CITY OF LONG BEACH

Health and Human Services
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SAFER AT HOME ORDER FOR CONTROL OF COVID-19

Temporary Prohibition of Events and Gatherings of 10 Persons or More
Closure of Non-Essential Retail Businesses
DATE ORDER ISSUED: March 19, 2020

Please read this Order carefully. Violation of or failure to comply with this Order is a crime punishable by fine, imprisonment, or both. (Ca. Health & Safety Code § 120295)

Summary: This Health Officer Order amends and supplements the Order of the Long Beach Health Officer (Health Officer) issued on March 12, 2020 and March 16, 2020, to control the spread of the Novel Coronavirus (COVID-19) within the City of Long Beach (City). The purpose of this Order is to further restrict and limit the gathering of persons and require the closure of malls, shopping centers, children's playgrounds, and non-essential retail businesses in an effort to stem or slow the spread of COVID-19 within the City.

Because of the rapid spread of COVID-19 and the need to protect the most vulnerable members of our community, this Order prohibits all indoor public and private gatherings and all outdoor public and private events within a confined space, where at least 10 people are expected to be in attendance at the same time. This Order applies within the City, beginning at 11:59 p.m. on March 19, 2020 and continues through April 19, 2020, subject to the terms and conditions more particularly set forth below.

For all gatherings that are not prohibited, the Health Officer orders those persons attending an event or gathering and the venues holding the event or gathering implement the following infection control precautions:

1. Practice social distancing within the confined space by requiring attendees to be separated by six (6) feet;
2. Provide access to hand washing facilities with soap and water or hand sanitizer that contains at least 60 percent alcohol;
3. Post a sign in a conspicuous place at the public entry to the venue instructing members of the public to not attend if they are experiencing symptoms of respiratory illness, including fever or cough; and
4. Adhere to communicable disease control recommendations provided by the Long Beach Department of Public Health and Human Services.

As a point of clarity, this Order does not prohibit any individual or family from outdoor activities such as hiking, walking (including with pets), shopping at Essential Businesses, including grocery stores and restaurants, so long as all persons practice social distancing to the extent practicable. Further, this Health Officer Order, requires all malls, shopping centers, playgrounds, and non-essential businesses to close.

The Health Officer will continue to monitor the rate of COVID-19 disease spread, State and CDC recommendations, and the impact of the required measures, and as needed, may revisit, extend, expand, or otherwise modify this Order to protect the public's health.

UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040, 101085, AND 120175, THE HEALTH OFFICER OF THE CITY OF LONG BEACH ORDERS:

1. Effective 11:59 p.m. on March 19, 2020 and continuing through April 19, 2020, all public and private group events and gatherings, as defined below, of 10 or more people are prohibited anywhere within the City of Long Beach (City).

2. For public and private gatherings attended by between 2-9 persons, held in a confined or enclosed space, and not prohibited by this Order, the organizer or the owner, manager, or operator of the venue holding the gathering shall:

    a. Enforce social distancing measures by requiring attendees who remain at the event or gathering for over 5 minutes to be separated by at least six (6) feet from other attendees during the entirety of the event or gathering. Persons who attend the event or gathering as a group (e.g., a group of family members or household contacts) may sit or remain together, but groups of attendees must be separated by a distance of at least six (6) feet.

    b. Provide access to hand washing facilities with soap and water or with hand sanitizer that contains at least 60 percent alcohol.

    c. Post a sign in a conspicuous place at all public entries to the venue that instructs members of the public to not enter or attend if they are experiencing symptoms of respiratory illness, including fever or cough.

    d. Adhere to communicable disease control recommendations provided by the Long Beach Department of Health and Human Services and the Center for Disease Control, including guidance for cleaning and disinfecting the site. See guidance posted at https://www.cdc.gov/coronavirus .

