

**CITY OF MANHATTAN BEACH  
DIRECTOR OF EMERGENCY SERVICES ORDER NO. 1**

**REQUIRING COVID-19 MEASURES AT CONSTRUCTION SITES  
EFFECTIVE APRIL 4, 2020 AT 12:01 a.m.**

**Date of Order: April 3, 2020**

WHEREAS, international, national, state, and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus named “SARS-CoV-2,” and the disease it causes has been named “coronavirus disease 2019,” abbreviated COVID-19, (“COVID-19”);

WHEREAS, on March 4, 2020, the Governor of the State of California declared a state of emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for broader spread of COVID-19;

WHEREAS, on March 13, 2020, the President of the United States of America declared a national emergency and announced that the federal government would make emergency funding available to assist state and local governments in preventing the spread of and addressing the effects of COVID-19;

WHEREAS, on March 13, 2020, the City Council adopted Resolution No. 20-0039, A Resolution of the City Council of the City of Manhattan Beach Proclaiming the Existence of a Local Emergency;

WHEREAS, on March 17, 2020, the City Council ratified Resolution No. 20-0039;

WHEREAS, on March 17, 2020, the City Council adopted Ordinance No. 20-0013-U and Advisory Resolution No. 20-0040 which, *inter alia*, adopted by reference the County Order, imposed regulations regarding social distancing, and recommended additional social distancing practices;

WHEREAS, on March 19, 2020, the Governor of the State of California issued Executive Order N-33-20, directing all residents of the State of California to heed directives issued by the State Health Officer on the same date instructing all Californians to stay home except as needed to maintain continuity of operations of the federal critical infrastructure sectors (the “State Stay at Home Order”);

WHEREAS, on March 19, 2020, the Los Angeles County Department of Public Health issued an enhanced Health Officer Order, the Safer at Home Order for Control of COVID-19, amending and superseding its March 16, 2020 Order, closing all nonessential businesses, and limiting gatherings to 9 people or less;

WHEREAS, on March 21, 2020, the Los Angeles County Department of Public Health issued an enhanced Health Officer Order, the Safer at Home Order for Control of COVID-19, amending and superseding its March 16, 2020, and March 19, 2020 Orders, closing all nonessential businesses and prohibiting gatherings of non-household members;

WHEREAS, both the State Stay at Home Order and the County Department of Public Health's Safer at Home Order identify construction, operation, inspection and maintenance of construction sites and construction projects (including housing construction) as an essential business that may continue to operate under these orders;

WHEREAS, on March 25, 2020, the City Council adopted Ordinance No. 20-0014-U which, *inter alia*, required essential businesses, including construction businesses, to comply with health and safety measures required by a state or county order related to COVID-19;

WHEREAS, on March 27, 2020, the City Council adopted Ordinance No. 20-0015-U which, *inter alia*, amended Ordinance No. 20-0014-U to clarify that essential businesses, including construction businesses, must also comply with health and safety measures required by state or county guidelines related to COVID-19;

WHEREAS, the County Department of Public Health's Safer at Home Order directs all essential businesses, including construction businesses, to comply with all of the following: (a) enforce social distancing measures, requiring that individuals maintain separation of at least six (6) feet to the extent feasible; (b) provide access to hand washing facilities with soap and water or to hand sanitizer that contains at least 60 percent alcohol; (c) post a sign in a conspicuous place at all public entries that instructs members of the public to not enter if they are experiencing symptoms of respiratory illness, including fever or cough; and (d) adhere to communicable disease control recommendations provided by the Los Angeles County Department of Public Health, including guidance for cleaning and disinfecting the site;

WHEREAS, as of April 3, 2020, the Los Angeles County of Public Health has confirmed 4,566 cases of COVID-19 in Los Angeles County and that number is expected to continue to rise;

WHEREAS, the act and process of construction may necessitate workers to work together or assist each other within distances of less than the recommended social distancing of 6 feet;

WHEREAS, to ensure that construction workers at construction sites and projects are provided with the means to comply, and comply, to the maximum extent possible, with the County Department of Public Health's Safer at Home Order, it is necessary to put in place additional measures at construction sites to ensure compliance;

WHEREAS, the City Manager is the Director Emergency Services in the City of Manhattan Beach. Pursuant to Manhattan Beach Municipal Section 3.08.060.A.6.a, the City Manager as the Director of Emergency Services is empowered during a local emergency to "make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency", so long as such rules and regulations are "confirmed at the earliest practicable time" by the City Council; and

WHEREAS, in the interest of the public health and safety, as affected by the emergency caused by the spread of COVID-19, it is necessary to exercise my authority pursuant to Chapter 3.08 of the Manhattan Beach Municipal Code, Manhattan Beach City Council Resolution No. 20-0039, and the California Emergency Services Act, Chapter 7 (commencing with Section 8550) of Title 2 of the Government Code, to issue this order.

NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:

Section 1. The recitals set forth above are true and correct and are incorporated into this Order by reference.

Section 2. The property owner and contractor (collectively the "Contractor") at any property within the City of Manhattan Beach at which construction work is occurring ("Construction Site") shall develop a comprehensive COVID-19 exposure control plan, which includes control measures such as social distancing, symptom checking, hygiene, decontamination procedures, and training ("Exposure Control Plan" or "Plan"). The Exposure Control Plan shall contain at a minimum the measures detailed in this Order and such measures must be followed to prevent any onsite worker from contracting COVID-19. Upon the City's request, the contractor shall submit the Plan to the City. Failure to comply with this Order shall be deemed as creating unsafe conditions and may result in withheld inspections or the closure of the Construction Site until corrected.

