

**PROCLAMATION OF EMERGENCY RULES AND
REGULATIONS**

**ORDER OF THE CITY MANAGER
OF THE CITY OF ARCADIA
IN HIS CAPACITY AS
DIRECTOR OF EMERGENCY SERVICES**

DATE OF ORDER: APRIL 9, 2020

Please read this Order carefully. Violation of or failure to comply with this Order is a crime. Violators are also subject to civil enforcement actions including civil penalties of up to \$500 per violation per day, injunctive relief, and other relief. (Penal Code section 19; Government Code section 8665; Arcadia Municipal Code Sections 2213.3.1 [Director of Emergency Services authority to make and issue rules and regulations on matters reasonably related to the protection of life and property]; 2215 *et seq.* [misdemeanor to willfully obstruct, hinder or delay any member of the Emergency Organization in the enforcement of any lawful rule or regulation issued pursuant to Arcadia Municipal Code Chapter 2, Part 1]; 1420 *et seq.* [discretion to prosecute Municipal Code violations as administrative citations]; 1200 [discretion to prosecute all misdemeanors as infractions].)

UNDER THE AUTHORITY OF CALIFORNIA CONSTITUTION ARTICLE XI; CALIFORNIA GOVERNMENT CODE SECTIONS 8610, 8630, 8634, AND 8665, AND ARCADIA MUNICIPAL CODE SECTIONS 1200, 1420 *ET SEQ.*, 2213 *ET SEQ.*, 2215 *ET SEQ.*, THE DIRECTOR OF EMERGENCY SERVICES ("DIRECTOR") OF THE CITY OF ARCADIA ("CITY") ORDERS:

Effective 12:00 p.m. on Thursday, April 9, 2020, and continuing through the state of emergency and local emergency, pending further Order of the Director, the following will be in effect for the City:

1. Essential businesses within the City that provide sales of retail goods and/or food and/or banking services — including without limitation, grocery stores, pharmacies, home improvement stores, gas station convenience stores, restaurants providing take-out or delivery services, banks, savings and loans, and credit unions — that remain in operation during the term of this Order ("Covered Businesses") shall cause their employees to wear face coverings, such as scarves (dense fabric, without holes), bandanas, neck gaiter, or other fabric face coverings. All persons, including Essential Workers are discouraged from using medical grade personal protective equipment, such as N95 masks, for non-medical reasons. Face coverings should be washed frequently, ideally after each use, or at least daily.
2. Covered Businesses shall, and shall cause their employees to, follow the Social Distancing and Infection Control Guidelines published by the CDC and CDPH. All essential businesses must identify and cause all required measures to be implemented as necessary to ensure social distancing and sanitation at that particular facility. If the measures identified and implemented are not effective in maintaining proper social distancing and sanitation, additional measures shall be identified and implemented or the facility shall be closed.
3. Executive Order N-33-20 issued by the Governor of the State of California ("Executive Order") mandates that all individuals living in the State of California stay home or at their

place of residence, except as needed to maintain continuity of operations of essential services sectors, as updated by the State Public Health Officer ("Essential Workers").

On March 17, 2020, after ratifying the Director's declaration of a local emergency caused by the spread of a novel coronavirus ("COVID-19"), the City Council of the City of Arcadia ("City Council") adopted Resolution 7300, declaring a local emergency. The Resolution directs the City Manager, as Emergency Services Director, to enact rules and regulations protecting life and property during the period of emergency.

Subsequent to the City Council's March 17, 2020 resolution: (1) on April 1, 2020 the California Department of Public Health ("CDPH") issued guidance recommending the use of face coverings while in public; (2) on April 4, 2020, the Centers for Disease Control and Prevention ("CDC") recommended wearing cloth face coverings in public settings where other social distancing measures are difficult to maintain (e.g., grocery stores and pharmacies), especially in areas of significant community-based transmission of COVID-19; and (3) on April 5, 2020, the Los Angeles County Department of Public Health recommended wearing a cloth face covering when leaving the house for essential activities.

On April 7, 2020, at a duly noticed regular meeting, the City Council of the City of Arcadia directed the City Manager to issue the rules and regulations stated within this Order.