3. The Health Officer orders the immediate closure of the following types of commercial properties and businesses, except Minimum Basic Operations, as defined in Section 11:

    a. Non-Essential Retail Businesses.

    b. Indoor Malls and Indoor Shopping Centers, including all stores therein regardless whether they are Essential or Non-Essential Retail Businesses. As an exception, Essential Businesses that part of an Indoor Mall or Indoor Shopping Center, that are accessible to the public from the exterior of the Indoor Mall or Shopping Center may remain open. The interior of the Indoor Mall or Indoor Shopping Center shall remain closed to the public.

    c. Indoor or Outdoor Playgrounds for Children, except for those located within childcare centers.

4. Any business that is not identified in Section 3 as a business that must immediately close to the public, or as an Essential Business, may also continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home). All Essential Businesses are strongly encouraged to remain open. To the greatest extent feasible, Essential Businesses shall comply with Social Distancing Requirements as defined in Section 15 below, including by maintaining six-foot social distancing for both employees and members of the public, including, but not limited to, when any customers are standing in line.

5. The Health Officer strongly recommends that employers within the City support CDC recommend guidelines for handwashing by allowing employees sufficient time to regularly clean and/or wash their hands.

REASONS FOR THE ORDER

6. This Order is based upon scientific evidence and best practices, as currently known and available, to protect members of the public from avoidable risk of serious illness and death resulting from the spread of COVID-19, as well as to protect the healthcare system from a surge of cases into its emergency rooms and hospitals. The Order supports the CDC's efforts to institute more stringent and necessary social distancing measures to reduce community transmission of COVID-19.

7. Existing community transmission of COVID-19 in the City presents a substantial and significant risk of harm to the health of residents. Currently, there is no vaccine available to protect against and no specific treatment for COVID-19. As of March 19, 2020, there have been at least 12 cases of COVID-19 reported in the City of Long Beach, and 230 cases of COVID-19 and 2 deaths reported in Los Angeles County. There remains a strong likelihood of a significant and increasing number of suspected cases of community transmission.

8. The virus that causes COVID-19 can be spread easily through person-to-person contact. This risk of transmission is increased when people are in close proximity. All gatherings pose an increased risk for community transmission of COVID-19 and thus, are a substantial risk to public health. As such, places where people gather, such as Indoor and Outdoor Malls, Shopping Centers, Children's Playgrounds, and Non-Essential Retail Businesses, provide significant opportunities for patrons or groups of patrons to have close contact with each other. Thus, the reasons that persons gathering at these locations are likely to exacerbate the spread of COVID-19 include, without limitation: (a) that these gatherings and businesses will attract people from throughout the City and county when there is widespread COVID-19 community transmission, (b) the prolonged time period during which many people are in close proximity at these locations, (c) the difficulty in tracing and controlling additional exposures when large numbers of people visit a Mall, Shopping Center, Playground or Non-Essential Retail Business, and (d) the visitor may be unknowingly infected with COVID-19 and may not follow adequate hygienic and social distancing practices.

9. In the absence of a specific immunization or treatment for COVID-19, social distancing is the only and most readily available tool to prevent this disease. Increasing social distancing and limiting events and gatherings slow transmission of communicable diseases. Accordingly, to reduce the community transmission of COVID-19, the Health Officer has ordered the temporary prohibition of all Events and Gatherings, as defined herein, and is also requiring the closure of certain businesses where it is usual practice for patrons to remain in close proximity.

DEFINITIONS

For Purposes of this Order, the following definitions shall apply:

10. “Events and Gatherings” means any gathering, assembly, event, or convening that brings together or is likely to bring together 10 or more persons at the same time in an indoor or outdoor confined or enclosed space for greater than 5 minutes, for any purpose including a business, cultural, religious, athletic, entertainment, social, or other special event.

11. “Indoor and Outdoor Malls and Shopping Centers” are defined for as either:

a. A building with seven (7) or more "sales or retail establishments" or

b. A series of buildings on a common site, either under common ownership or common control or developed together, with seven (7) or more "sales or retail establishments."

12. “Minimum Basic Operations” include the following, provided that employees comply with Social Distancing Requirements as defined in this Order, to the extent possible, while carrying out such operations:

    a. The minimum necessary activities to maintain the value of the business’s inventory, ensure security, process payroll and employee benefits, or for related functions.

    b. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.

