

**C-1**

August 25, 2020

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

**RECOMMENDATION:**

Confirm the City Manager's promulgation of the revised Safer at Home Health Order, issued on August 13, 2020, and revised Required Protocols for Licensed Congregate Health Care Facilities Order issued on August 11, 2020, by the City of Long Beach Health Officer as a regulation. (Citywide)

**DISCUSSION**

On March 19, 2020, the City's Health Officer issued the "Safer at Home Order for Control of COVID-19" (Health Order) to mitigate the effects of COVID-19 within Long Beach. The City's Health Officer has revised the Health Order from time to time, as necessary, to protect public health and safety during this ongoing emergency. On August 13, 2020, the City's Health Officer issued revisions to the Health Order to provide additional guidance with regard to youth sports programs and public and private K-12 schools and institutes of higher education, pursuant to a mandate by Governor Gavin Newsom and the State Health Officer. Further, the City's Health Officer issued revised Required Protocols for Licensed Congregate Health Care Facilities Order, on August 11, 2020 to align with Center for Disease Control (CDC) guidance for community-related exposure to COVID-19. Attached are the latest revisions to the Health Order.

On May 12, 2020, the City Council adopted Long Beach Municipal Code (LBMC) Chapter 8.120, "Temporary Enforcement of Long Beach Health Orders Related to COVID-19," which became effective immediately as an urgency Ordinance. Chapter 8.120 requires, where practicable, the City Council to confirm COVID-19 Health Orders for the sole purpose of authorizing the City Manager's promulgation of such Health Orders. In the event it is not feasible to do this, the City Manager is required to, within 14 days of promulgation of said Health Orders, request the City Council to confirm the City Manager's promulgation of the Health Order. The City Manager's promulgation of the Health Order, and City Council's confirmation of such orders, authorizes enforcement authority of the Health Orders under the Proclamation of Local Emergency and provisions of Chapter 8.120.

This process recognizes the potential need for the City's Health Officer to quickly amend or update, and the City Manager to promulgate as a regulation under the LBMC, City Health Orders that protect life and property as affected by the COVID-19 emergency. The process allows for the City to respond to the rapid development of COVID-19, while ensuring the City Council maintains oversight of the COVID-19 local emergency and the City Manager's promulgation of related orders.

This matter was reviewed by Deputy City Attorney Taylor M. Anderson and Budget Manager Grace H. Yoon on August 17, 2020.

TIMING CONSIDERATIONS

City Council action is requested on August 25, 2020. Confirmation by the City Council of the revised Health Order within 14 days of promulgation is a requirement of LBMC Section 8.120. The Health Order was revised and promulgated on August 13, 2020 and the Required Protocols for Licensed Congregate Health Care Facilities Order was amended, issued and promulgated on August 11, 2020.

EQUITY LENS

The City has incorporated the Equity Toolkit into the City's Emergency Operations Center, as requested by the City Council on April 21, 2020. The revised Health Order takes the City's equity approach into consideration when the Health Order is drafted and implemented. The City's enforcement model for compliance with the Health Order prioritizes education with the community first.

FISCAL IMPACT

The full fiscal impact of the implementation and enforcement of the revised Health Order is unknown at this time, due to the unprecedented and quickly changing nature of the response to the pandemic. The Health Order and its amendments have an inherent impact on the health of the community and economic activity of Long Beach. There is substantial evidence provided through various public City reporting that the Health Order and its amendments are positively impacting the health and safety of Long Beach residents; and, there is substantial evidence, also provided through other public documents issued by the City, that the Health Order and its amendments are negatively impacting the economy and the City's financial status. As the Health Order is modified from time to time, the modifications are intended to ensure compliance with State directives and to strike a balance, appropriate at the time of modification, between the safety and well-being of residents and other important considerations such as economic impacts. This recommendation has no staffing impact beyond the normal budgeted scope of duties and is consistent with existing City Council priorities.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



THOMAS B. MODICA  
CITY MANAGER

## **SAFER AT HOME ORDER FOR CONTROL OF COVID-19**

Continued Closure of Certain Stage 2 and 3 Sectors Pursuant to Mandate by Governor Gavin Newsom and the State Health Officer

REVISED ORDER ISSUED: August 13, 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 § 120275 et seq; Long Beach Municipal Code § 8.120.030.A and 8.120.030.E.3)**

**Summary:** This Long Beach Health Officer Order (Order) amends and supersedes all Prior Safer at Home Orders (Prior Orders) issued by the Long Beach Health Officer to control the spread of the Novel Coronavirus (COVID-19) within the City of Long Beach (City). This Order also amends, clarifies, and continues certain terms of the Prior Order to ensure continued physical distancing and person-to-person contact is limited to reduce the rate of transmission of COVID-19. Changes from the previous Order are highlighted.

The spread of COVID-19 remains a major risk to the community and the danger COVID-19 poses to the health and welfare of all continues. It's critical that the community and the public remains vigilant with practices that prevent the spread of COVID-19, like maintaining a 6-foot distance from individuals outside your household even while wearing a face covering, wearing a face covering over your mouth and nose while in close contact with individuals outside your household, frequent hand washing, and staying home when sick.

The Health Officer will continue to monitor the rate of COVID-19 disease spread, the severity of the resulting illnesses and deaths caused, CDPH and Centers for Disease Control and Prevention (CDC) recommendations, and the effect of this Order. If needed, this Order may be extended, expanded, or otherwise modified 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 AS FOLLOWS:**

#### **INDIVIDUALS**

1. All persons residing within the City of Long Beach are to remain at their place of residence whenever practicable. Individuals who do not currently reside in the City must comply with all applicable requirements of this Order when in the City.
2. All public and private gatherings of any number of people occurring outside a single household are prohibited within the City, except for the limited purposes expressly permitted by this Order. Nothing in this Order prohibits members of a single household from engaging in Permitted Activities together.
3. All people residing within the City who are age 65 or older and all people of any age who have underlying health conditions are strongly urged to remain in their residences, except as necessary to seek medical care, to obtain food, or to obtain other necessities. Employers should offer telework or other accommodations to persons 65 or older and/or people with underlying health conditions whenever possible.

4. Any person leaving their residence for Permitted Activities defined below must strictly comply with Physical Distancing Measures specified by Section 20 of this Order, which includes the following:
  - a. Maintaining at least six-foot physical distance from other individuals, even when wearing a Face Covering;
  - b. Engaging in activities outdoors instead of indoors, whenever possible;
  - c. Washing hands with soap and water for at least twenty seconds or use hand sanitizer that contains at least 60% alcohol, as frequently as possible;
  - d. Covering coughs or sneezes (into the sleeve, elbow, or tissue, not hands);
  - e. Regularly cleaning and disinfecting high-touch surfaces;
  - f. Avoid shaking hands;
  - g. Avoid all social interaction outside the household when sick with fever or cough; and
  - h. Wearing a Face Covering. This Order requires all persons wear a Face Covering, as defined by Section 17 of this Order, over both their 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. This includes wearing a Face Covering when patronizing a business. Wearing a Face Covering reduces the risk of transmission to others from people who do not have symptoms and do not know they are infected. The use of Face Covering is commonly referred to as “source control.” The following individuals are exempt from Face Covering requirements:
    - i. Persons age two years or under, due to risk of suffocation.
    - ii. Persons with a medical condition, mental health condition, or disability that prevents wearing a Face Covering. This includes persons with a medical condition for whom wearing a Face Covering could obstruct breathing or who are unconscious, incapacitated, or otherwise unable to remove a face covering without assistance. Persons exempted from wearing a face covering due to a medical condition who are employed in a job involving regular contact with others should wear a non-restrictive alternative, such as a face shield with a drape on the bottom edge, as long as their condition permits it.
    - iii. 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.
    - iv. Persons for whom wearing a Face Covering would create a risk to the person related to their work, as determined by local, state, or federal regulators or workplace safety guidelines.

