

## **LOCAL STATE OF EMERGENCY**

### **EMERGENCY ORDER 2020-1**

I, Ciaran T Hanna, Supervisor of the Town of Perinton (“Town”), exercising the authority given me under Section 24 of the New York State Executive Law, issue the following Emergency Order:

**WHEREAS**, there is a local state of emergency within the Town because of the ongoing public health emergency created by the outbreak and spread of the COVID-19 virus; and

**WHEREAS**, the COVID-19 virus is a respiratory virus that spreads when a person coughs, sneezes, or touches a surface while respiratory droplets are present on his, her, or their skin; and

**WHEREAS**, the COVID-19 virus is highly contagious and may be spread by persons who are asymptomatic; and

**WHEREAS**, on March 7, 2020, the Governor of the State of New York (“Governor”) issued Executive Order 202, declaring a state of emergency in response to the COVID-19 pandemic; and

**WHEREAS**, pursuant to subsequent executive orders, the Governor restricted all on-premises consumption of food and beverages at eating and drinking establishments statewide and directed that businesses and the public engage in the use of social distancing measures; and

**WHEREAS**, on April 26, 2020, the Governor announced a phased approach to the reopening of industries in New York based upon a data-driven, regional analysis, such reopenings to occur by region in four phases; and

**WHEREAS**, the Town is situated in a region that has entered “Phase II” of the Governor’s reopening initiative; and

**WHEREAS**, on June 3, 2020, the Governor directed that restaurants located in regions that have entered “Phase II” may reopen and allow for outdoor dining, provided that, inter alia, such restaurants engage in social distancing measures including placing outdoor tables six feet apart, that all staff wear face coverings, and that customers also wear face coverings while not seated, all as set forth more fully in guidelines promulgated by the New York State Department of Health on June 3, 2020; and

**WHEREAS**, the Perinton Town Code requires that restaurants obtain Town, Town Planning Board, and/or Town Zoning Board of Appeals approval before providing outdoor

seating to patrons, however, most restaurants within the Town have not hitherto applied for approval to offer outdoor seating to patrons; and

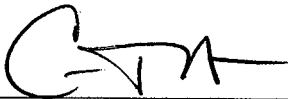
**WHEREAS**, I determine that it is in the interest of public safety to allow, upon application, restaurants which have not hitherto obtained Town, Town Planning Board, and/or Town Zoning Board of Appeals approval to provide outdoor seating to patrons, to apply to the Town to provide such outdoor seating to patrons, notwithstanding any provision of the Town Code or other local law to the contrary;

**NOW, THEREFORE, IT IS ORDERED**, that any restaurant within the Town wishing to provide outdoor seating to patrons, which has not previously received authorization from the Town, the Town Planning Board, and/or the Town Zoning Board of Appeals to provide outdoor seating to patrons (“Previous Authorization”), may provide outdoor seating to patrons by submitting an application to the Town in the form attached hereto as **Exhibit A** (the “Application”) and receiving Town approval of such Application.

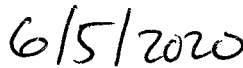
**AND, THEREFORE, IT IS FURTHER ORDERED**, that pursuant to the authority vested in me by Executive Law § 24(1)(g), the Town may approve or deny such Application notwithstanding any provision of the Perinton Town Code or local law to the contrary, including but not limited to Town Code section 208-41A (4) (b).

**AND, THEREFORE, IT IS FURTHER ORDERED**, that any restaurant within the Town providing outdoor seating to patrons shall comply with the Interim Guidance for Outdoor and Take-Out/Delivery Service During the COVID-19 Public Health Emergency, promulgated by the Department of Health and dated June 3, 2020, and attached hereto as Exhibit B.

This Emergency Order shall remain in effect for five days or until the earlier of it being rescinded or a declaration is issued by the Town Supervisor that a local state of emergency no longer exists, whichever is sooner.



Ciaran Hanna  
Supervisor, Town of Perinton



Date: June 5, 2020



Jennifer A. West  
Notary Public, State of New York  
Qualified in Monroe County  
No. 01WE0215007  
My Commission Expires 1-4-2028