

ORDINANCE NO. 20-05

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GROVER BEACH, CALIFORNIA IMPOSING REGULATIONS TO PROTECT ESSENTIAL WORKERS THROUGH THE USE OF FACE COVERINGS TO PREVENT THE SPREAD OF THE NOVEL CORONAVIRUS (COVID-19)

WHEREAS, conditions of peril to the safety of persons and property have arisen within the City of Grover Beach, due to the Novel Coronavirus (COVID-19); and

WHEREAS, on March 4, 2020, the Governor of the State of California declared a state of emergency due to conditions caused by COVID-19; and

WHEREAS, on March 13, 2020, the Director of Emergency Services for the County of San Luis Obispo declared a state of emergency due to conditions caused by COVID-19 and issued County of San Luis Obispo's Local Emergency Order and Regulation No. 4; and

WHEREAS, on March 13, 2020, the President of the United States declared a state of emergency due to conditions caused by COVID-19; and

WHEREAS, on March 16, 2020, the City Manager of the City of Grover Beach, confirmed by the City Council, declared a state of emergency within the City of Pismo Beach due to conditions caused by COVID-19; and

WHEREAS, the Centers for Disease Control is now advising that individuals use simple cloth face coverings in public in addition to social distancing and good hygiene to help slow the spread of the virus; and

WHEREAS, workers continue to provide essential services during this emergency, and some of these workers face a risk of exposure. Workers who come into frequent contact with the public must also be protected from infection; and

WHEREAS, in the interest of public peace, health, and safety as affected by the emergency caused by the spread of COVID-19, it is necessary to issue these regulations related to the protection of the public peace, health and safety.

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF GROVER BEACH AS FOLLOWS:

PART 1. Effective 5 p.m. on June 2, 2020, all places of business open to business within the City of Grover Beach shall post at each public entrance to the business a sign not smaller than 8.5 inches x 11 inches and not less than 28-point type stating substantially as follows:

BE RESPECTFUL – WEAR A MASK

The United States Center for Disease Control (CDC) recommends that people wear a cloth face covering to cover their nose and mouth in the community setting. This is an additional public health measure people should take to reduce the spread of COVID-19 in addition to (not instead of) social distancing, frequent hand cleaning and other everyday

preventive actions. Avoid entering this facility if you have a cough or fever and maintain a minimum six-foot distance from others while in this facility.

DO YOUR PART – STAY APART

PART 2. All employees employed in businesses within the City of Grover Beach who can safely wear a face covering over their nose and mouth are required to do so when working in publicly accessible areas of the business where the employee is unable to maintain a minimum six-foot distance from patrons or visitors of the business. As used in this ordinance, an employee can safely wear a facial covering unless the employee provides his/her employer with written documentation from a health care provider attesting under penalty of perjury that the employee's health would be seriously and adversely affected by the face covering requirement set forth in this ordinance. As used in this ordinance, a "health care provider" shall have the same meaning as that set forth in Government Code Section 12945.2(c)(6).

PART 3. All business owners or operators shall ensure their employees comply with the requirements of this ordinance, and they shall provide, pay for, or reimburse their employees for face coverings as needed to comply with this ordinance. Single-use face coverings shall be properly discarded into trash receptacles when no longer in use. All persons, including non-medical Essential Workers are discouraged from using Personal Protective Equipment (PPE), such as N95 masks, for non-medical reasons.

PART 4. Any violation of this ordinance is punishable as an administrative penalty and an infraction pursuant to Grover Beach Municipal Code Article 1, Chapters 2 or 4 at the discretion of the City Attorney.

PART 5. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held invalid by a court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases, be declared invalid.

PART 6. This ordinance shall become effective immediately upon passage and adoption hereof, as it is an urgency ordinance intended to immediately protect the public welfare, health and safety. This ordinance shall be reviewed on a periodic basis by the City Council, not to exceed a period of ninety days, to determine the continued need for the ordinance.

PART 7. Under the provisions of the California Environmental Quality Act (CEQA) Guidelines Section 15061 (b) (3), this ordinance is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, such as the adoption of the regulations contained herein, the activity is not subject to CEQA.

PART 8. This ordinance shall not be interpreted in any manner to conflict with controlling provisions of state or federal law, including, without limitation, the Constitution of the State of California. If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby.

INTRODUCED at a regular meeting of the City Council held on June 1, 2020 and the foregoing urgency ordinance was **PASSED, APPROVED, and ADOPTED** by the City Council on June 1, 2020, on the following roll call vote, to wit:

AYES: Lance, Nicolls, Shah, Mayor Pro Tem Bright and Mayor Lee
NOES: None
ABSENT: None
ABSTAIN: None
RECUSED: None



JEFF LEE, MAYOR

Attest:



WENDI SIMS, CITY CLERK

Approved as to Form:



DAVID P. HALE, CITY ATTORNEY