- v. Persons traveling alone or with members of their household.
- vi. Persons engaged in physical exercise or outdoor recreation alone or with members of their same household (such as, swimming, walking, hiking, bicycling, or running) and when they are able to maintain a distance of at least 6 feet from others.
- vii. Persons who are obtaining a service involving the nose or face for which temporary removal of the Face Covering is necessary to perform the service.
- viii. Persons who are seated at a restaurant or other establishment that offers food or beverage service, while they are eating or drinking, provided that they are able to maintain a distance of at least 6 feet away from persons who are not seated at the same table.
- ix. Individuals engaged in work, whether at the workplace or performing work off-site, in any room or enclosed area where physical distance of 6 ft or greater can be maintained. This exemption shall not apply to workers in any space visited by members of the public, regardless of whether anyone from the public is present at the time.

5. The following "Permitted Activities" are allowed by this Health Order:

- a. Performing work for, or accessing businesses or services permitted to operate under this Order, including carrying out Minimum Basic Operations for businesses that are closed or operating remotely;
- b. Traveling to engage in any activities allowed by this Order;
- c. Engaging in activities or performing tasks essential to health and safety, or to the health and safety of their family or household members (including pets);
- d. Obtaining necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others;
- e. Engaging in active outdoor recreation and personal exercise (including outdoor activities with pets), such as, walking, cycling, hiking, running, tennis, or golf;
- f. Engaging in legally mandated governmental purposes, such as, access to court, social, and administrative services or complying with an order of law enforcement or court;
- g. Attending an in-person religious service or cultural ceremony outdoors;
- h. Participating in a vehicle-based parade. Any participants and the host of the vehicle-based parade must comply with all local and State traffic control requirements, and any applicable State and local laws; and
- i. Political Protests. Pursuant to guidance issued by the State Health Officer for "Protected activities: Can I engage in political protest?" found [here](#), in-person political protests are

permitted outdoors only and provided that physical distancing of 6 feet between persons or groups of persons from different households is maintained at all times. Indoor political protests are prohibited. Face Coverings should be worn by protesters, even where physical distancing of 6 feet or greater can be maintained. This subsection does not allow for any gathering or the operation of any business or activity prohibited by this Order.

- j. Persons experiencing homelessness are exempt from this Section but are strongly urged to obtain shelter and abide by Physical Distancing Measures.
6. This Order considers employees of government agencies working in the course and scope of their public service employment to be Essential Infrastructure.
- a. This Order declares that all government employees to be essential, including, but not limited to, health care providers and emergency responders.
  - b. While all government employees are essential, employees called to serve in their Disaster Service Worker capacity must be available to serve the public or assist in response or continuity of operations efforts during this public health crisis to the maximum extent allowed under the law.
  - c. 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. Government agencies are expected to follow this order to the fullest extent possible, with limited exceptions as needed to continue to sustain critical government operations.

### BUSINESSES

7. All businesses and organizations permitted to operate under this Order shall comply with local and State orders, guidance, protocols, and laws. All businesses are required to complete a risk assessment, implement, and post the [Physical Distancing Protocols](#) (attached as Appendix A) or any City-issued Industry-Specific Protocol required by this Order, as they may be amended from time to time, prior to operation. All businesses are strongly encouraged to maximize the number of employees who telework, to the extent feasible.

- a. State Orders and guidance are located at the following sites:

Industry Guidance - <https://covid19.ca.gov/industry-guidance/>

Industry Guidance for Counties with Variance - <https://covid19.ca.gov/roadmap-counties/>

Executive Orders and Health Orders - <https://covid19.ca.gov/stay-home-except-for-essential-needs/#top>

Essential Workforce Sector Guidance - <https://covid19.ca.gov/essential-workforce/>

- b. City Health Orders, guidance, [Physical Distancing Protocols](#) (Appendix A) and any City-issued Industry-Specific Protocols are located here:  
<http://www.longbeach.gov/health/diseases-and-condition/information-on/coronavirus/covid-19-orders/>
8. Essential Businesses, Essential Infrastructure, and Healthcare Operations may remain open to the public and conduct normal business operations, provided they operate in accordance with this Order and State and local guidance, which includes any City-issued Industry-Specific Protocol required by the Long Beach Health Officer in this Order.
9. Lower-Risk Businesses may operate under this Order, provided they operate in accordance with this Order and State and local guidance, which includes any City-issued Industry-Specific Protocol required by the Long Beach Health Officer in this Order. "Lower-Risk Businesses" are those businesses, organizations, gatherings, or activities not specified as an Essential Business, Essential Infrastructure, or a Healthcare Operation where there is a lower risk of transmission of COVID-19 due to little to no incidents of intense and/or prolonged person-to-person contact because they can routinely maintain a 6 foot physical separation between individuals or can implement physical barriers, except for very brief, incidental periods necessary to accept payment, deliver goods or services, or as otherwise necessary. Lower-Risk Businesses include:
  - a. Any retail establishments that provide goods to the public in accordance with the [Retail In-Person Shopping Protocols](#) attached as Appendix B, as amended from time to time. Retail establishments include:
    - i. All stores and vendors located in indoor shopping malls that are normally accessible by the public from the exterior of the shopping mall. All stores and vendors that are located on the interior of an indoor shopping mall may operate for curbside, doorside, or other outdoor pickup or delivery only . The interior of an indoor shopping mall shall be closed to the public. Outdoor strip malls, outlet malls, and swap meets may continue to operate. Higher-Risk Businesses located within a Shopping Center Operation required to remain closed pursuant to Section 15 this Order must continue remain closed until each of those types of establishments are permitted by this Order to resume modified or full operations. Shopping Center Operations for indoor food courts, indoor dining areas, or indoor restaurant operations may operate for curbside, doorside, or other outdoor pickup and delivery only. Outdoor food courts, outdoor dining areas, and restaurants with outdoor seating must comply with requirements for restaurants in this Order.
    - ii. Libraries, for curbside, doorside, or other outdoor pickup only. Patrons must reserve or place items on-hold in advance via a reservation-based system, including a telephone option for individuals without internet access at home. Pickups may occur by appointment only.
  - b. Any manufacturing and logistics sector businesses which supplies retail establishments

- permitted to operate by this subsection;
- c. Limited services or activities, which include, but is not limited to:
- i. Businesses that provide services for animals/pets (such as, grooming, walking, and training), car washes, or residential cleanings. Any services for animals or pets that operate in groups, such as training, may operate outdoors only provided that physical distancing of 6 feet or greater is maintained between participants;
  - ii. Staff of organizations or associations for the sole purpose of preparing and facilitating live-stream services with their members, including worship services, provided that the staff gathering is limited to 10 people or fewer.
  - iii. In-person counseling services where the service cannot reasonably be practiced remotely and the counselling is limited to members of a single household.
  - iv. In-person behavioral health or substance use disorder support in therapeutic small group meetings, such as Alcoholics Anonymous or Narcotics Anonymous, provided physical distancing of 6 feet is maintained at all times between persons or groups of persons from different households.
  - v. Outdoor equipment rental services, in accordance with the [Outdoor Equipment Rental Services Protocol](#), as amended from time to time, attached as Appendix D.
  - vi. Tennis centers, in accordance with the [Tennis Protocols](#), as amended from time to time, attached as Appendix E.
  - vii. Public and private golf courses, including any associated parking lots, in accordance with the [Golf Course Protocols](#), as amended from time to time, attached as Appendix F.
- d. Businesses whose operations require employees work from an office worksite who are not identified as an Essential Business, Healthcare Operation, or Essential Infrastructure in this Order may operate via telework and for Minimum Basic Operations only. Essential Business, Healthcare Operation, or Essential Infrastructure whose operations necessitate that employees operate from an office worksite, must require employees telework to the extent feasible and any in-person operations must be in accordance with the [Office Worksite Protocols](#), as amended from time to time, attached as Appendix G.
- e. Drive-in operations, including movie theaters and restaurants, provided any City-issued permit required for the activity is obtained and in compliance with State-issued guidance found [here](#). Drive-in operations are subject to the following restrictions: (1) vehicles must be spaced at least 6 feet apart; (2) gatherings outside vehicles are prohibited; (3) all people must remain in their vehicle if not utilizing restroom facilities or picking up concessions or food; (4) each vehicle may only be occupied by members of the same household; (5) drive-in operations for restaurants are limited to parking assigned to the restaurant and may not utilize the public right-of-way; and (6) restaurants are prohibited



from serving alcoholic beverages to customers dining in their vehicles at a drive-in operation.

