

**CITY OF MANHATTAN BEACH
DIRECTOR OF EMERGENCY SERVICES ORDER NO. 13**

**REITERATING THE FACE COVERING REQUIREMENT AND AUTHORIZING THE
DEPUTATION OF ADDITIONAL PERSONS TO ENFORCE THIS REQUIREMENT**

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, the City Manager is the Director of Emergency Services in the City of Manhattan Beach. Pursuant to Manhattan Beach Municipal Code 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;

WHEREAS, on March 16, 2020, the Los Angeles County Department of Public Health issued the Safer at Home Order for Control of COVID-19, which was subsequently amended and revised (the “County COVID-19 Order”);

WHEREAS, the County COVID-19 Order generally requires all persons to “wear a cloth face covering over both the nose and mouth whenever they leave their place of residence and are or can be in contact with or walking near or past others who are non-household members in both public and private places, whether indoors or outdoors” (the “Face Covering Requirement”);

WHEREAS, the County COVID-19 Order states that “[w]earing a cloth face covering over both the nose and mouth reduces the risk of [COVID-19] transmission to others from people who do not have symptoms and do not know they are infected”;

WHEREAS, the “Guidance for Cloth Face Coverings” issued by Los Angeles County Department of Public Health identifies several groups should not wear a face covering, including but not limited to children under the age of 2 and anyone instructed not to wear a cloth face covering by a medical provider;

WHEREAS, on March 25 and March 27, 2020, the City Council adopted Ordinance Nos. 20-0014-U and 20-0015-U which require all persons and businesses to comply with social distancing requirements and other health and safety measures required by the County COVID-19 Order and other state or county orders or guidelines related to COVID-19, including the Face Covering Requirement;

WHEREAS, despite the Face Covering Requirement, many persons are failing to wear a face covering, which increases the risk of COVID-19 transmission to others in the community;

WHEREAS, the City can increase compliance with the Face Covering Requirement, and therefore reduce the risk of COVID-19 transmission, by expanding its enforcement capacity beyond the code enforcement officers who typically issue administrative citations for violations of the Municipal Code; 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. All persons shall wear a cloth face covering over both the nose and mouth whenever they leave their place of residence, except for:

- A. Persons younger than two years old;
- B. Persons with a medical condition, mental health condition, or disability that prevents wearing a face covering;
- C. Persons who are hearing impaired, or communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication; and
- D. Persons who are swimming or engaged in other water-based activities.

Persons who are seated at a restaurant or other establishment that offers food or beverage service shall wear a cloth face covering over both the nose and mouth, unless they are eating or drinking.

Section 3. Notwithstanding any Manhattan Beach Municipal Code provision to the contrary, the Director of Emergency Services, or his designee, is authorized to deputize additional persons to issue administrative citations pursuant to Chapter 1.06 of the Manhattan Beach Municipal Code for violations of this Order or the existing Face Covering Requirement under Ordinance Nos. 20-0014-U and 20-0015-U, as amended from time to time.

Section 4. The Director of Emergency Services, or his designee, is authorized to enter into any contracts related to the enforcement of this Order or the existing Face Covering Requirement under Ordinance Nos. 20-0014-U and 20-0015-U, as amended from time to time.

Section 5. Pursuant to Government Code Section 8665, any person who refuses or willfully neglects to obey this Order shall be guilty of a misdemeanor. In lieu of prosecuting a violation as a misdemeanor, the City may, at its sole discretion, issue an administrative citation for each violation and assess a fine of \$100 for the first violation, \$200 for the second violation, and \$350 for each subsequent violation.

Section 6. This Order shall take effect on July 15, 2020, at 8:00 p.m., subject to confirmation as soon as practicable by the City Council.

Executed on July 15, 2020.

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