

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE CONFIRMING AND RATIFYING THE DECLARATION ISSUED BY THE DIRECTOR OF EMERGENCY SERVICES TO ALTER ENFORCEMENT OF THE CONSTRUCTION HOURS ORDINANCE IN THE SAN JOSE MUNICIPAL CODE**

**WHEREAS**, on March 10, 2020, the City Council of the City of San José (“City”) ratified the Director of Emergency Service’s Proclamation of Local Emergency due to the outbreak of a novel coronavirus in the City; and

**WHEREAS**, Government Code Section 8634 and Section 8.08.250 of Chapter 8.08 of Title 8 of the San José Municipal Code empower the Director of the Emergency Services (City Manager or Designee) to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; and

**WHEREAS**, Section 8.08.250 of the San José Municipal Code requires such rules and regulations made and issued by the Director of Emergency Services to be confirmed at the earliest practicable time by the City Council; and

**WHEREAS**, pursuant to the San José Municipal Code Section 20.100.450, construction activity is limited on projects sites from the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for construction projects within 500 feet of a residential use that have received an approved development permit or other planning approval; and

**WHEREAS**, on March 17, 2020, the Health Officer of Santa Clara County issued an Order directing all individuals to shelter in place, and which allowed for construction activity to only a limited amount of project types including construction for affordable housing,

healthcare operations directly related to COVID-19, essential infrastructure, and other similar development categories; and

**WHEREAS**, on April 29, 2020, the Health Officer of the County of Santa Clara issued a further Order continuing the Social Distance Protocols but allowing the resumption of construction activity provided the sites followed safety protocols outlined in Appendix B of the order; and

**WHEREAS**, on May 21, 2020, the Director of Emergency Services issued a declaration altering enforcement of San José Municipal Code Section 20.100.450 so that enforcement only occurs before 6:00 a.m. and after 8:00 p.m., Mondays through Saturdays, or at any time on Sundays; and

**WHEREAS**, the expanded construction hours will provide construction employees additional time to safely enter and exit their stations while maintaining social distance, and to also allow for sufficient time for decontaminating workstations; and

**WHEREAS**, the updated hours of enforcement are only applicable to construction activity on a project site with an approved development permit or other planning approval that includes at least 50,000 square feet of development or at least 50 residential units; and

**WHEREAS**, the associated emergency conditions are on-going, and the Declaration should not be terminated at this time;

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**NOW, THEREFORE,** BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

1. The Declaration of the Director of Emergency Services issued on May 21, 2020 alters the enforcement of San José Municipal Code Section 20.100.450 to allow construction activity between 6:00 a.m. and 8:00 p.m. Mondays through Saturdays.
2. The Declaration shall remain in place until terminated by the Director of Emergency Services, the City Council, or upon the termination or expiration of the Proclamation of Local Emergency.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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SAM LICCARDO  
Mayor

ATTEST:

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TONI J. TABER, CMC  
City Clerk