10. "Higher-Risk Businesses" are those businesses, organizations, gatherings, or activities not specified as an Essential Business, Essential Infrastructure, or a Healthcare Operation that by their nature may not readily adhere to physical distancing requirements of maintaining 6 feet or more between individuals or that have long, frequent duration of close contact between individuals, especially large groups of individuals. Since physical distancing of 6 feet or more cannot be readily maintained or implemented while providing service for performing the activity, the use of personal protective equipment, such as Face Coverings is required for any employee that must be within less than 6 feet of customers as mitigation for the inability to physically distance. Higher-Risk Businesses permitted to operate under this Order and provided that any City-issued permit required for the activity is obtained include:
  - a. Dine-in restaurants, which includes, brewpubs, breweries, bars, pubs, craft distilleries, and wineries that hold a City-issued restaurant permit to provide sit-down, dine-in meals, may operate outdoors only and in accordance with the [Dine-In Restaurant Protocols](#), as amended from time to time, attached as Appendix H. Indoor dining is prohibited. Establishments that only serve alcohol and who are not licensed to provide food service are not permitted to operate under this Section.
  - b. Hair salons and barbershops for outdoor operations only, in accordance with [Hair Salon and Barbershop Protocols](#), as amended from time to time, attached as Appendix I.
  - c. Small charter services, which includes fishing, chartered boat, or small group guided trips, in accordance with the [Small Charter Services Protocols](#), as amended from time to time, attached as Appendix C.
  - d. Gyms and fitness facilities for outdoor operations only, in accordance with the [Gym and Fitness Center Protocols](#), as amended from time to time, attached as Appendix M. Playgrounds within gyms or fitness facilities must remain closed pursuant to Section 15 of this Order. This subsection is not intended to allow for, or apply to, team or contact sports.
  - e. Day camps, in accordance with the [Day Camp Protocols](#), as amended from time to time, attached as Appendix N.
  - f. Campgrounds and RV Parks, in accordance with the [Campground and RV Park Protocols](#), as amended from time to time, attached as Appendix O.
  - g. Outdoor portions of museums, galleries, botanical gardens, aquariums, and other similar facilities (collectively "Museums") for outdoor operations only, in accordance with the [Museum, Gallery, and Aquarium Protocols](#), as amended from time to time, attached as Appendix P. Indoor portions of Museums must be closed to the public. This subsection is not intended to allow the operation of any facility or activity required to remain closed pursuant to Section 15 of this Order, including, but not limited to, indoor and outdoor playgrounds.

- h. Training and competition of professional sports without live audiences, in accordance with [Protocol for Professional Sports Leagues and Facilities - Spectator-Free Events](#), as amended from time to time, attached as Appendix S. Back office staff and management may operate via telework and for Minimum Basic Operations only. Retail operations must adhere to the [Retail In-Person Shopping Protocols](#) attached as Appendix B, as amended from time to time.
- i. All public and private swimming pools, in accordance with the [Protocols for Public Swimming Pools](#), as amended from time to time, attached as Appendix K.
- j. [Intentionally Omitted]
- k. Nail salons for outdoor operations only, in accordance with [Nail Salon Protocols](#), as amended from time to time, attached as Appendix U.
- l. Personal services for outdoor operations only, including, tanning salons, esthetician, skin care and cosmetology services; electrology; body art professionals, tattoo parlors, microblading and permanent make-up; and piercing shops; and massage therapy (in non-healthcare setting) in accordance with [Personal Care Establishment Protocols](#), as amended from time to time, attached as Appendix V.
- m. Shared electric scooters (e-scooters) and bicycle sharing services that require a City Micro-Mobility Permit, in accordance with sanitation and operating protocols required in their City-issued Micro-Mobility Permit.
- n. Youth sports programs, in accordance with Protocols for [Youth Sports Leagues](#), as amended from time to time, attached as Appendix W.
- o. Public and private K-12 schools. The State Public Health Officer requires all public and private schools (K-12) within the County of Long Angeles, including the City of Long Beach, to remain closed to in-person learning until the County of Los Angeles has been off the State's County Monitoring List for 14 consecutive days. Public and private K-12 schools may conduct distance learning only. Elementary schools may seek a waiver, when recommended by the State Public Health Officer or as permitted by the Long Beach Health Officers. Schools (K-12) that are permitted to reopen for in-person learning must follow the [Reopening Protocols for K-12 Schools](#) and the [Protocol for COVID-19 Exposure Management Plan in K-12 Schools](#), as amended from time to time, attached as Appendix X1, and X2 ;
- p. Institutes of Higher Education. Colleges and universities in Long Beach will not be able to resume all in-person academic instruction, at this time. Institutions may continue to offer in-person training and instruction for essential workforce for only those activities that cannot be accomplished through virtual learning. All other academic instruction must continue to be done via distance-learning as specified in the Protocols for Institutes of Higher Education and the Protocol for COVID-19 Exposure Management Plan for Institutes of Higher Education, as amended from time to time, attached as Appendixes Y1 and Y2.

11. In-Person Religious Services and Cultural Ceremonies. Pursuant to guidance issued on March 25, 2020 by the State Health Officer titled "COVID-19 Industry Guidance: Places of Worship and Providers of Religious Services and Cultural Ceremonies" found [here](#), in-person religious services and cultural ceremonies are permitted outdoors only. Indoor in-person religious services and cultural ceremonies are prohibited. There is no maximum for the total number of individuals permitted to gather outdoors for a service or ceremony provided that physical distancing of 6 feet between persons or groups of persons from different households is maintained at all times and attendees adhere strictly to all other Physical Distancing Measures. Back office staff and management may operate via telework and for Minimum Basic Operations only. Service of self-service food and/or beverages are prohibited. Singing, chanting, and other practices and performances where there is an increased likelihood for transmission from contaminated exhaled droplets are prohibited for in-person services. This subsection does not allow for any gathering or the operation of any business or activity prohibited by this Order. Alternative methods of providing services (such as via the internet, streaming, or telephone) in place of or in addition to in-person services are strongly encouraged, wherever possible.
  
12. Physical Distancing Protocols Required. The owner or operator of any business permitted to operate pursuant to this Order shall perform a detailed risk assessment and prepare, implement, and post a [Physical Distancing Protocols](#) (attached as Appendix A), or any City-issued Industry-Specific Protocol required by this Order, as they may be amended from time to time, at each of their facilities in the City frequented by the public or employees subject to the requirements herein prior to operation. All businesses operating under this Order shall provide evidence of its implementation to any authority enforcing this Order upon demand. The Physical Distancing Protocols or City-issued Industry-Specific Protocol must be posted at or near the entrance of the relevant facility, and shall be easily viewable by the public and employees. A copy of the Physical Distancing Protocols or City-issued Industry-Specific Protocol must also be provided to each employee performing work at the facility. The Physical Distancing Protocols or City-issued Industry-Specific Protocol of any business operating pursuant to this Order must explain how the business is achieving the following, as applicable:
  - a. Limiting the number of people who can enter into the facility at any one time to ensure that people in the facility can easily maintain a minimum six-foot distance from one another at all times, except as required to complete a business activity. This requirement includes providing adequate security of staffing to implement any necessary crowd control. As a general rule, the number of people allowed in the facility at one time should be fifty percent (50%) of allowed occupancy, or otherwise adjusted to easily maintain a minimum six-foot distance depending on the size of the facility. Persons who are members of the same household, may stand or move together, but must be separated from others by a distance of at least six (6) feet.
  
