

EMERGENCY EXECUTIVE ORDER 2021-22

I, Melvin Carter III, Mayor of the City of Saint Paul, on May 24, 2021, pursuant to Saint Paul Legislative Code Section 13.06, do hereby issue the following Executive Order:

WHEREAS, on March 13, 2020, Minnesota Governor Tim Walz issued Executive Order 20-10 “Declaring a Peacetime Emergency and Coordinating Minnesota’s Strategy to Protect Minnesotans from COVID-19” pursuant to Minn. Stat. § 12.31, subd. 2. This Order has been extended several times and remains in effect; and

WHEREAS, on March 15, 2020, I issued an Emergency Declaration in response to the COVID-19 pandemic pursuant to Minn. Stat. § 12.29; which the City Council consented to on March 17, 2020, and which I have extended on several occasions; and

WHEREAS, Saint Paul Leg. Code Chapter 13.06(b) provides that, “whenever necessary to meet an emergency ... the mayor may by executive order promulgate regulations ... for which adequate regulations have not been adopted ... regarding the conduct of persons and the use of property during emergencies, and respecting all other matters which are required to protect public safety, health and welfare in emergencies”; and

WHEREAS, on March 16, 2020, Minnesota Governor Tim Walz issued Executive Order 20-04 which ordered the temporary closure of Minnesota restaurants and bars to dine-in customers and also ordered the temporary closure of places of public accommodation and amusement, including but not limited to: theatres, museums, fitness centers, and community clubs; and Bars, taverns, brew pubs, breweries, microbreweries, distilleries, wineries, tasting rooms, clubs, and other places of public accommodation that offer alcoholic beverages for on-premises consumption until April 10, 2020; and

WHEREAS, on March 25, Governor Walz signed Executive Order 20-20 directing Minnesotans to stay at home and allowed only essential workers to go to work. On April 8, 2020 and April 30, 2020, Governor Walz issued Executive Orders 20-33 and 20-48, respectively, extending and modifying the previous Stay at Home order. On May 17, 2020, Executive Order 20-48 expired; and

WHEREAS, on May 13, 2020, Minnesota Governor Tim Walz issued Executive Order 20-56 which directed the Commissioners of Health, Employment and Economic Development, and Labor and Industry to develop a phased plan to achieve the limited and safe reopening of bars, restaurants, and other places of public accommodation beginning June 1, 2020; and

WHEREAS, on May 20, 2020, the Minnesota Department of Employment and Economic Development released industry guidance that allowed bars and restaurants to safely reopen on June 1, 2020, subject to certain restrictions; and

WHEREAS, on May 27, 2020, Governor Walz issued Executive Order 20-63 that included restrictions for outdoor service provided by restaurants, food courts, cafes, coffeehouses, bars, taverns, brewer taprooms, micro distiller cocktail rooms, farm wineries, craft wineries, cideries,

golf courses, and other Places of Public Accommodation offering food or beverages (including alcoholic beverages) for on premises consumption; and

WHEREAS, on May 27, 2020, I issued Executive Order 2020-10 which eliminated certain City requirements to facilitate commercial uses of outdoor spaces, and this Order has since been amended several times; and

WHEREAS, on several occasions I have extended and amended Executive Order 2020-10, the most recent amendment being Executive Order 2021-5 signed January 19, 2021; and

WHEREAS, on May 6, 2021, Governor Walz announced a three-step timeline to end nearly all state COVID-19 restrictions by May 28; and

WHEREAS, the Governor's timeline removed state limits for outdoor dining as of May 7, 2021, and ended the state outdoor mask requirement except at large venues with over 500 people; and WHEREAS, beginning May 27, 2021, at 11:59 p.m., the Governor's timeline lifts all state capacity restrictions, party size limitations, and distancing requirements at restaurants and bars; and

WHEREAS, notwithstanding the Governor's timeline to end nearly all of the state's COVID-19 restrictions, Saint Paul businesses remain impacted by reduced business related to COVID-19; and

WHEREAS, according to the U.S. Census Bureau, more than 2 in 3 small businesses in Minnesota report at least a moderate negative impact on their business from the COVID-19 pandemic; and

WHEREAS, according to the U.S. Census Bureau, more than 4 in 10 Minnesota small business owners expect that it will be six months or more before their business returns to its normal level of operations; and

WHEREAS, even though the spread of COVID-19 has slowed and vaccinations are becoming widely available, the impact of COVID-19 pandemic will continue to be felt; and

WHEREAS, it remains necessary for the City to provide support to residents and businesses to ensure that Saint Paul recovers from the COVID-19 pandemic disaster;

NOW, THEREFORE, I, Melvin Carter, Mayor of the City of Saint Paul, hereby issue the following Executive Order.


