

URGENCY ORDINANCE NO. 20-0013-U

AN URGENCY ORDINANCE OF THE CITY OF MANHATTAN BEACH ADOPTING EMERGENCY REGULATIONS RELATED TO CLOSURE OF CERTAIN ESTABLISHMENTS WITHIN THE CITY, AND OTHER MEASURES AND DECLARING THE URGENCY THEREOF

THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH HEREBY ORDAINS AS FOLLOWS:

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 Manhattan Beach 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 Manhattan Beach City Council ratified RESOLUTION NO. 20-0039;

WHEREAS, the Centers for Disease Control and Prevention, the California Department of Health, and the Los Angeles County Health Officer have all issued recommendations including but not limited to social distancing, staying home if sick, canceling or postponing large group events, working from home, and other precautions to protect public health and prevent transmission of this communicable virus;

WHEREAS, on March 16, 2020, the Los Angeles County Department of Public Health issued an order providing that “[t]his Order requires the immediate temporary closure of the following types of businesses, which do not perform services that are essential to the well-being of the County or public:

- Bars and Nightclubs that do not serve food.
- Movie theaters, live performance venues, bowling alleys, and arcades.

- Gyms and fitness centers.
- Wineries, Breweries, and Tap Rooms that offer public beverage consumption.

Although the Order temporarily prohibits certain group events and mass gatherings, event and gathering venues may otherwise remain open for business and perform essential operations during the duration of this Order, as long as they follow the requirements for social distancing and infection control that are described in the Health Officer Order.” and

WHEREAS, in the interest of public peace, health and safety, as affected by the emergency caused by the spread of COVID-19, it is necessary for the City Council to exercise its authority to issue these regulations related to the protection of the public peace, health or safety.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Findings. The City Council finds that each fact set forth in the preceding recitals is true and correct and incorporated by reference.

SECTION 2. The following regulations are imposed on businesses, including bars, nightclubs and restaurants, located in the City of Manhattan Beach in order to implement recommended practices as a result of the COVID-19 pandemic:

1. The City Council hereby incorporates by reference the “Los Angeles County Department of Public Health Temporary Prohibition of Group Events and Gatherings, Required Social Distancing Measures, and Closure of Certain Businesses”, which is attached herein as Exhibit “A.”
2. Cafeterias, commissaries, and restaurants located within nursing homes or similar facilities are exempt from this Ordinance.
3. Trucks and other vehicles engaged in the delivery of grocery items to grocery stores, when such items are to be made available for sale to the public, are exempt from this Ordinance, as well as any City codes, rules and regulations that limit the hours for such deliveries.
4. Business located in the City with self-service unwrapped food items such as buffets are prohibited.
5. Relax City codes and regulations as City staff deems appropriate in connection to commercial signs and banners displayed on or adjacent to restaurants, bars or other businesses that are permitted to remain open pursuant to this Ordinance.
6. City shall provide for additional loading zones near restaurants that are authorized to remain open in order to facilitate the pickup of food.
7. All gyms and fitness centers shall be closed to the public.

8. All businesses providing physical health and beauty services, including spas, hair salons, massage parlors, and nail salons, that do not provide medical care or services that supplement medical care as directed by medical professionals will be closed to the public, except for the purpose of retail sales and provided in paragraph 10 below.
9. All non-essential retail businesses shall be closed except for pick up, delivery and transactions by appointment. In order to protect employees and customers of non-essential retail businesses that are authorized to operate under this Ordinance, such businesses shall establish health and safety measures such as requiring employees to wear appropriate gloves and masks if employees come into physical contact with customers. The following retail businesses located in the City are exempt from this Ordinance: grocery stores, food banks, snack shops, banks, drug stores, car rentals, convenience stores, pharmacies, gas stations, car mechanics, pet supply stores, laundromats, hardware stores, dry cleaners, mailbox stores, Federal Express and UPS, and other exemptions as determined by the Director of Emergency Services in writing and ratified by the City Council at its next regular City Council meeting.
10. All elective medical and surgical procedures and all elective non-necessary dental procedures are prohibited. The City will defer to the medical judgment of the medical professionals to determine what are non-elective procedures.