  - b. Where lines may form at a facility, marking six-foot increments at a minimum, establishing where individuals should stand to maintain adequate physical distancing, whether outside or inside the facility. Businesses electing to, or required to, operate for curbside, doorside, or other outdoor pickup or delivery must also explain how the business is preventing the public right-of-way and/or ADA accessibility on sidewalks,

surrounding areas, and other businesses during pickups. This includes, but is not limited to, creating a system for people to stand in socially distanced line, indicators on the ground where people should stand, and any other crowd control measures (e.g. staff assigned to crowd control).

- c. Providing, at the business' expense, hand sanitizer that contains at least 60% alcohol, soap and water, or disinfectant qualified for use against COVID-19 at or near the entrance of the facility, in other appropriate areas for use by the public and employees, and in locations where there is high-frequency employee interaction with members of the public (e.g. cashiers). Restrooms normally open to the public shall remain open to the public.
- d. Providing for the regular disinfection of high-touch surfaces and disinfection of all payment portals, pens, and styluses after each use, including sufficient staffing to ensure an employee is assigned to regularly disinfect such surfaces. Businesses are encouraged to also offer touch-less payment mechanisms, if feasible.
- e. Providing physical space between employees and customers (e.g. plexiglass at point of sale locations, drive through, partitions).
- f. Posting a sign at the entrance of the facility informing all employees and customers that they should: (1) avoid entering the facility if they are experiencing symptoms of respiratory illness, including cough or fever; (2) to maintain a minimum six-foot distance from one another; (3) sneeze and cough into one's elbow; (4) not shake hands or engage in any unnecessary physical contact.
- g. Require, and permit adequate time for, employees to wash their hands at least every 30 minutes, or as needed if gloves are provided. Where hand washing is impracticable to the nature of the employee's work, the employer shall provide hand sanitizer that contains at least 60% alcohol to the employee. Such employees shall also be required and permitted adequate time to sanitize their hands at least every 30 minutes, or as needed if gloves are provided.
- h. Ensure sanitary bathrooms are made available to employees, which are stocked with necessary soap, towels, toilet seat covers, and toilet paper.
- i. Providing, at the employer's expense, Face Coverings for employees and contracted workers whose duties require interactions with other employees and/or the public, as well as appropriate training on their proper use.
- j. Require that members of the public who enter the facility, or obtain products or service via curbside, doorside, or other outdoor pickup or delivery, wear a Face Covering during their time in the facility or during their interaction with employees. Businesses may refuse admission or service to any individual who fails to wear a Face Covering required by this subsection.
- k. Make every effort to implement Physical Distancing Protocols or City-issued Industry-Specific Protocols, as required, with employees, including, but not limited to: (i) allow

employees to telework; (ii) allow for flexible schedules, such as, staggering schedules of employees so less individuals occupy a worksite at any given time; (iii) separate employees by at least six (6) feet; (iv) allow teleconferencing or video conferencing for meetings; (v) limit meetings or gatherings of any sort, especially in locations where employees could interact or come in contact with any member of the public, including limiting the need for employees to work in teams of two or more.

- I. Any additional measures required by the Centers for Disease Control and Prevention's guidance at: <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>) and Cal/OSHA at <https://www.dir.ca.gov/dosh/coronavirus/Health-Care-General-Industry.html>.

13. Minimum Basic Operations. All businesses not permitted by this Order to resume modified or full operations are required to cease all in-person activities, except for Minimum Basic Operations. "Minimum Basic Operations" means all persons and businesses required to cease in-person operations may continue to work from home and may travel to those businesses for the following reasons:

- a. The minimum necessary activities to maintain and protect the value of the business's inventory and facilities; ensure security, safety, and sanitation; process payroll and employee benefits;
- b. The minimum necessary activities to facilitate owners, employees, and contractors of the business being able to continue to work remotely from their residences, and to ensure that the business can deliver its service remotely.

#### RECREATIONAL SITES

14. The following recreational sites may open for limited uses, subject to the restrictions herein:
- a. Public park and beach parking lots, beach bike and pedestrian paths that traverse the sanded portion of the beach, public trails, trailheads, dog parks, dog beaches, and skate parks.
  - b. Public beaches. Individuals and members of the same household may engage in stationary activities (e.g. sunbathing, sitting, picnics), active outdoor recreation, and physical exercise at public beaches provided that a physical distance of 6 feet or greater is maintained between other households and individuals. Playgrounds shall remain closed pursuant to Section 15 of this Order. Except as otherwise authorized by this Order, gatherings of members from different households are prohibited, including, but not limited to, events, picnics with members of different households, sunbathing, group sports, athletic competitions, and other similar activities.
  - c. Public parks. Individuals and members of the same household may engage in stationary activities (e.g. sitting and picnics), active outdoor recreation, and physical exercise at public parks provided that a physical distance of 6 feet or greater is maintained between other households and individuals. Except as otherwise authorized by this Order,

gatherings of members from different households are prohibited, including, but not limited to, any activity that requires a City facility rental or athletic field permit, events, athletic competitions, group sports, and picnics with members of different households. Playgrounds and family entertainment centers in parks shall remain closed pursuant to Section 15 of this Order. Restaurants and food concessions shall operate for outdoor dining only and in accordance with the [Dine-In Restaurant Protocols](#), as amended from time to time, attached as Appendix H. Indoor dining is prohibited. Mobile food vendors, such as food trucks and food carts, shall operate in accordance with the Long Beach Municipal Code and the [Mobile Food Vendor Protocols](#), as amended from time to time, attached as Appendix J. Visitors centers at public parks may operate via telework and for Minimum Basic Operations only.

- d. All basketball courts, volleyball courts, pickleball courts, and picnic areas, provided that use of such facilities is limited to one household at a time. Gatherings of members from different households are prohibited. High contact sports, such as, basketball, baseball, soccer, football, volleyball, are permitted provided that activities are limited to members of the same household only.
- e. Public piers, including restaurants and retail. Restaurants located on public piers must operate in accordance with the [Dine-In Restaurant Protocols](#), as amended from time to time, attached as Appendix H. Retail operations on public must adhere to the [Retail In-Person Shopping Protocols](#) attached as Appendix B, as amended from time to time.

