

**CITY OF MANHATTAN BEACH  
DIRECTOR OF EMERGENCY SERVICES ORDER NO. 23**

**RESCINDING EMERGENCY ORDER NO. 22 REGARDING PUBLIC SEATING  
AREAS AND AMENDING EMERGENCY ORDER NO. 21 TO ALLOW THE  
OUTDOOR DINING AREAS OF RESTAURANTS TO STAY OPEN UNTIL 11:00  
P.M.**

**EFFECTIVE JANUARY 29, 2021**

WHEREAS, the State of California lifted the Regional Stay Home Order on January 25, 2021, as projected ICU availability over 4 weeks in all regions rose to over 15% and ordered that counties resume the “Blueprint for a Safer Economy” tiers and rules for counties;

WHEREAS, the State of California’s “Blueprint for a Safer Economy” indicates that Los Angeles County is in Tier One (Purple), with "widespread" risk and permits outdoor dining for restaurants;

WHEREAS, the Los Angeles County Department of Public Health revised their Health Officer Order on January 29, 2021, aligning with the State of California’s restrictions allowing outdoor dining for restaurants; 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:

A. Emergency Order No. 22 is rescinded.

B. Section 2.B of Emergency Order No. 21 is amended to read as follows:

“Notwithstanding Municipal Code Section 7.36.160.I or any other provision to the contrary, no restaurant, brewery, or winery shall conduct outdoor dining on public property, including rights-of-way and sidewalks, between the hours of 11:00 p.m. and 6:00 a.m. the following day, provided, however, that such outdoor dining hours may be modified to the extent authorized by the Los Angeles County Safer at Home Order or any related protocols or regulations issued by the County Department of Public Health. No restaurant, brewery, or winery shall operate without all necessary approvals required by the City, including those required by Manhattan Beach Emergency Order Nos. 10 and 11.”

Section 3. Any violation of this Order 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: (a) the restaurant shall cease all operations; (b) City will initiate revocation proceedings; and (c) the City will 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, 16, or 21, or any applicable entitlement or agreement.

Executed on January 29, 2021.

/s/ Bruce Moe

City Manager Bruce Moe

Director of Emergency Services