

RESOLUTION NO. 20-0125

A RESOLUTION OF THE MANHATTAN BEACH CITY
COUNCIL CONFIRMING EMERGENCY ORDER NOS. 16
THROUGH 20 ISSUED BY THE DIRECTOR OF
EMERGENCY SERVICES DURING THE LOCAL
EMERGENCY PROCLAIMED TO ADDRESS COVID-19

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 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;

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. Such rules and regulations must be confirmed by the City Council;

WHEREAS, on May 12, 2020, the City Council adopted Resolution 20-0051, which confirmed Emergency Order Nos. 1 through 7 issued by the Director of Emergency Services during the local emergency proclaimed to address COVID-19;

WHEREAS, on August 4, 2020, the City Council adopted Resolution 20-0094, which confirmed Emergency Order Nos. 8 through 15 issued by the Director of Emergency Services during the local emergency proclaimed to address COVID-19;

WHEREAS, since August 4, 2020, the Director of Emergency Services has issued a number of Emergency Orders to address the spread of COVID-19; 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 for the City Council to confirm Director of Emergency Services Orders issued during the local emergency proclaimed to address COVID-19 in accordance with 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.

NOW, THEREFORE, THE MANHATTAN BEACH CITY COUNCIL DOES HEREBY DECLARE, FIND, DETERMINE AND ORDER AS FOLLOWS:

Section 1. The recitals set forth above are true and correct and are incorporated into this Resolution by reference.

Section 2. The City Council hereby confirms the following Emergency Orders issued by the Director of Emergency Services during the local emergency proclaimed to address COVID-19, each of which is incorporated by this reference:

- A. Emergency Order No. 16 (Authorizing the Expansion of Hours of Outdoor Dining)
- B. Emergency Order No. 17 (Extending Administrative Appeals)
- C. Emergency Order No. 18 (Amending Emergency Order No. 13 Face Covering and Social Distancing Requirements for Tennis and Pickleball)
- D. Emergency Order No. 19 (Extending the Use of Public Property by Businesses and Restaurants Until January 15, 2021)
- E. Emergency Order No. 20 (Amending Emergency Order No. 13 Face Covering and Social Distancing Requirements for Stationary Outdoor Exercise)

Section 3. If any section, subsection, sentence, clause, or phrase of this Resolution or the Emergency Orders confirmed herein is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution or the Emergency Orders. The City Council hereby declares that it would have passed this Resolution and confirmed the Emergency Orders and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of such Resolution or the Emergency Orders would be subsequently declared invalid or unconstitutional.

Section 4. The City Clerk shall certify to the passage and adoption of this Resolution.

ADOPTED on November 4, 2020.

RICHARD MONTGOMERY
Mayor

ATTEST:

LIZA TAMURA
City Clerk

**CITY OF MANHATTAN BEACH
DIRECTOR OF EMERGENCY SERVICES ORDER NO. 16**

**AUTHORIZING THE EXPANSION OF HOURS OF OUTDOOR DINING IN APPROVED
EXPANSION AREAS ON PUBLIC PROPERTY, INCLUDING RIGHTS-OF-WAYS AND
SIDEWALKS, TO 11:00 P.M. TO ACCOMMODATE SOCIAL DISTANCING REQUIREMENTS
REQUIRED BY STATE AND COUNTY PROTOCOLS TO LIMIT THE SPREAD OF COVID-19**

EFFECTIVE August 7, 2020, at 5:00 p.m.

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 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;

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 begun gradually relaxing and modifying the closures, allowing restaurants to operate outdoors;

WHEREAS, on June 5, 2020, the Director of Emergency Services issued Emergency Order No. 10 to allow existing, legally-permitted restaurants to expand their existing footprint to conduct outdoor dining, on a temporary basis, on private property or in the public right-of-way, adjacent to its site, subject to conditions and guidelines, including a checklist;

WHEREAS, on June 10, 2020, the Director of Emergency Services issued Emergency Order No. 11 to amend Emergency Order No. 10 by adding sub-section 2.H;

WHEREAS, pursuant to Emergency Order Nos. 10 and 11, a number of restaurants have received the necessary approvals to have outdoor dining on a temporary basis on public property, including rights-of-way and sidewalks;