#### CONTINUED CLOSURES

15. Continued Closures of Certain Higher-Risk Businesses. The Health Officer orders the continued closure of the following Higher-Risk Businesses and activities:
- a. Indoor or outdoor playgrounds for children, except for those located within childcare centers.
  - b. Convention centers and public entertainment venues, such as, movie theaters, live performance theaters, concert halls, arenas, stadiums, theme parks, festivals.
  - c. Live entertainment, including, but not limited to, live music and live performances.
  - d. Nightclubs and lounges, including, but not limited to, smoking, cigar, or hookah lounges.
  - e. Family entertainment centers, such as, bowling alleys, arcades, and amusement park rides (e.g. trains and carousels).
  - f. All public or private spas, hot tubs, saunas, and steam rooms except those located in a single-family residence, which shall be used only by members of the household residing at the single-family residence.
  - g. Brewpubs, craft distilleries, breweries, bars, pubs and wineries that do not have a City-issued restaurant permit, including any associated tasting rooms. Facilities in this subsection shall not be permitted to partner with businesses that offer meals, such as, a restaurant, fast food restaurant, food trucks, mobile food vendor, or similar business

- that prepares and serves bona fide meals, to provide service to customers.
- h. Indoor, in-person onsite dining at restaurants and similar food facilities, including brewpubs, craft distilleries, pubs, wineries that hold a City-issued restaurant permit.
  - i. Indoor portions and exhibits of museums, zoos, and aquariums must close to the public.
  - j. Recreational **adult** team sports.
  - k. Indoor operations of personal care services, including, nail salons, tanning salons, esthetician, skin care and cosmetology services; electrology; body art professionals, tattoo parlors, microblading and permanent make-up; and piercing shops; and massage therapy (in non-healthcare setting).
  - l. Indoor operations of gyms and fitness facilities.
  - m. Indoor operations of hair salons and barbers.
  - n. All events and gatherings, unless specifically allowed by this Order.

#### DEFINITIONS

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

16. "Essential Businesses" shall refer to those establishments whose primary business, per their City-issued business license is any of the following:
  - a. Grocery stores, certified farmers' markets, farm and produce stands, supermarkets, food banks, convenience stores, warehouse stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruit and vegetables, animal/pet supply, water, fresh meats, fish, and poultry, and any other business where the primary function of the business is to sell household consumer products (such as cleaning products 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. Retail food establishments in this subsection shall operate in accordance with the [Grocery Facility Protocols](#), as amended from time to time, attached as Appendix L. Where applicable, retail operations of establishment in this subsection must adhere to the [Retail In-Person Shopping Protocols](#) attached as Appendix B, as amended from time to time.;
  - b. Food processors, confectioners, food packagers, food testing labs that are not open to the public, and food cultivation, including farming, livestock, and fishing;
  - c. Organizations and businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals (including gang prevention and intervention, domestic violence, and homeless service agencies);
  - d. Newspapers, television, radio, magazine, podcast and other journalism activities,

including taped, digitally recorded or online-streamed content of any sort that is produced by one or more members of a single household, within the household's residence and without the physical presence of any non-member of the household. Music, film, and television production may resume in accordance with the [Music, Film, and Television Protocols](#), as amended from time to time, attached as Appendix R. Back office staff and management may operate via telework and for Minimum Basic Operations only;

- e. Gas stations, auto-supply, mobile auto-repair operations, automobile sales, auto repair shops, bicycle repair shops, towing and recovery services, and related distribution, sales, rental, leasing, repair, and maintenance facilities;
- f. Banks, credit unions, financial institutions, and insurance companies;
- g. Hardware stores, garden nurseries, building supply stores;
- h. Plumbers, electricians, professional pest control, custodial/janitorial workers, handyman services, funeral home workers and morticians, moving services, HVAC installers, carpenters, vegetation service, tree maintenance, landscapers, gardeners, property managers, private security personnel and other service providers who provide services to maintain the security, 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);
- k. Laundromats, dry cleaners, and laundry service providers;
- l. Restaurants and other food facilities, including, brewpubs, breweries, bars, pubs, craft distilleries, and wineries that hold a City-issued restaurant permit, that prepare and serve food for outdoor dining, drive-thru, curbside, doorside, or other outdoor pickup and delivery only. Indoor dining is prohibited. Outdoor bar areas within restaurants in this subsection shall remain closed. Restaurants may sell market products (such as, produce, pantry goods, meat, and eggs) if they offer such products for pickup or delivery only. Restaurants shall obtain market products for the customer. Restaurants are prohibited from converting indoor or outdoor seating areas into a market. Restaurants shall operate outdoor in-person dining in accordance with the [Dine-In Restaurant Protocols](#), as amended from time to time, attached as Appendix H. Mobile food vendors, such as food trucks and food carts, shall operate in accordance with the [Mobile Food Vendor Protocols](#), as amended from time to time, attached as Appendix J.
- m. Businesses that supply office or computer products needed by people who work from home;
- n. Non-manufacturing, transportation, or distribution businesses that ship, truck, transport, or provide logistical support to deliver groceries, food, goods or services directly to residences, Essential Businesses, Healthcare Operations, Essential Infrastructure, or Lower-Risk Businesses;



- o. Airlines, taxis, ride sharing services, and other private transportation providers providing transportation services necessary for activities of daily living and other purposes expressly authorized in this Order;
- p. Businesses that provide manufacture and/or provide necessary service for Essential Infrastructure and Healthcare Operations;
- q. Businesses that supply other Essential Businesses with the support or supplies necessary to operate;
- r. Home-based care for seniors, adults, people with a disability, or children;
- s. Residential facilities and shelters for people experiencing homelessness, seniors, adults, people with a disability, and children;
- t. Professional services, such as legal, payroll, or accounting services, when necessary to assist in compliance with legally mandated activities, and the permitting, inspection, construction, transfer and recording of ownership of housing, including residential and commercial real estate and anything incidental thereto, provided that appointments and other residential viewings must only occur virtually or, if a virtual viewing is not feasible, by appointment with no more than two visitors at a time residing within the same household or living unit and one individual showing the unit (except that in-person visits are not allowed when the occupant is still residing in the residence) and in accordance with Physical Distancing Protocols;
- u. Childcare facilities. To the extent possible, childcare facilities must operate under the following mandatory conditions:
  - i. Childcare must be carried out in stable groups of 10 or fewer and shall not exceed capacity requirements in guidance issued by the California Department of Social Services ("stable" means the same 10 or fewer children are in the same group each day);
  - ii. Children shall not change from one group to another;
  - iii. If more than one (1) group of children is cared for at one (1) facility, each group shall be in a separate room. Groups shall not mix with each other; and
  - iv. Childcare providers shall remain solely with one group of children.
  - v. Any other conditions required by the California Department of Public Health "[COVID-19 Update Guidance: Child Care Programs and Providers](#)".
  - vi. Any other conditions required by the California Department of Social Services found [here](#) or at [https://www.cdss.ca.gov/Portals/9/CCLD/PINs/2020/CCP/PIN\\_20-06-CCP.pdf](https://www.cdss.ca.gov/Portals/9/CCLD/PINs/2020/CCP/PIN_20-06-CCP.pdf)
- v. Hotels, motels, lodging, shared rental units, and other similar facilities may operate for all

types of travel, including tourism and individual travel, in accordance with the [Hotels, Lodging, and Short-Term Rental Protocols](#), as amended from time to time, attached as Appendix Q. Short-term rentals (“STRs”), or shared rental units, are permitted subject to this Order, and also pursuant to any Ordinance or regulation adopted by the City that governs the operation of short-term or other shared rental units. Shared rental units, such as, but not limited to, STRs or time-shares may only be rented provided that the owner/host of the unit, or anyone affiliated with the owner/host does not also occupy or live in the unit at any time during the duration of the stay/rental period; unless the owner/host has a separate exterior point of entrance and exit and no facilities such as a kitchen area, bathroom, or other living space is shared with the guest/tenant during the stay/rental period.

