

URGENCY ORDINANCE NO. 20-0014-U

**AN URGENCY ORDINANCE OF THE CITY OF
MANHATTAN BEACH AMENDING AND RESTATING
URGENCY ORDINANCE NO. 20-0013-U AND
INCORPORATING STATE PENALTIES FOR VIOLATIONS
OF URGENCY ORDINANCE NOS. 20-0011-U, 20-0012-U,
AND THIS ORDINANCE, REQUIRING SOCIAL
DISTANCING AND OTHER PUBLIC HEALTH MEASURES
IN RESPONSE TO THE SPREAD OF COVID-19, 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 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, 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 requiring the immediate temporary closure of specified businesses (the "County Order");

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, since March 17, 2020, the State of California has issued orders and the Los Angeles County Department of Public Health has supplemented the County Order to further restrict large gatherings and require smaller gatherings adhere to strict social distancing practices;

WHEREAS, nevertheless, certain people and businesses in Manhattan Beach are not observing social distances practices, and the number of confirmed cases of people infected by COVID-19 has grown dramatically throughout the country and, as of March 24, 2020, Los Angeles County reported 662 confirmed cases;

WHEREAS, accordingly, the City Council wishes to: incorporate all state orders, and any amendments, supplements and clarification thereto related to COVID-19; incorporate amendments to the County Order and any new orders related to COVID-19 issued by the Los Angeles County Department of Public Health; and add additional state penalties to the penalties referenced in Ordinance Nos. 20-0011-U, 20-0012-U, and 20-0013-U, where applicable; 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. State and County Orders. The City Council hereby incorporates by reference:

- A. California Executive Order N-33-20, which is attached herein as Exhibit “A”, and all subsequent Executive Orders issued by the State of California.
- B. Los Angeles County Department of Public Health Safer at Home Order for Control of COVID-19, which is attached herein as Exhibit “B”, and all further Los Angeles County Orders, and amendments thereto.

SECTION 3. Business Regulations. The following regulations are imposed on all businesses located in Manhattan Beach in order to implement practices directed by the United States Government, State of California, and Los Angeles County, as a result of the COVID-19 pandemic:

- A. **Closures and Prohibitions.**
 - 1. 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 social distancing, requiring employees to wear appropriate gloves and masks if employees come into physical contact with customers.

2. ~~All~~No retail businesses shall ~~not~~ sell any self-service unwrapped food items such as buffets.
 3. All gyms and fitness centers shall be closed to the public.
 4. All golf courses shall be closed to the public.
 5. 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.
 6. 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 shall be closed to the public, except for the purpose of retail sales or as otherwise provided in this Ordinance.
 7. All bars, nightclubs, breweries, taprooms, and restaurants shall be closed to the public for on-site dining or outdoor dining adjacent to the establishment. Such establishments may offer food or alcohol pick-up or delivery options, provided they comply with the regulations set forth in subsection C1 of this Section 3. Further, any such establishment must comply with the “Notice of Regulatory Relief” issued by the California Department of Alcoholic Beverage Control (“the ABC”), as the notice relates to the sale of alcohol for “off-sale” consumption, as that term is defined by the ABC.
 8. All movie theaters, live performance venues, bowling alleys, and arcades shall be closed.
- B. Exemptions from this Section 3, Unless Otherwise Provided by a State or County Order Related to COVID-19.
1. Cafeterias, commissaries, and restaurants located within nursing homes or similar facilities.
 2. The following businesses unless otherwise provided by a state or county order related to COVID-19: 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 retail businesses as determined by (A) the State, (B) the County, or (C) the Director of

Emergency Services in writing and ratified by the City Council at its next regular City Council meeting.

3. Trucks and other vehicles engaged in the delivery of items to businesses listed in Section 3(B)(2). In addition, such delivery vehicles are also exempt from any City codes, rules and regulations that limit the hours for such deliveries.
4. “Essential Critical Infrastructure Workers” designated by any federal agency or the State Public Health Officer, including construction workers and other workers who provide services that are necessary to maintaining the safety, sanitation, construction material sources, and essential operation of construction sites and construction projects.

C. Additional Regulations.

1. All proprietors of business establishments offering pick-up options shall implement social distancing practices for those patrons in the queue for pick-up, and establish health and safety measures for their employees and customers, including the use of gloves and masks as appropriate.
2. City codes and regulations shall be relaxed 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 in order to facilitate the pick-up of food and other essential products pursuant to this Ordinance.

SECTION 4. Hoarding. People shall not 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 5. Houses of Worship. The City Council requests that the leaders of the City’s houses of worship limit gatherings on their premises, and also explore and implement ways to practice their respective faiths while observing social distancing practices.

