

**CITY OF MANHATTAN BEACH
DIRECTOR OF EMERGENCY SERVICES ORDER NO. 19**

**EXTENDING THE USE OF PUBLIC PROPERTY BY BUSINESSES AND
RESTAURANTS UNTIL JANUARY 15, 2021, TO ACCOMMODATE SOCIAL
DISTANCING REQUIREMENTS REQUIRED BY STATE AND COUNTY
PROTOCOLS TO LIMIT THE SPREAD OF COVID-19**

EFFECTIVE SEPTEMBER 2, 2020

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 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 periodically relaxed and modified closures, allowing restaurants to operate outdoors;

WHEREAS, the Director of Emergency Services has issued Emergency Order Nos. 10, 11 and 16 to allow the use of public property by businesses and restaurants, subject to conditions and guidelines;

WHEREAS, Emergency Order No. 11 amended Emergency Order No. 10 by adding subsection 2.H, which provides:

“H. Notwithstanding any Municipal Code provision or use permit condition to the contrary, any existing, legally-permitted business or restaurant (“Outdoor Use Applicant”) may apply to the City to expand its existing footprint to conduct outdoor operations, on a temporary basis, in in-roadway/parking space portions of the public property. Each Outdoor Use Applicant seeking to use in-roadway/parking space portions of the public property shall, no later than June 22, 2020, apply to the Manhattan Beach Community Development Department for an encroachment permit and must comply with all City requirements set forth in the Checklist and Guidelines referenced in Emergency Order No. 10. The authorization to use public property pursuant to this Section H shall expire September 30, 2020. Any improvements installed on public property shall be removed, and the public property shall be restored to its condition prior to such use, no later than 11:59 p.m. on September 30, 2020.”; 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 extending the privilege of the use of public property until January 15, 2021.

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. The time period in which businesses and restaurants may use public property pursuant to Emergency Order Nos. 10, 11 and 16 is hereby extended to January 15, 2021, subject to the terms and conditions of the applicable temporary encroachment agreement. The deadline to apply for outdoor use set forth in prior Emergency Orders is hereby rescinded.
- B. Any violation of this Order or Emergency Order No. 10, as amended herein and by Emergency Order Nos. 11 and 16, 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, 11, or 16, or any applicable entitlement or agreement.

Section 3. Except as modified hereinabove, the provisions of Emergency Order Nos. 10, 11 and 16 shall have full force and effect.

Executed on September 10, 2020.

/s/ Bruce Moe

City Manager Bruce Moe

Director of Emergency Services