- w. Construction, which includes the operation, inspection, and maintenance of construction sites and construction projects for construction of commercial, office and institutional buildings, residential, mixed-use, and housing construction.
  - x. Manufacturers and retailers of fabric or cloth that is made into personal protective equipment, such as, Face Coverings.
17. “Face Covering” or “Face Coverings” means a covering made of cloth, fabric, or other soft or permeable material, without holes, that fully covers only the nose and mouth and surrounding areas of the lower face.. A covering that hides or obscures the wearer’s eyes or forehead is not a Face Covering. Examples of Face Coverings include a scarf or bandana; a neck gaiter; a homemade covering made from a t-shirt, sweatshirt, or towel, held on with rubber bands or otherwise; or a mask, which need not be medical-grade. A Face Covering may be factory-made, or may be handmade and improvised from ordinary household materials. The Face Covering should be comfortable, so that the wearer can breathe through the nose and does not have to adjust it frequently, so as to avoid touching the face. For Face Coverings that are not disposed of after each use, people should clean them frequently and have extra ones available so that they have a clean one available for use. Information on cleaning a Face Covering is available from the CDC at <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-to-wash-cloth-face-coverings.html>.

For as long as medical-grade masks such as N95 masks and surgical masks are in short supply, members of the public should not purchase those masks for use as Face Coverings under this Order. Such medical-grade masks should be reserved for healthcare workers and first responders.

Any mask that incorporates a one-way valve (typically a raised plastic cylinder about the size of a quarter on the front or side of the mask) that is designed to facilitate easy exhaling allows droplets to be released from the mask, putting others nearby at risk. As a result, these masks are **not** a Face Covering under this Order and **must not** be used to comply with this Order’s requirements.

**Face Coverings should not be used as a substitute for other evidence-based measures to prevent the spread of COVID-19. Face Coverings should be used in addition to, but not in place of, other evidence-based measures (e.g. physical distancing; frequent**

**hand washing practices; avoiding touching our eyes, nose and mouth with unwashed hands; avoiding being around sick people). Physical distancing of 6 feet or great should be maintained between non-household members even when donning a Face Covering.**

18. "Essential Infrastructure" includes, but shall not be limited to: public health, public works construction; airport operations; port operations; water; sewer; gas; electrical; oil refining and extraction; road and highways; government operations; public transportation; solid waste collection and removal; emergency services; flood control and watershed protection; 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 Essential Infrastructure supply chain, provided that they carry out those services or that work in compliance with Physical Distancing Measures, to the extent practical.
19. "Healthcare Operations" includes, but not shall not be limited to: hospitals, clinics, laboratories, dentists, optometrists, pharmacies, physical therapists, and chiropractors; pharmaceutical and biotechnology companies; other licensed healthcare facilities, healthcare suppliers, home healthcare service providers, mental or behavioral health providers; alcohol and drug treatment providers; medical cannabis dispensaries with all required state and local licenses; medical or scientific research companies or any related and/or ancillary healthcare services; manufacturers, distributors and servicers of medical devices, diagnostics, and equipment (including personal protective equipment); veterinary care; and all healthcare provided to animals. This Order does not apply to businesses that provide support, supplies, or services deemed essential as part of the supply chain to Healthcare Operations. 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. In working for, volunteering at, or obtaining services from Healthcare Operations, individuals must comply with the specific Physical Distancing Measures and infection control guidance for that clinical or non-clinical setting.
20. "Physical Distancing Measures" means (1) maintaining at least six-foot physical distance from other individuals, even when wearing a Face Covering; (2) engaging in activities outdoors instead of indoors, whenever possible; (3) washing hands with soap and water for at least twenty seconds or use hand sanitizer that contains at least 60% alcohol, as frequently as possible; (4) covering coughs or sneezes (into the sleeve, elbow, or tissue, not hands); (5) regularly cleaning and disinfecting high-touch surfaces; (6) avoid physically intimate forms of greeting such as shaking hands, hugging, and kissing; (7) avoid all physical interaction with other people when sick with fever or cough; and (8) wearing a Face Covering in accordance with Section 4(h) of this Order.

#### REASONS FOR THE ORDER

21. This Long Beach Health Officer Order (Order) amends and supersedes all Prior Safer at Home Orders (Prior Orders) issued by the Long Beach Health Officer. This Order also amends, clarifies, and continues certain terms of the Prior Order to ensure continued physical

distancing and person-to-person contact is limited to reduce the rate of transmission of COVID-19.

22. In line with the State Public Health Officer, the Health Officer will continue to monitor the risks of the activities and businesses allowed under this Order based on the COVID-19 Indicators (as defined in Section 28) and other data, and may, if conditions support doing so, incrementally add to the list of businesses and activities permitted with modifications. The Health Officer will assess the activities allowed by this Order on an ongoing basis and determine whether this Order needs to be modified (including, without limitation, temporarily restricted or prohibited) if the public health risk associated with COVID-19 increases in the future.
23. To immediately address the serious recent regression of COVID-19 Indicators within the City of Long Beach, which show troubling and substantial increases in new daily reported COVID-19 cases and the testing positivity rate, this Order requires immediate temporary closure of specific activities and business sectors. This Order aligns the City with both of the Governor's July 13, 2020 announcement requiring the closure of specific activities and business sectors and the State Public Health Officer's phased reopening approach guided by the California Pandemic Resilience Roadmap.
24. This Order's intent is to continue to ensure that City residents remain in their residences as much as possible and to limit close contact with others outside their household in both indoor and outdoor spaces. Although this Order allows some activities and business operations, physical distancing and good hygiene practices remain the most effective tool available to prevent the spread of virus between people. This includes all persons who can telework or work from home continuing to do so as much as feasible during the course of this pandemic. Sustained Physical Distancing Measures and infection control measures by residents will continue slow the spread of COVID-19, thereby diminishing its impact on the delivery of critical healthcare services. This Order allows a limited number of businesses and activities to resume while the Health Officer continues to assess the transmissibility and clinical severity of COVID-19 and monitors indicators described in Section 28. All provisions of this Order must be interpreted to effectuate this intent. Failure to comply with any of the Order's provisions constitutes an imminent threat and menace to public health, and a public nuisance, and is punishable by fine, imprisonment or both.
25. 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 intent of this Order is to ensure that the maximum number of people remain in their places of residence to the maximum extent feasible to stem the spread of COVID-19 and mitigate the impact on delivery of critical healthcare services to those in need, as well as to protect the healthcare system from a surge of cases into emergency rooms and hospitals. The Order supports the CDC's efforts to institute more stringent and necessary Physical Distancing Measures to reduce community transmission of COVID-19.
26. This Order is also issued based on the following determinations: evidence of continued

significant community transmission of COVID-19 within the City; continued uncertainty regarding the degree of undetected asymptomatic transmission; scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically; evidence that the age, condition, and health of a significant portion of the population of the City places it at risk for serious health complications, including death, from COVID-19; and further evidence that others, including younger and otherwise healthy people, are also at risk for serious outcomes. .

27. Evidence suggests that until recently the collective efforts taken to date regarding this public health emergency have slowed the virus' trajectory, but the emergency and the attendant risk to public health remain significant. Currently, there is no vaccine available to protect against and no specific treatment for COVID-19. As of August 12, 2020, there have been at least 9,283 cases of COVID-19 and 187 deaths reported in the City of Long Beach. The cumulative number of confirmed cases continues to increase, though the rate of increase has slowed in the weeks leading up to this Order. Evidence suggests that the restrictions on mobility and physical distancing requirements imposed by the Prior Health Order of the Long Beach Health Officer (Prior Orders) slowed the rate of increase in community transmission and confirmed cases by limiting interactions among people, consistent with scientific evidence of the efficacy of similar measures in other parts of the country and world. Unfortunately, the daily number of new cases has significantly increased and hospitals are at risk of being overwhelmed or exceeding capacity.
28. In line with the State Public Health Officer, the City of Long Beach Health Officer is monitoring several key indicators ("COVID-19 Indicators") within the City. Progress on some of these COVID-19 Indicators – specifically related to hospital utilization and capacity – makes it appropriate, at this time, to ease certain restrictions imposed by the Prior Orders. However, the prevalence of the virus that causes COVID-19 requires other restrictions to continue. Activities and business operations that are permitted must be conducted in accordance with the required Physical Distancing Measure and Physical Distancing Protocols and any other infection control protocols ordered by the Health Officer. The Health Officer will continue monitoring COVID-19 Indicators to determine whether modification to this Order are warranted based on (1) progress on the COVID-19 Indicators; (2) developments in epidemiological and diagnostic methods for tracing, diagnosing, treating, or testing for COVID-19; and (3) scientific understanding of the transmission dynamics and clinical impact of COVID-19. Those Indicators include, but are not limited to:
  - a. The trend of the number of new COVID-19 cases, hospitalization rates, and death rates.
  - b. The capacity of hospitals and the healthcare system in the City, including acute care beds, Intensive Care Unit beds, and ventilators to provide care for existing COVID-19 patients and other patients, and capacity to surge with an increase of COVID-19 cases.
  - c. The supply of personal protective equipment (PPE) available for hospital staff, nursing home staff and other healthcare providers and personnel who need PPE to safely respond to and treat COVID-19 patients and other patients.