1. Any Establishment (defined as a restaurant, bar, general retail, outdoor commercial use, farmers market, brew-on-premise store, or outdoor garden center operating in the City of Saint Paul) currently holding active Temporary C-19 Right of Way Obstruction Permits or Temporary C-19 Seasonal Outside Service Area licenses may continue to operate in the right-of-way, unless earlier notified by the City to cease operations.

2. For the avoidance of doubt, and unless otherwise notified by the City, Establishments may operate outdoors in the City right of way without COVID-19-restrictions on capacity, party size, or distancing. All other local, state, and federal restrictions remain in place.
3. Any Establishment that wishes to expand an existing outdoor service area or establish a new outdoor service area must, if applicable, do the following:
 - a. For Establishments holding a liquor license, submit an application and obtain a license for a Temporary C-19 Seasonal Outside Service Area which will have the requirements and criteria of Saint Paul Leg. Code Sec. 409.06 (g), as amended below. Any such application must include either a Temporary C-19 Right of Way Obstruction Permit or documentation of ownership or written agreement with the property owner to occupy the outdoor space.
 - b. For all Establishments wishing to occupy the Right of Way, submit an application and obtain a permit for a Temporary C-19 Right of Way Obstruction which will have the requirements and criteria of Saint Paul Leg. Code 106.01(b) and (c) as amended below.
4. For the purposes of allowing outside seating and services, and to the extent required to facilitate such seating and services, the following requirements for the Seasonal Outside Service Area License under Saint Paul Leg. Code Section 409.05(g) and Chapter 310.09 and Right of Way Obstruction Permit under Saint Paul Leg. Code Section 106.01 (b) and (c), and the Zoning Code are amended as follows:
 - a. All fees are waived.
 - b. Public hearing and notice requirements are waived.
 - c. Provided that legal authority to use proposed outdoor space exists, consent of neighboring property owners are waived.
 - d. Business and temporary sign regulations are waived.
 - e. Off-street parking requirements are waived to the extent that: i. Such parking is not required by the Americans with Disabilities Act. ii. The Establishment has the legal right to occupy the area.
 - f. Unless contrary to state law, establishments may expand use on to off-street parking areas provided that that the parking area is on the same lot or abuts the location of the principal use, and/or may expand use on to other vacant areas that are zoned for business uses on the same or abutting lot of the principal use.
 - g. Requirements for Conditional Use Permits are waived.
 - h. All Establishments obtaining a C-19 Right of Way Obstruction Permit must agree to defend and indemnify the City as required by Saint Paul Leg. Code Sec. 116.15.
 - i. For Farmers Markets permitted under Sec. 65.515, the requirements of subsections (a) and (b) of that ordinance remain in effect. Subsections (c) through (f) of the ordinance are suspended during the Emergency.

- j. For an Outdoor Garden Center permitted under Sec. 65.518 the requirements of subsections (a), (b) and (d) of that ordinance remain in effect. Subsection (c) of the ordinance is suspended during the Emergency.
5. Permit and license holders must continue to comply with all local, state, and federal regulations, including industry guidance released by the Minnesota Department of Employment and Economic Development, the Minnesota Department of Health, the Americans with Disabilities Act (ADA).
6. While Saint Paul Executive Order 2021-21 in effect, bars and restaurants licensed by the City of Saint Paul must continue to require all individuals to wear a face covering indoors at all times when social distancing of at least 6 feet is not maintained, except for temporary removal of face covering when eating or drinking.
7. Executive Order 2020-10, as amended by Executive Order 2021-5, is hereby rescinded and replaced by this order.

Pursuant to Chapter 13 of the Saint Paul Legislative Code, this Executive Order is in immediate effect upon my signature and, if not sooner rescinded or later extended, shall expire at the end of forty (40) days after its effective date or at the end of the declared local emergency to which it relates, whichever occurs first.

Dated: May 24, 2021



Mayor Melvin Carter