

# ORDER SUSPENDING CERTAIN ALCOHOL MINOR USE PERMIT CONDITIONS DURING THE COVID-19 PUBLIC HEALTH EMERGENCY

## Background

City Council Ordinance No. 2014-8 amended Vista Municipal Code Chapter 18.66 establishing a minor use permit for California Department of Alcohol Beverage Control (“ABC”) license holders. This ordinance requires that, in addition to obtaining an ABC license from the State, establishments selling or serving alcohol must also obtain a Minor Use Permit (“MUP”) from the City.

The Alcohol MUP has standard conditions for each license type that have been established by the City Council, which includes no off-sale privileges for holders of ABC License Types 41 (Restaurant with beer and wine) and 47 (Restaurant with full bar). No modifications of this or any other Alcohol MUP privilege can be ministerially approved.

## Authority

On February 19, 2020, the San Diego County Board of Supervisors ratified a Declaration of a Local Health Emergency, and a Proclamation of a Local Emergency to deal with the COVID-19 pandemic. On March 4, 2020, Governor Newsom proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19.

On March 15, 2020, the Vista Director of Emergency Services issued a Proclamation of Local Emergency within the City (“Proclamation”), which was ratified on March 18, 2020 by the City Council with the adoption of City Council Resolution No. 2020-39. The Proclamation allows the Director of Emergency Services to suspend or modify rules or regulations that may be in conflict with County and/or State rules during the emergency, if needed.

On March 19, 2020, the ABC released a Notice of Regulatory Relief to help licensees with economic challenges brought on by the spread of the virus. Pursuant to the Constitution of the State of California, Article XX, Section 22, and in furtherance of Governor Newsom’s emergency declarations and orders regarding the spread of the COVID-19 virus, the ABC has temporarily suspended enforcement of specific legal prohibitions affecting the sale of alcoholic beverages.

Pursuant to the Proclamation, and to conform to the declarations and orders of the State of California the Director of Emergency Services is ordering the temporary suspension of those provisions of the Alcohol MUP that conflict with the specific provisions of the Notice of Regulatory Relief issued by the ABC.

## Order

The Director of Emergency Services does hereby order:

1. For the duration of the COVID-19 crisis, holders of ABC Licenses Type 41 and Type 47 in the City of Vista are relieved of those MUP prohibitions that conflict with the specific provisions of the Notice of Regulatory Relief as it currently exists or may be modified in the future by the ABC.
2. A license holder must at all times abide by the requirements of the Notice of Regulatory Notice Relief as it currently exists or may be modified in the future by

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the ABC, and failure to do so shall constitute a violation of its MUP subject to the enforcement provisions thereof.

3. This Order is effective March 29, 2020, at 10:00 a.m.
4. This Order shall expire and be of no further force or effect: (a) concurrently with the termination of the Notice of Regulatory Relief by the ABC; or, (b) upon the order of the Director of Emergency Services or the City Council.

APPROVED PER CITY COUNCIL RESOLUTION NO. 2020-39:



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PATRICK JOHNSON

Director of Emergency Services

March 29, 2020