

**CITY OF MANHATTAN BEACH
DIRECTOR OF EMERGENCY SERVICES ORDER NO. 27**

**AMENDING EMERGENCY ORDER NO. 26 TO EXTEND THE USE OF PUBLIC
PROPERTY BY CERTAIN BUSINESSES AND RESTAURANTS TO JANUARY
3, 2022**

EFFECTIVE September 7, 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 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, Los Angeles County has periodically relaxed and modified closures of businesses, and has allowed and encouraged 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, the Director of Emergency Services issued Emergency Order No. 26 to extend the use of public property by businesses and restaurants to certain dates, including September 7, 2021, subject to conditions and guidelines;

WHEREAS, at a duly noticed City Council meeting held on August 24, 2021, the City Council directed the Director of Emergency Services to extend the September 7, 2021 termination date to January 3, 2022; 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 of the Director of Emergency Services 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 hereinabove and in Emergency Order Nos. 10, 11, 16, 19, 21 and 26 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. 26, Section 2, to change the termination of use and restoration of public property dates as follows:

Termination Date: September 7, 2021 to January 3, 2022

Restoration Date: September 10, 2021 to January 6, 2022.

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, the provisions of Emergency Order No. 26 shall have full force and effect.

Executed on September 3, 2021.

/s/ Bruce Moe

City Manager Bruce Moe

Director of Emergency Services