

**CITY OF HERMOSA BEACH
DIRECTOR OF EMERGENCY SERVICES**

EXECUTIVE ORDER NO. 2020-02

**EMERGENCY EXECUTIVE ORDER OF THE CITY
MANAGER/DIRECTOR OF EMERGENCY SERVICES OF
THE CITY OF HERMOSA BEACH, CALIFORNIA,
IMPLEMENTING EMERGENCY MEASURES TO
PREVENT THE SPREAD OF COVID-19**

SECTION 1. RECITALS

- A. 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 which has been named “coronavirus disease 2019,” abbreviated COVID-19 (“COVID-19”).
- B. On March 4, 2020, the Los Angeles County Board of Supervisors and Department of Public Health declared a local emergency and local public health emergency to aid the regional healthcare and governmental community in responding to COVID-19.
- C. 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 a broader spread of COVID-19.
- D. 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.
- E. On March 15, 2020, the Mayor Mary Campbell declared a local emergency to ensure an effective City response to COVID-19. At a special meeting on March 16, 2020, the City Council adopted Resolution No. 20-7230, approving and ratifying the declaration of emergency.
- F. On March 16, 2020, the Los Angeles County Public Health Officer issued an order countywide that (1) prohibited gatherings where at least 50 or more people are expected to attend, (2) puts limits and regulations on gatherings of 10-49 people, (3) limits restaurants to drive-through/takeout/delivery only, and (4) closes bars (that don’t serve food), gyms, movie theaters, etc.

- 1 G. The Centers for Disease Control and Prevention, the California Department of
2 Health, and the Los Angeles County Department of Public Health have all
3 issued recommendations including but not limited to strict adherence to social
4 distancing guidelines, canceling or postponing group events, working from
5 home, and other precautions to protect public health and prevent transmission of
6 this communicable virus. Other counties throughout the state have similar
7 directives.
- 8 H. On March 19, 2020 the Los Angeles County Public Health Officer issued a
9 second countywide order, the ‘Safer at Home’ Order, which was further
10 clarified on March 21, 2020. This public health order prohibits all public and
11 private group gatherings and events and requires people to stay in their homes
12 with limited exceptions; and requires closure of all non-essential retail
13 businesses, shopping centers, playgrounds for children, bars, nightclubs, movie
14 theaters and all similar gathering places. The purpose of the order is to further
15 restrict, and limit gathering of persons and require closures of non-essential
16 retail businesses in an effort to stem or slow the spread of the virus.
- 17 I. On March 19, 2020, the Governor of the State of California, also issued
18 Executive Order N-33-20, an Order of the State Public Health Officer ordering
19 all individuals living in California to stay home or at their place of residence
20 except as needed to maintain continuity of operations of outlined federal critical
21 infrastructure sectors.
- 22 J. During the term of the local emergency and statewide state of emergency, the
23 Director of Emergency Services is empowered: “[to] make and issue rules and
24 regulations on matters reasonably related to the protection of life and property
25 as affected by such emergency; provided, however, such rules and regulations
26 must be confirmed at the earliest practicable time by the City Council. . .” under
27 Section 2.56.050 A.(6)(a) of the Hermosa Beach Municipal Code.
- 28 K. Failure to abide by public health directives is unsafe and dangerous in this
unprecedented time of a worldwide health pandemic. Violations of or failure to
comply is a crime punishable by fine, imprisonment, or both.
- L. This Order is adopted pursuant to the City’s police powers and powers afforded
to the City in time of national, state, county and local emergency during an
unprecedented health pandemic, such powers being afforded by the State
Constitution, State law, and the Section 2.56.060 of the Hermosa Beach
Municipal Code to protect the peace, health, and safety of the public, and to
protect life and property as affected by the emergency.

1 **SECTION 2.** The following emergency orders are issued effective as of the date set forth
2 below:

- 3 1. The ten cents (\$0.10) per recycled paper carryout bag charged to customers by
4 affected retail establishments provided by Hermosa Beach Municipal Code
5 Section 8.68.040 is hereby suspended.
- 6 2. All restaurants, snack shops and similar businesses that serve food (and,
7 optionally, groceries) and alcohol via delivery, pick-up or drive-thru shall not
8 provide any alcohol to a customer prior to providing the entire food/meal order;
9 i.e. all alcohol shall be provided to the customer concurrently with the delivery
10 of food. All such establishments shall monitor customers waiting for food to
11 ensure that no one is consuming alcohol on or adjacent to the premises.

12 **SECTION 3.** Severability. If any section, subsection, sentence, clause, phrase or word of this
13 Order is found to be unconstitutional or otherwise invalid by any court of
14 competent jurisdiction, such decision shall not affect the remaining provisions
15 of this Order.

16 **SECTION 4.** Effective Date and Termination. This Order shall become effective immediately
17 (the individual orders set forth in Section 2 above effective as of the dates listed
18 above) and shall continue until the earlier to occur of: (1) the conclusion of the
19 local emergency; (2) its termination is ordered by the City Manager/Director of
20 Emergency Services; or (3) it is duly terminated by the City Council. The Order
21 may also be superseded by a duly enacted ordinance or order of the City
22 Council expressly superseding this Order.

23 **ORDERED** by the City Manager/Director of Emergency Service this 27th day of April, 2020.

24 **ATTEST:**

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26 Suja Lowenthal, City Manager and
27 Director of Emergency Services

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Acting City Clerk