13. “Non-Essential Retail Businesses” means retail establishments that provide goods or services to the public that do not come within the definition of Essential Businesses set forth in Section 14 of this Order.

14. “Essential Businesses” means the following:

    a. Grocery stores, certified farmers’ markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruit and vegetables, pet supply, water, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning or personal care products). This includes stores that sell groceries and sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences;

    b. Food cultivation, including farming, livestock, and fishing;

    c. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;

    d. Newspapers, television, radio, magazine, podcast and other media services;

    e. Gas stations, and auto-supply, auto-repair, car dealerships and related facilities;

    f. Banks, credit unions, and related financial institutions;

    g. Hardware stores, garden nurseries; building supplies;

    h. Plumbers, electricians, exterminators, custodial/janitorial workers, handyman services, funeral home workers and morticians, moving services, HVAC installers, carpenters, landscapers, gardeners, property managers, private security personnel and other service providers who provide services to maintain the safety, sanitation, and essential operation to properties and other Essential Businesses;

    i. Businesses providing mailing and shipping services, including post office boxes;

    j. Educational institutions (including public and private K-12 schools, colleges, and universities) for purposes of facilitating distance learning or performing essential functions, provided that social distancing of 6-feet per person is maintained to the greatest extent possible;

    k. Laundromats, dry cleaners, laundry service providers, personal grooming services;

    l. Restaurants, other food facilities, and beverage facilities that prepare and serve food or beverages, but only for delivery, drive-thru, or carry out;

m. Businesses that supply office or computer products needed by people who work from home;

n. Businesses that supply other Essential Businesses with the support or supplies necessary to operate;

o. Businesses that ship, truck, provide logistical support or deliver groceries, food, goods or services directly to residences ,Essential Businesses, Healthcare Operations, Essential Infrastructure;

p. Airlines, taxis, and other private transportation providers providing transportation services necessary for activities of daily living and other purposes expressly authorized in this Order;

q. Businesses that provide parts and service for Essential Infrastructure;

r. Home-based care for seniors, adults, people with a disability, or children;

s. Residential facilities and shelters for seniors, adults, people with a disability, and children;

t. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities;

u. Military/Defense Contractors/FFRDC (Federally Funded Research and Development Centers). For purposes of this Order, essential personnel may leave their residence to provide any service or perform any work deemed essential for national security including, but not limited to defense, intelligence and aerospace development and manufacturing for the Department of Defense, the Intelligence Community, and NASA and other federal government, and or United States Government departments and agencies. Essential personnel include prime, sub-primes, and supplier contractor employees, at both the prime contract level and any supplier levels at any tier, working on federal United States Government contracts such as contracts rated under the Defense Priorities and Allocations System (DPAS) and contracts for national intelligence and national security requirements.;

v. Childcare facilities providing services that enable employees exempted in this Order to work as permitted. To the extent possible, childcare facilities must operate under the following mandatory conditions: (1) Childcare must be carried out in stable groups of 12 or fewer ("stable" means the same 12 or fewer children are in the same group each day); (2) Children shall not change from one group to another; (3) If more than one group of children is cared for at one facility, each group shall be in a separate room. Groups shall not mix with each other; (4) Childcare providers shall remain solely with one group of children.

w. Hotels, motels, shared rental units and similar facilities.

15. "Social Distancing Requirements" means maintaining at least six-foot social distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.

16. This Order is intended to deter the spread of COVID-19 by preventing people from being in unnecessary close contact. Certain activities are essential to the functioning of the City and the well-being of our residents and must continue. The limitations on events and gatherings contained in this Order do not apply to the following sites or situations where individuals must obtain or participate in governmental or other essential services (those that meet basic human needs): (a) attendance at regular school

classes, work at Essential Businesses, or essential governmental services; (b) places where people are in transit or waiting for transit including airports or bus or train stations or terminals; (c) congregate living situations, including dormitories; or (d) hospitals and healthcare facilities.