SECTION 3. Hoarding. The City Council urges residents not to hoard essential goods such as hand sanitizer, cleaning supplies, toilet paper, canned food, frozen food and other needed supplies. The City Council strongly condemns hoarding. Retail establishments located in the City shall be responsible for limiting the sales of such items, as they see fit to provide greater accessibility to a larger group of customers.

Section 4. Urgency. The City Council finds that the COVID-19 pandemic has increased the risk of housing displacement, loss of income, and homelessness for many people in the City of Manhattan Beach and surrounding areas, as more fully described in the recitals of this Ordinance. The City Council further finds that, unless this Ordinance is effective and its regulations are immediately put in place, the public health, safety and welfare will be at risk. Therefore, the immediate preservation of the public health, safety and welfare requires that this Ordinance be enacted as an urgency ordinance pursuant to Government Code section 36937(b) and that it take effect immediately upon adoption pursuant to Government Code section 36934, and its urgency is hereby declared.

Section 5. Violations. Violations of this Ordinance shall be punishable as set forth in Manhattan Beach Municipal Code Chapters 1.04 and 1.06.

Section 6. Duration. This Ordinance shall remain in effect for the duration of the local emergency.

Section 7. Uncodified. This Ordinance shall not be codified.

Section 8. Severability. If any provision of this Ordinance is held invalid by a court of competent jurisdiction, such provision shall be considered a separate, distinct and independent provision and such holding shall not affect the validity and enforceability of the other provisions of this Ordinance.

Section 9. Effective Date. Based upon the findings in Section 4 of this Ordinance, this Ordinance shall take effect immediately upon its adoption by a minimum 4/5 vote of the City Council.

Section 10. Certification. The City Clerk shall certify to the adoption of this Ordinance, and the City Clerk shall cause this Ordinance or a summary thereof to be published as required by law.

ADOPTED on March 17, 2020.

AYES: Hersman, Napolitano, Stern, Hadley and Mayor Montgomery.
NOES: None.
ABSENT: None.
ABSTAIN: None

/s/ Richard Montgomery

RICHARD MONTGOMERY
Mayor

ATTEST:

/s/ Liza Tamura

LIZA TAMURA
City Clerk

APPROVED AS TO FORM:

/s/ Quinn M. Barrow

QUINN M. BARROW
City Attorney

APPROVED AS TO CONTENT:

/s/ Bruce Moe

BRUCE MOE
City Manager

EXHIBIT "A"

LOS ANGELES COUNTY DEPARTMENT OF PUBLIC HEALTH TEMPORARY
PROHIBITION OF GROUP EVENTS AND GATHERINGS, REQUIRED SOCIAL
DISTANCING MEASURES, AND CLOSURE OF CERTAIN BUSINESSES

Novel Coronavirus (COVID-19)

Los Angeles County Department of Public Health Temporary Prohibition of Group Events and Gatherings, Required Social Distancing Measures, and Closure of Certain Businesses

The Los Angeles County Department of Public Health (Public Health) is calling on the public and our partners to help slow the spread of the disease caused by the novel (new) coronavirus (COVID-19) in Los Angeles County. Public Health and its public and private partners have been taking aggressive steps to try to slow its spread but despite these efforts, there continues to be community transmission within Los Angeles County. In the absence of a specific vaccine or treatment, additional strategies are now needed to slow the rate of new COVID-19 cases and protect vulnerable individuals as well as the healthcare system. More interventions must be taken now to require the public to practice social distancing (the creation of physical space between individuals), which can help prevent transmission.

To slow the spread of COVID-19, the Los Angeles County Health Officer issued the “Health Officer Order for the Control of COVID-19: Temporary Prohibition of Group Events and Gatherings and Required Social Distancing at Events, Gatherings, and Restaurants” on March 16, 2020. The Order, which is in effect until March 31, 2020: (1) prohibits public and private gatherings of greater than 50 people, (2) requires social distancing and infection control practices for gatherings between 10 and 49 people, (3) requires food facilities (with some exceptions) to limit their services to delivery, pick up or drive-thru options and (4) requires the temporary closing of certain businesses that bring people into contact for an extended period and are not essential to the well being of the county or public.

Because the virus that causes COVID-19 can be easily spread through person-to-person contact with an infected person, activities that bring people into close contact with each other increase the chance of spreading disease. In the absence of a specific vaccine or treatment for COVID-19, social distancing efforts are the most readily available and effective ways to slow community transmission of COVID-19. These measures protect all individuals, including people who are particularly vulnerable to COVID-19 complications, and the healthcare system, by preventing a surge of cases that require emergency or hospital care.

