

**CITY OF MANHATTAN BEACH
DIRECTOR OF EMERGENCY SERVICES ORDER NO. 16**

**AUTHORIZING THE EXPANSION OF HOURS OF OUTDOOR DINING IN APPROVED
EXPANSION AREAS ON PUBLIC PROPERTY, INCLUDING RIGHTS-OF-WAYS AND
SIDEWALKS, TO 11:00 P.M. TO ACCOMMODATE SOCIAL DISTANCING REQUIREMENTS
REQUIRED BY STATE AND COUNTY PROTOCOLS TO LIMIT THE SPREAD OF COVID-19**

EFFECTIVE August 7, 2020, at 5:00 p.m.

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 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 Safer at Home Order");

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 a state or county order or guidelines related to COVID-19;

WHEREAS, Los Angeles County has begun gradually relaxing and modifying the closures, allowing restaurants to operate outdoors;

WHEREAS, on June 5, 2020, the Director of Emergency Services issued Emergency Order No. 10 to allow existing, legally-permitted restaurants to expand their existing footprint to conduct outdoor dining, on a temporary basis, on private property or in the public right-of-way, adjacent to its site, subject to conditions and guidelines, including a checklist;

WHEREAS, on June 10, 2020, the Director of Emergency Services issued Emergency Order No. 11 to amend Emergency Order No. 10 by adding sub-section 2.H;

WHEREAS, pursuant to Emergency Order Nos. 10 and 11, a number of restaurants have received the necessary approvals to have outdoor dining on a temporary basis on public property, including rights-of-way and sidewalks;

WHEREAS, Municipal Code Section 7.36.160 regulates outdoor dining uses in the sidewalk portion of the public right-of-way;

WHEREAS, Municipal Code Section 7.36.160.I provides, *inter alia*, that all dining activities on sidewalks must conclude by 10:00 p.m.; 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 the 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. Pursuant to Manhattan Beach Municipal Section 3.08.060.A.6.a, the City Manager as the Director of Emergency Services hereby orders the following:

- A. Notwithstanding Municipal Code Section 7.36.160.I or any other provision to the contrary, a restaurant may conduct outdoor dining on public property, including rights-of-way and sidewalks, up to 11:00 p.m., provided the restaurant has received all necessary approvals required by the City, including those required by Emergency Order Nos. 10 and 11.
- B. Any violation of this Order or Emergency Order Nos. 10 or 11 may be determined to be a misdemeanor and punishable by a fine or imprisonment, or both, pursuant to Government Code Section 8665, Manhattan Beach Municipal Code Chapter 1.04, and any other state or city law as may be applicable. In lieu of prosecuting a violation as a misdemeanor, the City may, at its sole discretion under Manhattan Beach Municipal Code Chapter 1.06, issue an administrative citation for each violation and assess a fine of \$250 for the first violation, \$500 for the second violation, and \$1,000 for each subsequent violation. In addition, pursuant to Government Code Section 8634 and Manhattan Beach Municipal Code Chapters 1.06 and 3.08, the City shall require the restaurant to cease all operations for two days for a third violation and cease all operations for four days for a fourth violation. For a fifth violation, the City shall initiate

revocation proceedings, and notify the California Department of Alcoholic Beverage Control that the violator has violated the terms and conditions of this Emergency Order, Emergency Order Nos. 10 or 11, or any applicable entitlement or agreement.

- C. Except as modified hereinabove, the provisions of Emergency Order Nos. 10 and 11 shall have full force and effect.

Section 4. This Order shall take effect on August 7, 2020, at 5:00 p.m.

Executed on August 7, 2020.

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