 5:00 PM on Thursday, May 7, 2020

***CITY OF BRIDGEPORT LOCAL ZONING, LICENSING, PERMITTING AND
OTHER REGULATORY REQUIREMENTS TEMPORARILY SUSPENDED
TO THE EXTENT THEY PROHIBIT OR RESTRICT THE OPERATION OF
OUTDOOR SEATING AT RESTAURANTS, CONSISTENT WITH THE
EXECUTIVE ORDERS OF GOVERNOR NED LAMONT
AND HIS EXECUTIVE AGENCIES AND THOSE TERMS,
CONDITIONS AND PROCEDURES HEREIN ESTABLISHED***

WHEREAS, the World Health Organization (WHO) has declared the COVID-19 worldwide outbreak to be a "pandemic"; and its Director General has declared that containment is as important as treatment in managing this coronavirus pandemic; and

WHEREAS, on January 31, 2020, the U.S. Secretary of Health and Human Services (HHS) declared a public health emergency under section 319 of the Public Health Service Act (42 U.S.C. 247d) in response to COVID-19; and

WHEREAS, as of the time of this Declaration, the City of Bridgeport has been linked through employment, residency or hospitalization to numerous confirmed cases of coronavirus, with the State of Connecticut and Fairfield County in particular, having been deemed virus "hotspots", with coronavirus cases substantially exceeding the national average; and

WHEREAS, on March 10, 2020, Connecticut Governor Ned Lamont issued a Declaration of Civil Preparedness and Public Health Emergency for the State of Connecticut, pursuant to Connecticut General Statutes, Sections 19a-131 and 28-9, thereby granting the Mayor of Bridgeport significant statutory emergency powers and authorizations; and

WHEREAS, on March 13, 2020, President of the United States Donald J. Trump issued a Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak; and

WHEREAS, on March 17, 2020 Bridgeport CT Mayor Joseph P. Ganim Proclaimed and Ordered a Declaration of Local State of Emergency due to the COVID-19 pandemic and pursuant to his authority under Connecticut General Statutes, Sections 28-1 and 28a, and Bridgeport City Charter (including but not limited to Chapter 3, Section 1) and Bridgeport Code of Ordinances, Sections 10.28.030 and 2.02.070; and

WHEREAS, COVID-19 and the civil preparedness and public health emergency it spawned has also created an economic, financial and fiscal emergency for the City of Bridgeport; and

WHEREAS, since March 12, 2020, Governor Lamont has issued multiple (at least 36) COVID-19 based Executive Orders - Nos. 7 through 7JJ to date; and

WHEREAS, on March 16, 2020 Governor Lamont issued Executive Order No. 7D *Protection of Public Health and Safety During COVID 19 Pandemic and Response – Crowd Reduction and Social Distancing*; and

WHEREAS, Executive Order No. 7D states in part “Limits on Restaurant, Bar and Private Club Operations. Effective at 8 p.m. on March 16, 2020 and through April 30, 2020, unless earlier modified, extended [currently extended until May 20, 2020], or terminated by me, any restaurant or eating establishment and any location licensed for on-premise consumption of alcoholic liquor in the State of Connecticut, except for Class III and Class II Tribal Gaming enterprises, shall only serve food or non-alcoholic beverages for off-premises consumption.”

WHEREAS, on March 19, 2020 Governor Lamont issued Executive Order No. 7G *Protection of Public Health and Safety During COVID 19 Pandemic and Response –Presidential Primary Postponement and Additional Public Health Measures*; and

WHEREAS, on April 2, 2020 Governor Lamont issued Executive Order No. 7T *Protection of Public Health and Safety During COVID 19 Pandemic and Response – Safe Lodging, Liquor Delivery, Additional Flexibility for Victims of Domestic Violence, Other Measures*; and

WHEREAS, it is vitally important that local chief executive officer have, and exercise all powers and authorities necessary and available to limit the spread of the COVID-19 and to protect public health, and safety within their jurisdictions as well as the economic, financial and fiscal welfare of the City, its residents, businesses and industry; and

WHEREAS, Connecticut General Statutes, Section 28-8a provides that the “chief executive officer of the municipality in which a major disaster or emergency occurs, or his designee, may

take such action as he deems necessary to mitigate the major disaster or emergency and to secure and preserve any documents and evidence pertinent to and necessary for a future investigation”; and

WHEREAS, the Charter of the City of Bridgeport, Chapter 3, Section 1, names the Mayor as the chief executive officer with ultimate operational control of all City departments and agencies; and

WHEREAS, the Charter of the City of Bridgeport, Chapter 3, Section 1 provides: (1) “the Mayor shall take care that the laws are executed and enforced within the city; shall be the conservator of the peace within the city; shall have and may exercise, within the limits of the city, all the powers given the sheriffs or other officers as provided by law; and shall exercise ultimate operational control of all departments and agencies of the city”; (2) “[i]t shall be the duty of the Mayor to recommend the adoption of all such measures connected with police, fire, and public safety, public health and social services...” ; and (3) “[t]he Mayor shall have authority to perform such acts and duties as may be prescribed in this Charter or by the laws of this state or the United States or by the ordinances of the city of Bridgeport”; and