- d. The ability and capacity to quickly and accurately test persons to determine whether individuals are COVID-19 positive, especially those in vulnerable populations or high-risk settings or occupations, and to identify and assess outbreaks.
  - e. The ability to conduct case investigation and contact tracing for the volume of future cases and associated contacts, isolating confirmed cases and quarantining persons who have had contact with confirmed cases.
29. 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 and pose an increased risk for community transmission of COVID-19 and thus, are a substantial risk to public health. In the absence of a specific immunization or treatment for COVID-19, physical distancing is essential to preventing this disease. Increasing physical distancing, increasing worker protections, and prohibiting events and gatherings is intended to slow transmission of COVID-19. Accordingly, to reduce the community transmission of COVID-19, the Health Officer has ordered the temporary prohibition of all events and gatherings, the continued closure of certain commercial properties and businesses, and certain recreational sites that present a higher-risk of transmission of COVID-19 due to intense and prolonged person-to-person contact, and all businesses operating in-person under this Order to prepare, post, and implement a Physical Distancing Protocols or City-issued Industry-Specific Protocols, as required, at each facility at which they maintain operations.
30. The scientific evidence shows that at this stage of the emergency, it remains essential to continue to slow virus transmission to help (a) protect the most vulnerable; (b) prevent the health care system from being overwhelmed; (c) prevent long-term chronic health conditions, such as cardiovascular, kidney, and respiratory damage and loss of limbs from blood clotting; and (d) prevent deaths. Continuation of the Prior Order is necessary to slow the spread of the COVID-19 disease, preserving critical and limited healthcare capacity in the City and advancing toward a point in the public health emergency where transmission can be controlled. At the same time, since the Prior Order was issued the City has continued to make progress in expanding health system capacity and healthcare resources and in slowing community transmission of COVID-19.
31. This Order is also issued in light of the March 19, 2020 Order of the State Public Health Officer (the "State's Shelter Order"), which set baseline statewide restrictions on non-residential business activities effective until further notice, as well as the Governor's March 19, 2020 Executive Order N-33-20 directing California residents to follow the State's Shelter Order. The May 4, 2020 Executive Order issued by Governor Newsom and May 7, 2020 Order of the State Public Health Officer permit certain businesses to reopen if a local health officer believes the conditions in that jurisdictions warrant it, but expressly acknowledge the authority of local health officers to establish and implement public health measures within their respective jurisdictions that are more restrictive than those implemented by the State Public Health Officer. This Order adopts in certain respects more stringent restrictions addressing the particular facts and circumstances in this City, which are necessary to control the public health emergency as it is evolving within the City. Without this tailored set of restrictions that further reduces the number of interactions between persons, scientific evidence indicates that the public health crisis in the City will worsen to the point at which it may overtake available health

care resources within the City and increase the death rate. Also, this Order enumerates additional restrictions on non-work-related travel not covered by the State's Shelter Order; sets forth mandatory Physical Distancing requirements for all individuals in the City when engaged in activities outside their residences; and adds a mechanism to ensure that all businesses with facilities that are allowed to operate under the Order comply with the Physical Distancing Requirements.

ADDITIONAL TERMS

32. Licensed Cannabis Dispensaries approved by the City to deliver cannabis may provide curbside pickup service under the following conditions:
  - a. Customers must submit proof of a valid government-issued identification prior to the curbside pickup.
  - b. Upon pickup, the Dispensary must verify that the identification of the customers is the same person who ordered curbside pickup via a valid government-issued identification.
  - c. Products must be delivered to customers in opaque packaging.
  - d. Uniformed and licensed security personnel must be present during all curbside pickup transactions.
  - e. All other local and State laws, regulations, and lawful orders are adhered to.
  - f. The City Manager is authorized to issue reasonable rules and policies to further restrict curbside pickup activities allowed by this Section to protect the health, safety, and welfare of the residents of Long Beach and the public.
33. Any and all City regulations governing the sale of alcoholic beverages are modified to allow:
  - a. Restaurants and bars that prepare and serve food for off-site consumption to sell alcoholic beverages together with food for delivery and take-out.
  - b. Sales, by retail stores, of alcoholic beverages for off-site consumption, including deliveries and extended sales hours, from 6 a.m. to 2 a.m. daily.
34. This Order does not waive, suspend or amend any regulations promulgated by the State, including those under the authority of the Department of Alcoholic Beverage Control; nor does it suspend or supersede existing prohibitions against drinking in public and similar regulations pertaining to public consumption and possession of alcohol. Alcoholic beverages sold under this Order must be sold in containers that are fully sealed in a manner designed to prevent consumption without removal of the lid or cap.
35. All businesses permitted to operate pursuant to this Order shall operate in accordance with all current local licenses or permits, including business licenses, health permits, and the like.
36. This Order does not, in any way, prohibit fishing from the shore, in accordance with Cal. Const., art. I, § 25, nor does it prohibit an individual from traversing the sand to enter the

ocean to launch a boat, kayak, and the like.

37. The City Manager or appropriate designee to develop written protocols to facilitate various business activities outdoors in accordance with City, County, and State health guidelines and Health Orders and in compliance with all other applicable State and Federal laws such as the Americans with Disabilities Act, with emphasis on developing protocols that protect the health, safety and welfare of the community. Any issuance of a permit to operate in an outdoor space is temporary due to the COVID-19 pandemic and does not create a vested property right in any parklet, public right-of-way, or any other property used to facilitate outdoor business operations due to the COVID-19 pandemic.
38. 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.
  - a. 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.
  - 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.
39. If any section, 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.
40. Where a conflict exists between this Order and any State public health order related to the COVID-19 pandemic, the most restrictive provision controls. Consistent with California Health and Safety Code section 131080 and the Health Officer Practice Guide for Communicable Disease Control in California, except where the State Health Officer may issue an order expressly directed at this Order and based on a finding that a provision of this Order constitutes a menace to public health, any more restrictive measures in this Order continue to apply and control in this City.
41. 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 Proclamation of Local Emergency by the City Manager, and the Declaration of Local Health Emergency by the Health Officer, ratified by the City Council on March 10,



2020, respectively, and guidance issued by the California Department of Public Health, as each of them have been and may be supplemented.

