

**CITY OF MANHATTAN BEACH
DIRECTOR OF EMERGENCY SERVICES ORDER NO. 26**

**AMENDING EMERGENCY SERVICES ORDER NO. 21 TO EXTEND THE USE
OF PUBLIC PROPERTY BY BUSINESSES AND RESTAURANTS**

EFFECTIVE July 1, 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;

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, Los Angeles County has periodically relaxed and modified closures, allowing restaurants to operate outdoors;

WHEREAS, the Director of Emergency Services issued Emergency Order Nos. 10, 11, 16, 19, and 21 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 May 18, 2021, 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;

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 until December 31, 2021; 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. 21 section 2.A, to read as follows:


“A. 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, and 21 is hereby extended until September 7, 2021. 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 10, 2021. The previously authorized use of public property westerly of the easterly side of Ocean Drive, is hereby extended until July 20, 2021. Any improvements installed on this section of the public property shall subject to temporary or permanent removal at the discretion of the Community Development Director, whereupon the public property shall be restored to its condition prior to such use pursuant to the terms of the Encroachment Permit(s).

Section 3. 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 4. Except as modified hereinabove or previously by other emergency orders, the provisions of Emergency Order Nos. 10, 11, 16, 19, and 21 shall have full force and effect.

Executed on July 13, 2021.



City Manager Bruce Moe
Director of Emergency Services

ATTEST:



Liza Tamura
City Clerk