The complete Order and additional guidance for schools, colleges/universities, businesses, employers, food facilities, ticketed event organizers, and community-based partners can be found on the Los Angeles County Department of Public Health COVID-19 webpage: <http://publichealth.lacounty.gov/media/Coronavirus/>.

1. What is COVID-19?

Coronavirus disease 2019 (COVID-19) is a respiratory illness that is caused by the novel coronavirus. It spreads between people who are in close contact with one another (within about 6 feet) through droplets produced when an infected person coughs or sneezes. It may also spread when a person touches a surface or object that has the virus on it and then touches their mouth, nose, or eyes before washing their hands. People who are infected with COVID-19 can have mild to severe respiratory illness, with fever, cough, and difficulty breathing. COVID-19 can lead to complications, such as pneumonia and multi-organ failure, and in some cases, death. Everyone is at risk for becoming ill with COVID-19 but some people are more vulnerable to complications due to their age, physical state, and/or health status.

Novel Coronavirus (COVID-19)

Los Angeles County Department of Public Health Temporary Prohibition of Group Events and Gatherings, Required Social Distancing Measures, and Closure of Certain Businesses

2. Why did the Los Angeles County Health Officer issue this Health Officer Order?

California law gives the Health Officer the authority to take protective measures that are necessary to protect against the spread of COVID-19. In the absence of a specific vaccine or a specific treatment for COVID-19 and with increasing cases of community transmission, the Los Angeles County Health Officer issued this Order as a necessary measure to protect the public, especially those most vulnerable to COVID-19 complications, as well as to protect the healthcare system by preventing a surge of cases into emergency rooms and hospitals.

The spread of COVID-19 is a serious danger to the health of the public within Los Angeles County. The virus that causes COVID-19 can be spread easily through person-to-person contact, and spread is more likely to occur when people are in close proximity, such as at large and small group events or gatherings and when congregating at sites such as restaurants, gyms, bars, and entertainment venues. Limiting opportunities for close contact in these settings can help to interrupt the spread of COVID-19.

This Order is consistent with mass gathering guidance from the [California Department of Public Health](#) and the [Centers for Disease Control and Prevention](#) and aligned with the March 15, 2020 emergency order issued by [Los Angeles City Mayor Garcetti](#), which ordered the temporary closure of certain businesses and service restrictions on food facilities. It is based on scientific evidence and best practices. Public health experts recommend social distancing to stop or slow down the spread of contagious diseases, such as COVID-19. These strategies increase distance between people in specific settings where people commonly come into close contact with one another so that it is difficult for the virus to spread from person-to-person. Because there is no vaccine or treatment for COVID-19, social distancing is one of the most important and readily available tool that we have available to slow the spread of COVID-19.

3. How long will this Order be in effect?

The current Order is in effect through March 31, 2020. However, the Health Officer will continue to monitor the spread of COVID-19 in addition to any state and federal guidance as well as the impact of the measures outlined in the order. If needed the Health Officer may revisit, extend, expand, or modify this Order to protect the public's health.

4. Does this Health Officer Order apply to sites in Long Beach and Pasadena?

No. This Order applies to areas in the Los Angeles County Public Health Jurisdiction, which does not include the cities of Long Beach and Pasadena. The cities of Long Beach and Pasadena have independent city public health departments. Businesses and organizations operating in those cities should check with their respective public health departments for guidance.

5. Does Health Officer Order still apply if a City has also issued requirements?

Public and private partners, including City governments, are taking proactive steps to try to prevent further spread of COVID-19 and some have issued Orders. All entities in the Los Angeles County Health Jurisdiction must comply with the Los Angeles County Health Officer Order. However, this Order does not override any stricter limitation put into place by a local public entity, such as a City.

