

ORDINANCE NO. 20-0015-U

AN URGENCY ORDINANCE OF THE CITY OF MANHATTAN BEACH AMENDING URGENCY ORDINANCE NO. 20-0014-U TO CLARIFY REGULATIONS OF BUSINESSES AND SOCIAL DISTANCING IN RESPONSE TO THE SPREAD OF COVID-19, AND DECLARING THE URGENCY THEREOF

**THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1.** Section 3 of Ordinance No. 20-0014-U is hereby amended to clarify the federal, California and Los Angeles County emergency orders, regulations and guidelines governing businesses addressing COVID-19 to read as follows:

**SECTION 3. Business Regulations.** Unless otherwise provided by a state or county order or guidelines related to COVID-19, 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. All non-essential businesses (as determined by a state or county order or guidelines related to COVID-19) shall be closed to the public.
- B. Restaurants and other food facilities are permitted to prepare and offer food that is provided to customers via delivery, pick-up, or drive-thru, provided the business complies with the regulations set forth in subsection K of this Section 3. Restaurants and other food facilities shall not provide in-door or outdoor table services, except that cafeterias, commissaries, and restaurants located within nursing homes or similar facilities may provide dine-in service as long as social distancing and other health and safety measures required by a state or county order or guidelines related to COVID-19 are practiced.
- C. No business shall sell any self-service unwrapped food items such as buffets.
- D. Bars and nightclubs that do not serve food shall be closed to the public. All bars, nightclubs, restaurants and similar businesses that serve food and alcohol must comply with subdivision B of this Section 3 and 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.
- E. All gyms and fitness centers shall be closed to the public.
- F. All golf courses shall be closed to the public.

- G. 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.
- H. 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 as otherwise provided by a state or county order or guidelines related to COVID-19.
- I. All movie theaters, live performance venues, bowling alleys, and arcades shall be closed.
- J. Trucks and other vehicles may engage in the delivery of items to businesses that are authorized to operate under this Ordinance. In addition, such delivery vehicles are also exempt from any City codes, rules and regulations that limit the hours for such deliveries.
- K. In order to protect employees and customers of businesses that are authorized to operate under this Ordinance, such businesses shall comply with health and safety measures required by a state or county order or guidelines related to COVID-19, including but not limited to the following:
  - 1. Enforce social distancing by requiring all persons to be separated by at least six feet from others, to the extent feasible. Persons who are family members or members of the same household may stand together or move together, but must be separated from others by a distance of at least six feet.
  - 2. Provide access to (A) hand sanitizer that contains at least 60 percent alcohol, or (B) hand washing facilities with soap and water.
  - 3. Post a sign in a conspicuous place at all public entries that instructs employees or members of the public to not enter if they are experiencing symptoms of respiratory illness, including fever or cough.
- L. "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, shall comply with the requirements of subsection K of this Section 3.
- M. City codes and regulations may 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 2.** Section 6 of Ordinance No. 20-0014-U related to social distancing is hereby amended by adding “or guidelines” to read as follows:

**“SECTION 6. Social Distancing Requirements.** All persons and businesses, including exempt businesses and essential workforce, shall exercise the social distancing requirements directed by a state and county order or guidelines 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, 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 3.** Section 8 of Ordinance No. 20-0014-U is hereby amended to clarify the penalties for violations of Ordinance No. 20-0014-U and the county or state orders incorporated therein to read as follows:

**“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, or both, 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), and 120295 (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 4. Urgency.** The City Council finds that the COVID-19 pandemic has increased the risk of severe illness or death. 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. Duration.** This Ordinance shall remain in effect for the duration of the local emergency.

**SECTION 6. Uncodified.** This Ordinance shall not be codified.

**SECTION 7. 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 8. 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 9. 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 27, 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 Barrow  
QUINN M. BARROW  
City Attorney

APPROVED AS TO CONTENT:

/s/ Bruce Moe  
BRUCE MOE  
City Manager