WHEREAS, the Bridgeport Code of Ordinances, authorize the Mayor to declare a state of emergency thereby placing the City’s emergency operation plan into effect (Section 10.28.030), and in the event of any natural disaster, or potentially dangerous situation authorize the Mayor to declare any area, building or dwelling a prohibited area for the purpose of preventing personal injury (Section 2.02.070); and

WHEREAS, as a consequence of the continued spread of COVID-19 and in support of the issuance of declarations of a public health emergency and civil preparedness emergency by Governor Lamont, and a national emergency by President Trump, and the spread of COVID-19 to a growing number of Connecticut (and in particular Fairfield County) residents, the Chief Executive Officer of the City of Bridgeport, Connecticut, Mayor Joseph P. Ganim, intends to exercise all reasonable and necessary legal authority on the local municipal level to aid, support and assist implementation of, and compliance with, Governor Lamont’s various executive orders; and

WHEREAS, Governor Lamont’s Executive Order No. 7H states in part: “. . . 2. Coordinated Response Effort. Effective immediately and for the duration of the public health and civil preparedness emergency, notwithstanding Section 28-8a of the Connecticut General Statutes, in order to ensure the coordinated, clear and expeditious execution of civil preparedness functions for the protection of the public health, and pursuant to my emergency powers, including but not limited to Section 28-9(b) of the Connecticut General Statutes, no municipal chief executive officer or designee may enact or enforce any order that conflicts with any provision of any of my Executive Orders or an order issued by an executive agency pursuant to the existing public health and civil preparedness emergency, or issue any shelter-in-place order or order prohibiting travel, unless they first seek and receive written permission from the department of Emergency Services and Public Protection. . .”

WHEREAS, due to the significant adverse impact on public health of COVID-19, and the acceleration of the spread of the disease, the Mayor of the City of Bridgeport must act at the

local government level for the purpose of ensuring civil preparedness and mitigating the adverse health and financial effects of this emergency upon the residents and businesses of the City of Bridgeport; and

WHEREAS, among best practices and prescribed measures of mitigation during this public health emergency both as prescribed by health care professionals and Governor Lamont's various Executive Orders No. (no. 7 series) is social distancing combined with non-essential business and facility closures; and

WHEREAS, it is in the best interests of the City of Bridgeport and its residents to promote public health and to ensure civil preparedness, to minimize the substantial adverse health, safety, and economic, financial and fiscal impacts and threats created by the current public health emergency and civil preparedness emergency posed by the spread of COVID-19; and

WHEREAS, the City of Bridgeport's local government must do its part, and exercise its lawful powers, to keep the general public and itself as safe, healthy, economically effective, financially solid and fiscally sound as reasonably possible in view of the ongoing COVID-19 emergency; and

WHEREAS, the City of Bridgeport issues this order, in coordination and concert with, and in support of, the executive orders issued by the Governor and his executive state agencies; and

WHEREAS, on April 30, 2020 Governor Lamont publicly stated his intention to permit restaurants (but no bars) to reopen for outdoor on premises dining, in addition to takeout service, effective as of May 20, 2020, subject to local government decision and social distancing mandates.

WHEREAS, pursuant to current City Zoning Regulations, outdoor dining area / seasonal permit is an accessory use to a restaurant or bar, subject to the following terms and conditions:

- The dining area may occupy the sidewalk, leaving 6ft. between the railing, (for separation), and the curb.
- Wait staff to serve food & beverages from inside the railing.
- Outside dining area to close when dining room closes.
- Outside dining area must have tables & chairs and used only for consuming of food. It is not a bar.
- No standing consumption of food or liquor is allowed.
- The permit shall be valid from April 1st to October 31st.
- The patrons of the outdoor dining area shall not constitute a nuisance to neighbors or area.
- The outside dining permit can be revoked by the Zoning Official for violation of the conditions.
- Outdoor liquor service must comply with all relevant requirements of the Liquor Commission.
- The seasonal dining permit is \$100. To obtain a patio liquor permit, a professionally prepared site plan is required, along with an application for a public hearing (which is

\$595), and it requires a minimum of 30 days to get on a Planning and Zoning Commission meeting agenda.