Novel Coronavirus (COVID-19)

Los Angeles County Department of Public Health Temporary Prohibition of Group Events and Gatherings, Required Social Distancing Measures, and Closure of Certain Businesses

6. What does the Health Officer Order require the public and partners to do?

The Order requires the public, businesses, community-based organizations, and other partners in the Los Angeles County Public Health Jurisdiction to adhere to social distancing practices that can prevent the spread of COVID-19. Under the authority of the California Health and Safety Code Sections 101040, 101085, and 120175, the County of Los Angeles Health Officer ordered the following:

1. Effective March 16, 2020, and continuing through March 31, 2020, all public and private group events and mass gatherings, as defined below, of 50 or more people are prohibited anywhere within the Los Angeles County Public Health Jurisdiction.
2. For public and private events and gatherings attended by between 10-49 people, held in a confined or enclosed space, and not prohibited by this Order, the organizer of the event and the owner, manager, or operator of the venue holding the event or gathering shall:
 - a. Enforce social distancing measures by requiring attendees who remain at the event for over 10 minutes to be separated by at least six (6) feet from other attendees during the entirety of the event or gathering. Persons who attend the event or gathering as a group, e.g., a group of family members or household contacts, may sit or remain together, but groups of attendees must be separated by a distance of at least six (6) feet.
 - b. Provide access to hand washing facilities with soap and water or with hand sanitizer that contains at least 60 percent alcohol.
 - c. Post a sign in a conspicuous place at all public entries to the venue that instructs members of the public to not attend if they are experiencing symptoms of respiratory illness, including fever or cough.
 - 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. See guidance posted at www.publichealth.lacounty.gov/media/Coronavirus/.
3. Effective immediately, and in accordance with Governor Newsom's Guidance and Mayor Garcetti's New City Measures to Address COVID-19, all permanent food facilities, as defined by Health and Safety Code § 113849, may only prepare and offer food that is provided to customers via delivery service, via pick-up for takeout dining, and via drive-thru. Bars and night clubs that offer food to consumers may remain open only for purposes of continuing to prepare and offer food to consumers via delivery service, via pick-up, or drive-thru. Permanent food facilities that provide and offer food to consumers for pick up must require patrons or groups of patrons who are ordering food and beverages to be and remain at least six (6) feet apart from each other while inside the facility.
4. Further, the Health Officer orders the immediate closure of the following types of businesses:
 - a. Bars and Nightclubs that do not serve food.
 - b. Movie theaters, live performance venues, bowling alleys, and arcades.
 - c. Gyms and fitness centers.
 - d. Wineries, Breweries, and Tap Rooms that provide tastings.

In addition, because the Order may be modified or extended, all entities that are subject to the Order are required to consult the Los Angeles County Department of Public Health's website (www.publichealth.lacounty.gov) daily until the Order is terminated and follow updated requirements if the Order is amended.

Novel Coronavirus (COVID-19)

Los Angeles County Department of Public Health Temporary Prohibition of Group Events and Gatherings, Required Social Distancing Measures, and Closure of Certain Businesses

7. This Health Officer Order prohibits certain group events and gatherings. How are these defined?

For the purposes of this Health Officer Order, group events and mass gatherings are defined as: “Any gathering, assembly, event, or convening that brings together or is likely to bring together 50 or more persons at the same time in an indoor or outdoor confined or enclosed space, for any purpose including a business, cultural, religious, athletic, entertainment, social, or other special event.” Attendees at these events are often in close contact (i.e., are not separated by at least 6 feet) for an extended period of time (greater than 10 minutes), which creates opportunity for the virus to spread person-to-person.

8. What are some examples of group events and gatherings of 50 or more people that are prohibited by this Health Officer Order?

Group events and gatherings include, but are not limited to:

- Any convention, arena, or meeting space with fixed seating or other set-up where seating is placed adjacent to each other in rows
- Any space where event attendees stand in close proximity to each other, such as a concert or other performance, that includes “standing room only” sections
- An admission or concession line/queue
- A confined or closed outdoor space that is enclosed by a fence, physical barrier, or other structure where people are within 6 feet of one another for more than 10 minutes.

Some examples of group events and mass gatherings are conventions, conferences, training activities, theater and dance events, concerts, worship services, and athletic events.

9. What types of settings, events, and gatherings are not prohibited by this Order?

Gatherings with fewer than 10 members of the public present at the same time are not prohibited by this Order. However, the Los Angeles County Department of Public Health recommends that gatherings that include individuals who are at higher risk for severe illness from COVID-19 (people older than 65, pregnant women, and those with chronic illness) should be limited to no more than 10 people.

The Order also does not prohibit use of enclosed spaces where 50 or more people may be present at different times during the day, as long as 50 or more people are not present in the space at the same time.