WHEREAS, Municipal Code Section 7.36.160 regulates outdoor dining uses in the sidewalk portion of the public right-of-way;

WHEREAS, Municipal Code Section 7.36.160.I provides, *inter alia*, that all dining activities on sidewalks must conclude by 10:00 p.m.; 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 the following:

- A. Notwithstanding Municipal Code Section 7.36.160.I or any other provision to the contrary, a restaurant may conduct outdoor dining on public property, including rights-of-way and sidewalks, up to 11:00 p.m., provided the restaurant has received all necessary approvals required by the City, including those required by Emergency Order Nos. 10 and 11.
- B. Any violation of this Order or Emergency Order Nos. 10 or 11 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 or 11, or any applicable entitlement or agreement.

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

Section 4. This Order shall take effect on August 7, 2020, at 5:00 p.m.

Executed on August 7, 2020.

/s/ Bruce Moe

City Manager Bruce Moe

Director of Emergency Services

**CITY OF MANHATTAN BEACH
DIRECTOR OF EMERGENCY SERVICES ORDER NO. 17**

**AMENDING EMERGENCY ORDER NO. 12 TO FURTHER EXTEND THE TIME PERIOD FOR
THE CITY TO HOLD AN ADMINISTRATIVE APPEAL REQUESTED UNDER MANHATTAN
BEACH MUNICIPAL CODE CHAPTER 1.06**

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 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;

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, Manhattan Beach Municipal Code Section 1.06.030.A provides that whenever a City code enforcement officer determines that a violation of the Municipal Code has occurred, that officer may issue an administrative citation to each and any responsible party;

WHEREAS, Manhattan Beach Municipal Code Section 1.06.050 authorizes the appeal of an administrative citation within 20 days from the date of service;

WHEREAS, Manhattan Beach Municipal Code Section 1.06.060.A generally requires a requested administrative appeal to be heard before a hearing officer within 30 days of the City’s receipt of the appeal;

WHEREAS, on July 6, 2020, the City Manager as the Director of Emergency Services issued Emergency Order No. 12 to extend the time period for the City to hold an administrative appeal to 90 days from the City’s receipt of a timely, duly filed appeal;

WHEREAS, to minimize the risk of transmission of COVID-19 during the administrative

appeal process, it is appropriate to extend the time period for the City to hold an administrative appeal to 90 days from the City Council's termination of the local emergency proclaimed in response to the spread of COVID-19; 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. Section 2 of Emergency Order No. 12 is hereby amended to read as follows:

“Section 2. Notwithstanding any Manhattan Beach Municipal Code provision to the contrary, an administrative appeal requested under Municipal Code Chapter 1.06 shall be heard before a hearing officer within 90 days of the City Council's termination of the local emergency proclaimed in response to the spread of COVID-19, unless both the City and party requesting the hearing agree to a later date.”

Section 3. This Order shall take effect on August 20, 2020, at 5:00 p.m.

Executed on August 20, 2020.

/s/ Bruce Moe

City Manager Bruce Moe
Director of Emergency Services

**CITY OF MANHATTAN BEACH
DIRECTOR OF EMERGENCY SERVICES ORDER NO. 18 (AMENDED)**

**AMENDING EMERGENCY ORDER NO. 13 TO SPECIFY THAT PERSONS PLAYING
TENNIS AND PICKLEBALL ARE NOT REQUIRED TO WEAR A FACE COVERING WHILE
PLAYING**

EFFECTIVE SEPTEMBER 2, 2020; AMENDMENT EFFECTIVE SEPTEMBER 10, 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 Code 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 COVID-19 Order”);

WHEREAS, the County COVID-19 Order generally requires all persons to “wear a cloth face covering over both the nose and mouth whenever they leave their place of residence and are or can be in contact with or walking near or past others who are non-household members in both public and private places, whether indoors or outdoors” (the “Face Covering Requirement”);

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 the County COVID-19 Order and other state or county orders or guidelines related to COVID-19, including the Face Covering Requirement;

WHEREAS, on July 15, 2020, the Director of Emergency Services issued Emergency Order No. 13 to reiterate the City’s face covering requirements;

WHEREAS, on September 1, 2020, the Manhattan Beach City Council directed the City Manager, as the Director of Emergency Services, to amend Emergency Order No. 13 to exclude

individuals engaged in tennis and pickleball from wearing a face covering so long as they otherwise comply with all social distancing and County Health Officer Order protocols;

WHEREAS, on September 9, 2020, the Los Angeles County Department of Public Health revised its Health Order to allow for doubles tennis. As a result, it has become necessary to revise this Emergency Order No. 18 to exclude individuals engaged in tennis and pickleball from wearing a face covering so long as they otherwise comply with all social distancing and County Health Officer Order protocols; 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, as amended.

