

**CITY OF MANHATTAN BEACH  
DIRECTOR OF EMERGENCY SERVICES ORDER NO. 28**

**AMENDING EMERGENCY SERVICES ORDER NO. 27 TO EXTEND THE USE  
OF PUBLIC PROPERTY BY BUSINESSES AND RESTAURANTS**

**EFFECTIVE December 23, 2021**

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 (hereinafter referred to as “the California COVID-19 State of Emergency”);

WHEREAS, the Governor extended the California COVID-19 State of Emergency through March 31, 2022, and may further extend the California COVID-19 State of Emergency;

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, the Director of Emergency Services issued Emergency Order Nos. 10, 11, 16, 19, 21, 26, and 27 to allow the use of public property by businesses and restaurants, subject to conditions and guidelines;

WHEREAS, at a duly noticed City Council meeting held on December 21, 2021, and after receiving and considering extensive public comment, the City Council directed the Director of Emergency Services to extend the use of public property by businesses and restaurants, subject to certain conditions and guidelines, to coincide with the duration of the California COVID-19 State of Emergency;

WHEREAS, the State of California, County of Los Angeles, and the Manhattan Beach City Council have determined that there is a public benefit to allowing restaurants to conduct outdoor operations to recover from significant losses in revenue during the pandemic. On June 3, 2021, the Governor’s office announced the extension of “relief measures that permit restaurants and bars to continue to benefit from their investments to expand outdoor operations in areas such as sidewalks and parking lots, and to continue the sale of to-go alcoholic beverages with food deliveries, among other successful pandemic adaptations. In addition, the Administration is

urging local governments to facilitate outdoor dining through local zoning and programs that support and promote expanded open-air, take-out and delivery options.” Concurrent with this announcement, the State Department of Alcoholic Beverage Control (“ABC”) extended “regulatory relief” allowing for the expansion of licensed footprints for specified ABC-licensed 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 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. Pursuant to Manhattan Beach Municipal Section 3.08.060.A.6.a, the City Manager as the Director of Emergency Services hereby amends Emergency Order No. 27 section 2, to extend the time period in which businesses, restaurants, and breweries may use public property and private parking spaces pursuant to Emergency Order Nos. 10, 11, 16, 19, 21, 26, and 27, for the duration of the California COVID-19 State of Emergency .

Section 3. Upon the expiration of the California COVID-19 State of Emergency, each business or restaurant using public property shall restore such property to the satisfaction of the Community Development Department within three days of such expiration.

Section 4. Any business that continues to use public property or private parking spaces authorized by COVID-19 emergency orders subsequent to the applicable deadlines established by 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 \$1,000 for each day in violation. In addition, pursuant to Government Code Section 8634 and Manhattan Beach Municipal Code Chapters 1.06 and 3.08, the business shall cease all operations, including indoor operations, for two days for a third violation and cease all operations, including indoor operations, for four days for a fourth violation. For any violation, the City may initiate revocation proceedings. Further, the City will notify the California Department of Alcoholic Beverage Control that any violator with a liquor license has violated the terms and conditions of this Emergency Order.

Section 5. Except as modified hereinabove or previously by other emergency orders, the provisions of Emergency Order Nos. 10, 11, 16, 19, 21, 26, and 27, shall have full force and effect.

Executed on December 23, 2021.

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