


Office of the City Attorney

**Emergency Order No. 11 of the City of Oakland
City Administrator/Director of the Emergency Operations Center**

Whereas, on March 1, 2020, the Alameda County Public Health Department, and on March 4, 2020, Governor Gavin Newsom, declared local and state public health emergencies, respectively, due to the spread of COVID-19 locally and within the state, pursuant to Health & Safety Code section 101080 and Government Code section 8625, respectively, and

Whereas, on March 9, 2020, the City Administrator in their capacity as the Director of the Emergency Operations Center (EOC), issued a proclamation of local emergency due to the spread of COVID-19 in Oakland, and on March 12, 2020, the City Council passed Resolution No. 88075 C.M.S. confirming the existence of the local emergency proclaimed by the City Administrator pursuant to their power under Oakland Municipal Code section 8.50.050(C) to proclaim a local emergency provided that the local emergency proclamation shall remain in effect only if the City Council confirms the existence of the emergency within seven days; and

Whereas, as of September 29, 2021, the State of California reports that 70.3% of state residents are fully vaccinated against COVID-19; see link: [Vaccination progress data - Coronavirus COVID-19 Response \(ca.gov\)](https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/Imz/202109/Vaccination-progress-data-Coronavirus-COVID-19-Response.aspx); and

Whereas, despite all federal, state, and local vaccination efforts and other mitigation measures, the COVID-19 pandemic is still in effect as the virus continues to spread, most notably and recently due to the Delta variant; and

Whereas, Alameda County Health Order No. 21-03, effective August 3, 2021 requires all people, whether vaccinated or not, to wear face coverings when congregating in all indoor public settings, and provides an exceptions for performers at indoor live events, young children, and individuals with certain medical conditions; and

Whereas, federal, state, and local public health officials have all encouraged activities to take place outdoors wherever possible to maximize air circulation and minimize the spread of COVID-19 infections; and

Whereas, the City of Oakland (City) has observed an increase in demand for outdoor performances during the COVID-19 pandemic and anticipates an ongoing demand for such events as the COVID-19 pandemic continues; and

Whereas, depending on the size and location of live events occurring in the City, event promoters may need City approval to hold their events, including but not limited to a Special Event permit and/or a Sound Amplification permit pursuant to Oakland Municipal Code Chapters 9.52 (Chapter 9.52) and 12.56 (Chapter 12.56) respectively; and

Whereas, Chapter 12.56, which sets rules for the City's issuance of sound amplification permits, prohibits the issuance of amplified sound permits for outdoor events that would end after 10:00 p.m.; and

Whereas, in order to mitigate the risk of COVID-19 transmission and encourage outdoor gatherings instead of indoor gatherings, the City seeks to accommodate the scheduling of live events in permissible outdoor settings where a sound permit application may be requested for an event that will end after 10:00 p.m.; and

Now, Therefore, I Edward D. Reiskin, City Administrator/Director of Emergency Operation's Center for the City of Oakland, in accordance with the authority vested in me pursuant to Oakland's Emergency Services Act, Oakland Municipal Code Chapter 8.50, specifically section 8.50.050.C.5.(a), hereby order the following:

1. Oakland Municipal Code section 12.56.030.A (prohibiting the issuance of sound amplification permits intended to reach outdoors between 10:00 p.m. and 9:30 a.m.) is suspended, for the duration of the local emergency, or until such time as this order is rescinded or terminated by the City Council, whichever is earlier.
2. Notwithstanding the intent of this order to accommodate live events occurring in permissible outdoor settings where sound amplification permits are required, the City reserves the discretion to: (1) impose appropriate and reasonable time limitations on Special Event permits issued pursuant to Chapter 9.52; (2) impose limits on Sound Amplification permits so that sound amplification equipment is not used in an unreasonably loud manner pursuant to Chapter 12.56; and (3) to use any applicable and appropriate legal remedies to regulate noise, including but not limited to those provided pursuant to Chapter 8.18 (Nuisances) and Title 1 (General, Civil, Administrative, and Criminal Penalties) of the Oakland Municipal Code.

I FURTHER DIRECT that as soon hereafter as possible, this Order shall be filed in the Office of the City Clerk, posted on the City of Oakland website, and that widespread publicity and notice of this Order shall be provided to the public.

IN WITNESS WHEREOF I have hereunto set my hand this 30th day of September, 2021



Edward D. Reiskin
City Administrator/Director of Emergency
Operations Center, City of Oakland, California

Attest:



Asha Reed (Oct 4, 2021 18:34 PDT)

Asha Reed
City Clerk and Clerk of the City Council
City of Oakland, California