Section 3. The Contractor shall institute the following measures which shall be included in the Exposure Control Plan.

A. The Contractor shall post at the Construction Site, in areas visible to all workers, required hygienic practices including: (i) not touching one's face with unwashed hands or with gloves; (ii) washing one's hands often with soap and water for at least 20 seconds or use of hand sanitizer with at least 60% alcohol; (iii) cleaning and disinfecting frequently touched objects and surfaces including shared tools and equipment; and (iv) covering one's mouth and nose when coughing or sneezing as well as other hygienic recommendations by the Centers for Disease Control ("CDC").

B. The Contractor shall install hand washing facilities with soap and water or hand sanitizer that contains at least 60 percent alcohol in multiple locations at the Construction Site (including at each entrance to the Construction Site) and shall ensure that the facilities remain adequately stocked during all times of construction activity.

C. The Contractor shall not permit sharing of tools or equipment.

D. The Contractor shall also establish a schedule for cleaning and disinfecting frequently touched objects and surfaces and maintain a log of the established cleaning schedule which shall be made available to the City upon request.

E. The Contractor shall instruct its workers and other members of the public at the Construction Site to maintain social distancing to the greatest extent possible by maintaining a minimum 6-foot distance from one another at all times, except as specified in Subsection (F) below. The Contractor shall post a sign in a conspicuous place at each pedestrian entrance to the Construction Site as well as throughout the site instructing workers and other members of the public of this requirement.

F. The Contractor or the owner, manager, or operator of any business that, as its primary operation, is engaged in construction work at the Construction Site shall ensure that its employees or independent contractors are provided personal protective equipment ("PPE")

such as gloves, goggles, face shields and face masks to comply with the provisions of this Order and as is appropriate for the activity being performed at the Construction Site. Workers needing close contact (less than 6-feet) in order to perform their work duties shall be required to wear Personal Protective Equipment (PPE) such as face masks, eye protection, and gloves.

G. The Contractor shall instruct its workers and other members of the public at the Construction Site against gathering in groups of any size, including gathering on site for lunch and other breaks. The Contractor shall ensure that, anytime two or more people must meet, such persons maintain a distance of six feet from one another at all times.

H. The Contractor shall: (i) identify “choke points” and “high-risk areas” where workers are forced to stand together, such as hallways, hoists and elevators, break areas, and buses, and control them so that social distancing of six feet from one another is maintained; (ii) minimize interactions when picking up or delivering equipment or materials so that social distancing of six feet from one another is maintained; and (iii) stagger the trades as necessary to reduce density so that social distancing of six feet from one another is maintained.

I. For sites with more than 4 workers, the Contractor shall designate a person as the Construction Site COVID-19 Supervisor to enforce this Order. The designated COVID-19 Supervisor shall be present on the Construction Site at all times during construction activities. The COVID-19 Supervisor can be an on-site worker who is designated to carry this role.

J. The Contractor shall prohibit anyone entering the Construction Site if they are experiencing signs of illness, including respiratory illness, fever or cough or if the contractor knows or has reason to know such person has been in recent close contact with someone with laboratory confirmed COVID-19. The Contractor shall also require anyone working or visiting the Construction Site to return home if such person is experiencing signs of illness, including respiratory illness, fever or cough. The Contractor shall post a sign in a conspicuous place at each pedestrian entrance to the Construction Site instructing workers and other members of the public of these requirements.

K. The Contractor shall require anyone working at the Construction Site to stay home if they are sick, except to obtain medical care.

L. The Contractor shall require anyone working at the Construction Site to inform their supervisor if they have been exposed to COVID-19 or has a sick family member or other person at home with COVID-19.

M. The Contractor shall take all appropriate steps, if individuals are residing at the Construction Site, to ensure that workers minimize their contact with areas within the building but not within the actual construction project, including limiting workers’ path of travel in and out of the project site, and, for all such areas with which contact is unavoidable, regularly clean and sanitize those areas at least twice daily, including following completion of work each day, and maintain a log of the cleaning schedule to be made available to the City upon request.

N. The Contractor shall maintain a daily attendance log of all workers and visitors.

Section 4. The property owner of the Construction Site and their contractor(s) are legally responsible for compliance with this Order. Manhattan Beach staff will verify compliance with this Order during regular scheduled inspections for projects under construction as well as in response to complaints that may be submitted to the City by email to [code@citymb.info](mailto:code@citymb.info). This Order authorizes the City's building official or designee to issue a stop work order at a Construction Site at which workers are in violation of Sections 2 and 3 of this Order by giving notice in writing to the COVID-19 Supervisor, the Contractor or to persons engaged in the doing or causing such work to be done at the Construction Site. No person shall fail to comply with such a stop work order if issued by the City.

Section 5. Any violation of this Order may be determined to be a misdemeanor and punishable by a fine or imprisonment, or both, pursuant to Government Code Section 8665 and Chapters 1.04 and 1.06 of the Manhattan Beach Municipal Code, and any other state or city law as may be applicable.

Section 6. This Order is based on the CDC's Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 (COVID-19), OSHA's Guidance on Preparing Workplaces for COVID-19, and other publications. Please check <https://www.citymb.info/services/learn-about/coronavirus> for the latest updates.

Section 7. This Order shall take effect on April 4, 2020, at 12:01 a.m.

Executed on April 3, 2020.

/s/ Bruce Moe  
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City Manager Bruce Moe  
Director of Emergency Services