4. This Order is intended to be in conformance with the Executive Order and guidance from the CDC, CDPH, and the Los Angeles County Department of Public Health. This Order is intended to protect life and property during the period of emergency.
5. This Order is issued as a result of the worldwide pandemic of COVID-19 disease, also known as "novel coronavirus," which has infected over one million individuals worldwide in over 180 countries and is implicated in over 75,000 worldwide deaths, including approximately 7,500 cases and 200 deaths in Los Angeles County. These numbers grow every day.
6. This Order is issued based on evidence of increasing transmission of COVID-19 both within the City of Arcadia and worldwide, scientific evidence regarding the most effective approach to slow transmission of communicable diseases generally and COVID-19 specifically, as well as best practices as currently known and available to protect the public from the risk of spread of or exposure to COVID-19.
7. This Order is intended to reduce the likelihood of exposure to COVID-19, thereby slowing the spread of COVID-19 in communities worldwide. This Order is issued to prevent circumstances often present in Covered Businesses that may exacerbate the spread of COVID-19, such as: (1) the increased likelihood that retail, restaurant, and banking transactions attract people from a broad geographic area; (2) the prolonged time period in which large numbers of people are in close proximity; and (3) difficulty ensuring that such persons (patrons and employees) follow adequate hygienic practices.
8. This Order is intended to address the strain upon the health care system from the effects of the COVID-19 virus. Similarly, this Order is intended to reduce the likelihood of exposure to COVID-19, thereby slowing the spread of COVID-19 in communities worldwide.

9. This Order is issued in accordance with, and incorporates by reference, the: March 4, 2020 Proclamation of a State Emergency issued by Governor Gavin Newsom; the March 4, 2020 Declaration of Local Health Emergency based on an imminent and proximate threat to public health from the introduction of novel COVID-19 in Los Angeles County; the March 16, 2020 Proclamation of Local Emergency by the Director; the March 17, 2020 ratification of the Proclamation of Local Emergency by the City Council by adopting Resolution 7300; the guidance issued on March 11, 2020 by the CDPH regarding large gatherings of 250 people or more; the guidance issued on March 15, 2020 by the CDC, the CDPH, and other public health officials through the United States and around the world recommending the cancellation of gatherings involving more than fifty (50) or more persons in a single space at the same time; the March 21, 2020 order of the Los Angeles County Department of Public Health prohibiting all “gatherings” as defined by the CDPH; Governor Newsom’s Executive Order N-33-20 of March 19, 2020 ordering all persons to stay at home to protect the health and well-being of all Californians and to establish consistency across the state in order to slow the spread of COVID-19; the on April 1, 2020 guidance from the CDPH recommending the use of face coverings while in public; the April 4, 2020 guidance issued by the CDC recommending wearing cloth face coverings in public settings where other social distancing measures are difficult to maintain (e.g., grocery stores and pharmacies), especially in areas of significant community-based transmission of COVID-19; and the April 5, 2020 guidance issued by the Los Angeles County Department of Public Health recommending the use of a cloth face covering when leaving the house for essential activities. Emergency management and public health officials at the federal, state, and county levels continue to issue guidance to slow the spread of COVID-19.
10. Violation of this Order is a crime and may also be pursued as an infraction, or a misdemeanor, in the City’s sole and absolute discretion. (Penal Code section 19; Government Code sections 8665, Arcadia Municipal Code Sections 1200 and 2215.)
11. Violation of this Order is a violation of the Arcadia Municipal Code. This Order may be enforced through any means available under the laws of the State or the Arcadia Municipal Code, including but not limited to the issuance of administrative citations and remedies pursuant to chapter 4 of the Municipal Code and/or suspension or revocation of a business license pursuant to section 6216.7 of the Municipal Code. A violation of this Order shall be grounds for suspension or revocation pursuant to section 6216.7(3) as a violation of a law or ordinance applicable to the premises and pursuant to section 6216.7(4) as conduct detrimental to the public welfare.
12. Copies of this Order shall be broadly publicized, including but not limited to being promptly: (1) made available at the City of Arcadia City Hall located at 240 West Huntington Drive, Arcadia, CA 91007; (2) posted on the City of Arcadia’s website (www.arcadiaca.gov); and (3) provided to any member of the public requesting a copy of this Order.

13. This Order shall be effective as of 12:00 p.m. (noon) on April 9, 2020. Businesses, and employees of businesses, will have until April 10, 2020, to acquire appropriate face coverings. the City will not impose penalties for violations of this Order until Monday, April 13, 2020. This Order shall remain in effect until the termination of the state of emergency and the local emergency, unless the City Council or the Director terminates or modifies this Order at an earlier time.

Dated: April 9, 2020

By: 

Dominic Lazzaretto
Director of Emergency Services/
City Manager
City of Arcadia, California