NOW, THEREFORE, IT IS HEREBY PROCLAIMED AND ORDERED pursuant to the Connecticut General Statutes (including but not limited to Sections 28-1 and 28-8a); the Charter (including but not limited to Chapter 3, Section 1) and Code of Ordinances (including but not limited to Sections 10.28.030 and 2.02.070) of the City of Bridgeport; and in response to: the civil preparedness and public health emergency now facing the nation, the State and the City of Bridgeport; and the State of Connecticut Governor's March 10, 2020 Declaration of Civil through No. JJ; and the City of Bridgeport Mayor's March 17, 2020 Proclamation and Order Declaring a Local State of Emergency; and the Mayor's Emergency Local Chief Executive Orders; that the accessory use seasonal outdoor dining permit program is hereby suspended; and

NOW THEREFORE, IT IS FURTHER PROCLAIMED AND ORDERED; that pursuant to authority granted the chief executive officer of a municipality under Connecticut General Statutes, Section 28-8a, the City of Bridgeport's Preparedness and Public Health Emergency; and the Governor's various Executive Orders No. 7, the City's Director of Planning and Economic Development, Zoning Official, Building Official and Director of Health are designated and directed (in consultation with the Chief of Police, Fire Marshall, Chief Administrative Officer and such other City officials as they deem appropriate) to develop a Local Temporary Outdoor Dining Permit in accordance with all applicable State "restaurant dining COVID-19 protocol", and consistent with all executive orders issued by the Governor and Mayor.

NOW THEREFORE, IT IS FURTHER PROCLAIMED AND ORDERED; that all local zoning regulations and other rules, regulations, procedures and policies are suspended to the extent that they prohibit or restrict the operation of outdoor seating at restaurants, in a manner consistent with the executive orders of Governor Lamont and his executive agencies and those terms, conditions and procedures herein established.

NOW THEREFORE, IT IS FURTHER PROCLAIMED AND ORDERED that, the goal is to have the Temporary Outdoor Dining Permit Program in place so that local restaurants may open for outdoor dining effective as of May 20, 2020; and that such temporary program shall have the following criteria:

- It shall be in addition to, rather than in lieu of, the established local Seasonal Outdoor Dining Permit, and shall be established in accordance with State of Connecticut restaurant dining COVID-19 protocol and guidelines.
- Eliminate professional prepared site plan (expense and time consuming).
- Eliminate public hearing requirements; (this is a minimum 30-day process).
- Waive all Permit Fees; (expense to restaurant).
- Shall be valid through October 31, 2020; unless earlier terminated by the Zoning Official in the exercise of his reasonable discretion, or due to State or local executive order, regulation or guideline.
- Establish reasonable and appropriate operating hours, subject to any applicable State or local executive orders.

NOW THEREFORE, IT IS FURTHER PROCLAIMED AND ORDERED that, all City officials shall facilitate the expedited issuance by the Zoning Official of these Temporary Outdoor Dining Permits by:

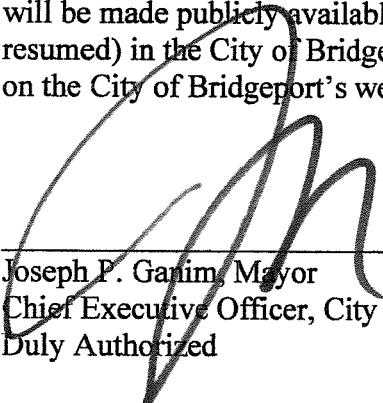
- Allowing flexibility for patio locations (*aka* use of parking lot space and portions of public sidewalks) while insuring that they do not intrude into public roadways or block / impede pedestrian or bicycle traffic or pose a danger from vehicular traffic;
- Prohibiting smoking in the outside dining areas;
- Ensuring to the extent reasonable that potential noise, light and other pollution will not negatively materially impact the neighborhood residents;
- Mandating adherence to all COVID-19 safety requirements including but not limited to social distancing as established for outdoor dining locations;
- Coordinating with all pertinent City Departments to ensure application requirements are adhered to and applications are processed in an expediated manner;
- Consulting with the Planning and Zoning Commission as warranted concerning suspending, adopting or amending impacted regulations.

NOW THEREFORE, IT IS FURTHER PROCLAIMED AND ORDERED that, with respect to all new Liquor Applications for Outdoor Dining, the City will follow State DCP procedures.

NOW THEREFORE, IT IS FURTHER PROCLAIMED AND ORDERED that, this order shall remain in effect until October 31, 2020, (the" effective period") unless amended, extended or earlier terminated.

NOW THEREFORE, IT IS FURTHER PROCLAIMED AND DECLARED that, in the event, and to the extent, any of this order is determined to conflict with any executive order issued by the Governor of the State of Connecticut, or by any of his executive agencies, this order to the extent necessary to comply with such orders by the State of Connecticut shall be deemed null and void.

NOW THEREFORE, IT IS FURTHER PROCLAIMED AND ORDERED that this order will be made publicly available for inspection and review during regular business hours (once resumed) in the City of Bridgeport's Office of the City Clerk; and shall be posted promptly now on the City of Bridgeport's website.



Joseph P. Ganim, Mayor
Chief Executive Officer, City of Bridgeport
Duly Authorized

Dated: May 7, 2020