17. This Order does not apply to the employees of the City. City employees shall follow any current or future directives issued by the City Manager.

18. This Order does not prohibit use of enclosed spaces where 10 or more people may be present at different times during the day, as long as 10 or more people are not present in the space at the same time.

19. This Order does not apply to the following essential infrastructure or operations:

    a. Healthcare Operations including, but not limited to: hospitals, clinics, laboratories, dentists, pharmacies, pharmaceutical and biotechnology companies; other licensed healthcare facilities; healthcare suppliers; home healthcare service providers; mental health providers; cannabis dispensaries with a medicinal cannabis license; medical or scientific research companies or any related and/or ancillary healthcare services; manufacturers, distributors and servicers of medical devices, diagnostics, and equipment; veterinary care; and all healthcare provided to animals. This exemption shall be broadly construed to avoid any impact to the delivery of healthcare, broadly defined. Healthcare Operations does not include fitness and exercise gyms and similar exercise or training facilities.

    b. Essential Infrastructure, including but not limited to: public works construction; construction (in particular affordable housing or housing for individuals experience homelessness); airport operations; port operations; water; sewer; gas; electrical; oil refining and extraction; road and highways; public transportation; solid waste collection and removal; internet and telecommunications systems (including the provision of essential global, national, local infrastructure for computing services, business infrastructure, communications, and web-based services); and manufacturing and distribution companies deemed essential as part of the supply chain, provided that they carry out those services or that work in compliance with social distancing requirements, to the extent practicable.

<u>Additional Terms</u>

20. This Order does not, in any way, restrict: (a) first responder access to the site(s) named in this Order during an emergency or (b) local, state or federal officers, investigators, or medical or law enforcement personnel from carrying out their lawful duties at the site(s) named in this Order.

21. The entities subject to this Order that are not required to close may otherwise remain open for business and perform essential functions and operations during the duration of this Order.

22. The City shall promptly provide copies of this Order by: (a) posting it on the Long Beach's Department of Health and Human Services website (http://www.longbeach.gov/health/), (b) posting it at the Civic Center located at 411 W. Ocean Blvd., Long Beach, CA 90802, (c) providing it to any member of the public requesting a copy, (d) issuing a press release to publicize the Order throughout the City, and (e) by serving via email on large facilities known to the Health Officer that are likely to be subject to this Order (but service via email is not required for compliance). The owner, manager, or operator of any facility that is likely to be impacted by this Order is strongly encouraged to post a copy of this Order onsite and to provide a copy to any member of the public requesting a copy.

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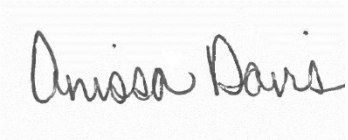
b. Because guidance may change, the owner, manager, or operator of any facility that is subject to this Order is ordered to consult the Long Beach Department of Health and Human Services' website (http://www.longbeach.gov/health/) daily to identify any modifications to the Order and is required to comply with any updates until the Order is terminated.

23. If any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or applications of this Order.

24. This Order is issued in accordance with, and incorporates by reference, the March 4, 2020 Proclamation of a State of Emergency issued by Governor Gavin Newsom and the and the March 4, 2020 declarations of a local and public health emergency issued by the City Council of Long Beach, the Proclamation of Local Emergency by the City Manager, and the Declaration of Local Health Emergency by the Health Officer, respectively, and guidance issued by the California Department of Public Health, as each of them have been and may be supplemented.

25. To protect the public's health, the Health Officer may take additional action(s) for failure to comply with this Order. Violation of this Order is a misdemeanor punishable by imprisonment, fine or both under California Health and Section Code Section 120295 *et seq.* Further, pursuant to Section 41601 of the California Government Code, the Health Officer requests that the Chief of Police in the City of Long Beach ensure compliance with and enforcement of this Order. The violation of any provision of this Order constitutes an imminent threat and creates an immediate menace to public health.

IT IS SO ORDERED:



Anissa Davis, MD, DrPH,
Health Officer, City of Long Beach
Date: March 19, 2020