Finally, the Order does not apply to the following sites or situations where residents must obtain or participate in essential services (those that meet basic human needs):

- Activities such as attendance at regular school classes, work, essential government services, or other essential services
- Essential public transportation (e.g., places of transit such as airports, metro stations, or bus stations) or airport travel
- Shopping at a grocery store or retail store
- Congregate living situations, including dormitories
- Hospitals or healthcare facilities

Novel Coronavirus (COVID-19)

Los Angeles County Department of Public Health Temporary Prohibition of Group Events and Gatherings, Required Social Distancing Measures, and Closure of Certain Businesses

10. Does this Order require any businesses or organizations to close?

This Order requires the immediate temporary closure of the following types of businesses, which do not perform services that are essential to the well-being of the County or public:

- Bars and Nightclubs that do not serve food.
- Movie theaters, live performance venues, bowling alleys, and arcades.
- Gyms and fitness centers.
- Wineries, Breweries, and Tap Rooms that offer public beverage consumption.

Although the Order temporarily prohibits certain group events and mass gatherings, event and gathering venues may otherwise remain open for business and perform essential operations during the duration of this Order, as long as they follow the requirements for social distancing and infection control that are described in the Health Officer Order.

11. What guidance is available to help public and private partners implement the required social distancing and infection control precautions?

Los Angeles County Department of Public Health: www.publichealth.lacounty.gov/media/Coronavirus/ Includes a variety of resources that address infection control and social distancing guidance such as press releases, FAQs, cleaning recommendations; and guidance documents that are tailored to businesses, schools, colleges and universities, food facilities, ticketed event organizers, and faith-based organizations.

California Department of Public Health's "Guidance for the Prevention of COVID-19 Transmission in Entertainment Venues":

www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/CDPH%20Guidance%20for%20Entertainment%20Venues%20ADA%20Compliant%203.13.20.pdf. Describes steps that venue owners and management should take to help protect patrons and prevent COVID-19 spread and includes guidance regarding sanitation, personal hygiene, and social distancing that is tailored to these venues.

Centers for Disease Control and Prevention "Get Your Mass Gatherings or Large Community Events Ready": <https://www.cdc.gov/coronavirus/2019-ncov/community/large-events/mass-gatherings-ready-for-covid-19.html>. Outlines considerations for postponing or cancelling events and steps that event and gathering holders and venues should take to prepare for allowed events.

12. Is there guidance available for retail food facilities, such as restaurants?

Yes. A tailored guidance document for retail food facilities is available from Public Health at: www.publichealth.lacounty.gov/media/Coronavirus/GuidanceFoodFacilities.pdf. It describes the requirements of the Order, identifies which facilities are exempted from the requirements of the Order, and describes recommended prevention practices for these sites.

Novel Coronavirus (COVID-19)

Los Angeles County Department of Public Health Temporary Prohibition of Group Events and Gatherings, Required Social Distancing Measures, and Closure of Certain Businesses

13. What else can the public and partners do to help prevent the spread of COVID-19?

As we face increased spread of COVID-19, Public Health is calling on every person and every organization to do their part to help slow its spread. In addition to the social distancing measures required in the Health Officer Order, Public Health continues to recommend that everyone in the county adopt the following protective measures, to protect themselves, their families, and the people who are most vulnerable to infection.

- Avoid non-essential travel. If you are mildly sick with a fever, stay home and call your doctor if you are concerned and/or your symptoms worsen. Individuals who are elderly, have underlying health conditions or pregnant should consider contacting their providers earlier when they are sick.
- Exclude employees and visitors with any fever and/or respiratory infection symptoms and visitors with recent travel to any country or region with significant community transmission (including communities in the US) from all schools, businesses, and gatherings of any size.
- Follow all social distancing recommendations issued by Public Health.

Additional recommendations, including tailored recommendations for organizations, are posted at www.publichealth.lacounty.gov/media/Coronavirus/.

14. How can I receive a copy of the Health Officer Order?

Download the Order from the Los Angeles County Department of Public Health website www.publichealth.lacounty.gov. You can also view the Order at the Kenneth Hahn Hall of Administration or request a copy by calling the Los Angeles County Department of Public Health at (323) 914-7801, Monday through Friday from 8:00 am to 4:00 pm, or by leaving a message after-hours at (323) 914-9358.