SECTION 6. Social Distancing. All Ppersons and businesses, including exempt businesses and essential workforce, shall exercise the social distancing requirements directed by State and County orders related to COVID-19, including but not limited to maintaining a six feet distance from other persons, including workers in activities deemed essential by any federal agency or the State Public Health Officer, such as construction activities. No person shall participate in any gathering or group activity of any size ~~(with the exception of family outings)~~, including but not limited to games and sports in any City park, the beach, the Pier, the Strand, and other public spaces. For the purposes of this ordinance, “gathering” means two or more persons, unless those persons are living together as a single housekeeping unit (as defined in Manhattan

Beach Municipal Code Section 10.04.030) living in a single dwelling unit.

SECTION 7. 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 8. Violations. Violation of this Ordinance shall be punishable as set forth in Manhattan Beach Municipal Code chapters 1.04 and 1.06. Pursuant to the authority conferred by Government Code Section 41601 (authorizing execution of disease prevention orders by local authorities), violation of the county or state orders incorporated herein is a misdemeanor punishable by six months in prison or a fine up to \$1,000 pursuant to Health & Safety Code sections 101029 (prevention orders for the spread of infectious diseases), 120175.5 (outbreak of communicable disease), 120275 (violation of quarantine), 120295 (offense penalty for violation of health order), and 120296 (violation of order of local health officer), Government Code sections 8665 (violation of executive order), and 26600 (preservation of peace), and/or other applicable state law.

SECTION 9. Repeal of Ordinance No. 20-0013-U. Ordinance No. 20-0013-U is hereby repealed.

SECTION 10. Duration. This Ordinance shall remain in effect for the duration of the local emergency.

SECTION 11. Uncodified. This Ordinance shall not be codified.

SECTION 12. 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 13. Effective Date. Based upon the findings in Section 7 of this Ordinance, this Ordinance shall take effect immediately upon its adoption by a minimum 4/5 vote of the City Council.

SECTION 14. 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 25, 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"

EXECUTIVE ORDER N-33-20

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-33-20

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS in a short period of time, COVID-19 has rapidly spread throughout California, necessitating updated and more stringent guidance from federal, state, and local public health officials; and

WHEREAS for the preservation of public health and safety throughout the entire State of California, I find it necessary for all Californians to heed the State public health directives from the Department of Public Health.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567, 8627, and 8665 do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

- 1) To preserve the public health and safety, and to ensure the healthcare delivery system is capable of serving all, and prioritizing those at the highest risk and vulnerability, all residents are directed to immediately heed the current State public health directives, which I ordered the Department of Public Health to develop for the current statewide status of COVID-19. Those directives are consistent with the March 19, 2020, Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response, found at: <https://covid19.ca.gov/>. Those directives follow:

ORDER OF THE STATE PUBLIC HEALTH OFFICER
March 19, 2020

To protect public health, I as State Public Health Officer and Director of the California Department of Public Health order all individuals living in the State of California to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors, as outlined at <https://www.cisa.gov/identifying-critical-infrastructure-during-covid-19>. In addition, and in consultation with the Director of the Governor's Office of Emergency Services, I may designate additional sectors as critical in order to protect the health and well-being of all Californians.

Pursuant to the authority under the Health and Safety Code 120125, 120140, 131080, 120130(c), 120135, 120145, 120175 and 120150, this order is to go into effect immediately and shall stay in effect until further notice.

The federal government has identified 16 critical infrastructure sectors whose assets, systems, and networks, whether physical or virtual, are considered so vital to the United States that their incapacitation or

destruction would have a debilitating effect on security, economic security, public health or safety, or any combination thereof. I order that Californians working in these 16 critical infrastructure sectors may continue their work because of the importance of these sectors to Californians' health and well-being.

This Order is being issued to protect the public health of Californians. The California Department of Public Health looks to establish consistency across the state in order to ensure that we mitigate the impact of COVID-19. Our goal is simple, we want to bend the curve, and disrupt the spread of the virus.

The supply chain must continue, and Californians must have access to such necessities as food, prescriptions, and health care. When people need to leave their homes or places of residence, whether to obtain or perform the functions above, or to otherwise facilitate authorized necessary activities, they should at all times practice social distancing.

- 2) The healthcare delivery system shall prioritize services to serving those who are the sickest and shall prioritize resources, including personal protective equipment, for the providers providing direct care to them.
- 3) The Office of Emergency Services is directed to take necessary steps to ensure compliance with this Order.
- 4) This Order shall be enforceable pursuant to California law, including, but not limited to, Government Code section 8665.

IT IS FURTHER ORDERED that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 19th day of March 2020.



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

EXHIBIT "B"

LOS ANGELES COUNTY DEPARTMENT OF PUBLIC HEALTH SAFER AT HOME
ORDER FOR CONTROL OF COVID-19

[CLICK HERE TO ACCESS EXHIBIT B.](#)