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 Code Section 3.08.060.A.6.a, the City Manager as the Director of Emergency Services hereby amends Emergency Order No. 13 by adding the following paragraph to the end of Section 2:

“Notwithstanding any provision of Emergency Order No. 13 or any other City provision, participants in tennis and pickleball do not have to wear a face covering while playing either tennis or pickleball. Such persons must continue to comply with all City and Los Angeles County Health Officer social distancing requirements, including wearing a cloth face covering over both the nose and mouth, at all other times.”

Section 3. All other provisions of Emergency Order No. 13 shall have full force and effect.

Section 4. This Order, as amended, shall take effect on September 9, 2020, at 8:00 a.m.

Executed on September 10, 2020.

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

**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

**CITY OF MANHATTAN BEACH
DIRECTOR OF EMERGENCY SERVICES ORDER NO. 20**

**AMENDING EMERGENCY ORDER NO. 13 TO SPECIFY THAT PERSONS ENGAGED IN
STATIONARY OUTDOOR EXERCISE ARE NOT REQUIRED TO WEAR A FACE COVERING
WHILE MAINTAINING DISTANCE FROM OTHERS**

EFFECTIVE OCTOBER 9, 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 Code 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 COVID-19 Order”);

WHEREAS, the County COVID-19 Order generally requires all persons to “wear a cloth face covering over both the nose and mouth whenever they leave their place of residence and are or can be in contact with or walking near or past others who are non-household members in both public and private places, whether indoors or outdoors” (the “Face Covering Requirement”);

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 the County COVID-19 Order and other state or county orders or guidelines related to COVID-19, including the Face Covering Requirement;

WHEREAS, on July 15, 2020, the Director of Emergency Services issued Emergency Order No. 13 to reiterate the City’s face covering requirements;

WHEREAS, on October 6, 2020, the Manhattan Beach City Council directed the City Manager, as the Director of Emergency Services, to amend Emergency Order No. 13 to exclude individuals engaged in stationary outdoor exercise, such as pilates or yoga, when they are able to maintain a distance of at least eight feet from others; 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, as amended.

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 Code Section 3.08.060.A.6.a, the City Manager as the Director of Emergency Services hereby amends Section 2 of Emergency Order No. 13 by adding Subsection E thereto. Section 2 as amended, shall read as follows:

"Section 2. All persons shall wear a cloth face covering over both the nose and mouth whenever they leave their place of residence, except for:

- A. Persons younger than two years old;
- B. Persons with a medical condition, mental health condition, or disability that prevents wearing a face covering;
- C. Persons who are hearing impaired, or communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication;
- D. Persons who are swimming or engaged in other water-based activities.
- E. Persons who are engaged in stationary outdoor exercise, such as pilates or yoga, during classes conducted by businesses with valid City permits for such outdoor activities, when they are able to maintain a distance of at least eight feet from others.

Persons who are seated at a restaurant or other establishment that offers food or beverage service shall wear a cloth face covering over both the nose and mouth, unless they are eating or drinking.

Notwithstanding any provision of Emergency Order No. 13 or any other City provision, participants in tennis and pickleball do not have to wear a face covering while playing either tennis or pickleball. Such persons must continue to comply with all City and Los Angeles County Health Officer social distancing requirements, including wearing a cloth face covering over both the nose and mouth, at all other times."

Section 3. All other provisions of Emergency Order No. 13, as amended by Emergency Order Nos. 14 and 18, shall have full force and effect.

Section 4. This Order shall take effect on October 9, 2020, at 5:00 p.m.

Executed on October 9, 2020.

/s/ Bruce Moe

City Manager Bruce Moe
Director of Emergency Services