42. The Water Department, in consultation with the City Attorney, is permitted to shut off water service to businesses operating in violation of this Order, as appropriate.
43. The entities subject to this Order that are not required to close may otherwise remain open for business and perform operations during the duration of this Order under the condition that entities adhere to this Order any state public health order related to the COVID-19 pandemic. Entities permitted to remain open for businesses that do not adhere to this Order may be subject to mandatory closure for the duration of this Order, including any amendment or extension hereto. This Section shall not apply to the Long Beach Airport, or any business identified as federal critical infrastructure therein.
44. Failure to comply with any of the provisions of this Order constitutes an imminent threat and menace to public health, constitutes a public nuisance, and is punishable by fine, imprisonment, or both. To protect the public's health, the Health Officer of the City of Long Beach 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 Safety Code Section 120275 et seq and Chapter 1.32 of the Long Beach Municipal Code.
45. Pursuant to Long Beach City Charter Section 109, Sections 8634 and 41601 of the California Government Code; Sections 101040 and 120175 of the California Health and Safety Code; and Chapters 8.08 and 8.26 of the Long Beach Municipal Code, these Orders and Directives as issued by the Health Officer shall be enforceable by the Chief of Police of the City of Long Beach to ensure compliance with and enforcement of this Order and the Directives set forth herein.

Further, and in addition to the criminal penalties set forth herein, these Orders and Directives as issued by the Health Officer shall be enforceable by the City Manager of the City of Long Beach. For the duration of the declared health emergency, the City Manager is permitted to designate and authorize appropriate employees of the City to issue Administrative Citations and levy civil fines and penalties to those individuals, businesses, and others who are in violation of the Orders and Directives contained herein in accordance with the provisions of Chapter 9.65 of the Long Beach Municipal Code.

46. This Order shall become effective **immediately** on **August 13, 2020** and will continue to be until it is extended, rescinded, superseded, or amended in writing by the Health Officer.

IT IS SO ORDERED:



Anissa Davis, MD, DrPH,  
Health Officer, City of Long Beach

Date: August 13, 2020

### PROMULGATION OF EMERGENCY REGULATIONS

As Director of Civil Defense for the City of Long Beach pursuant to Long Beach Municipal Code ("LBMC") section 2.69.060.A, and in accordance with the provisions of LBMC Chapter 8.120, I am authorized to promulgate regulations for the protection of life and property as affected by the COVID-19 emergency pursuant to Government Code section 8634, and LBMC sections 2.69.070.A and 8.120.020. The following shall be in effect for the duration of the Long Beach Health Order, SAFER AT HOME ORDER FOR CONTROL OF COVID-19, issued above, which is incorporated in its entirety by reference:

The Long Beach Health Officer Order, SAFER AT HOME ORDER FOR CONTROL OF COVID-19, shall be promulgated as a regulation for the protection of life and property.

Any person who, after notice, knowingly and willfully violates or refuses or neglects to conform to the above referenced lawfully issued Health Order shall be guilty of a misdemeanor punishable by a fine not to exceed one thousand dollars (\$1,000), by imprisonment for a period not exceeding six (6) months, or by both such fine and imprisonment. (Long Beach Municipal Code sections 8.120.030.A and 8.120.030.E.3.)

IT IS SO ORDERED:



Thomas B. Modica  
City Manager, City of Long Beach  
Date: August 13, 2020

[Appendix A - Physical Distancing Protocols](#) [Revised 5/29/20]

[Appendix B - Retail In-Person Shopping Protocols](#) [Revised 5/28/20]

[Appendix C - Small Charter Services Protocols](#) [Revised 6/11/20]

[Appendix D - Outdoor Equipment Rental Services Protocols](#) [Revised 5/29/20]

[Appendix E - Tennis Protocols](#) [Revised 6/16/20]

[Appendix F - Golf Course Protocols](#) [Revised 8/13/20]

[Appendix G - \[Intentionally Omitted\]](#)

[Appendix H - Dine-In Restaurant Protocols](#) [Revised 8/13/20]

[Appendix I - Hair Salons and Barbershop Protocols](#) [Revised 7/23/20]

[Appendix J - Mobile Food Vendor Protocols](#)

[Appendix K - Public Swimming Pools](#) [Revised 7/2/20]

[Appendix L - Grocery Facility Protocols](#)

[Appendix M - Gym and Fitness Center Protocols](#) [Revised 7/16/20]

[Appendix N - Day Camp Protocols](#) [Revised 6/20/20]

[Appendix O - Campground and RV Park Protocols](#)

[Appendix P - Museum, Gallery, and Aquarium Protocols](#) [Revised 6/16/20]

[Appendix Q - Hotels, Lodging, and Short-Term Rental Protocols](#)

[Appendix R - Music, Film, and Television Production Protocols](#)

[Appendix S - Protocol for Professional Sports Leagues and Facilities - No Spectators](#)

[Appendix T - \[Intentionally Omitted\]](#)

[Appendix U - Nail Salon Protocols](#) [Revised 7/23/20]

[Appendix V - Personal Care Service Protocols](#) [Revised 7/23/20]

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[Appendix W - Youth Sport Leagues](#)

[Appendix X1 - Reopening Protocols for K-12 Schools](#)

[Appendix X2 - Protocol for COVID-19 Exposure Management Plan in K-12 Schools](#)

[Appendix Y1 - Protocols for Institutes of Higher Education](#)

[Appendix Y2 - Protocol for COVID-19 Exposure Management Plan for Institutes of Higher Education](#)

## **ORDER OF THE HEALTH OFFICER FOR CONTROL OF COVID-19**

**Revised** Required Protocols for Licensed Congregate Health Care Facilities

ORDER ISSUED: **August 11, 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 § 120275 et seq; Long Beach Municipal Code § 8.120.030.A and 8.120.030.E.3)**

**Summary:** On March 4, 2020, Governor Newsom declared a state of emergency for the condition caused by a novel coronavirus, COVID-19 and on March 4, 2020, the City of Long Beach (City) declared a local emergency and a local health emergency in relation to COVID-19 in the community, which was ratified by the Long Beach City Council on March 11, 2020.

This Order amends and supersedes the prior Order issued on April 15, 2020. This Order allows a facility to consult with the Long Beach Department of Health and Human Services (LBDHHS) to reinstitute communal dining and to expand visitation, subject to limitations. Changes are in yellow.

The Health Officer will continue to monitor the rate of COVID-19 disease spread, the severity of the resulting illnesses and deaths caused, California Department of Public Health (CDPH) and Centers for Disease Control and Prevention (CDC) recommendations, and the effect of this Order. If needed, this Order may be extended, expanded, or otherwise modified 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. This Order is effective immediately on **August 11, 2020** and continuing until further notice or until it is extended, rescinded, superseded, or amended in writing by the Long Beach Health Officer (Health Officer). This Order applies to Licensed Congregate Health Care Facilities, as defined by this Order, in the City of Long Beach (City). **This Order amends and supersedes the prior Order issued on April 15, 2020.**
2. The Health Officer orders the following for Licensed Congregate Health Care Facilities:
  - a. **Limited entry.** No one other than employees, first responders, medical professionals, or contracted essential maintenance workers and service providers are to enter a facility. All visitors, including volunteers and non-essential workers such as barbers, entertainers, and the like, are prohibited from entering the facility. If essential (e.g., end of life), limit access to only one visitor at a time and require the person to wear a surgical mask or clean cloth face covering. Arrange alternative methods of visitation (virtual) that are not in person, as needed **In consultation with LBDHHS, facilities may be allowed to**

expand their visitation policy subject to and in alignment with Section II of the City's "[Guidelines for Preventing and Managing COVID-19 in Skilled Nursing Facilities](#)". Return to work. No employee who has tested positive for COVID-19 or who is displaying symptoms associated with COVID-19 is to be admitted entry into the facility until they have fulfilled the CDC Criteria for Return to Work for Healthcare Personnel with Confirmed or Suspected COVID-19 (Interim Guidance) which can be found at <https://www.cdc.gov/coronavirus/2019-ncov/hcp/return-to-work.html> and must follow the return to work practices and work restrictions found therein.

- b. **All communal dining and activities are to be suspended.** All meals are to be served within individual rooms. Staff may eat in staff breakrooms or a separate designated area but physical distancing of six (6) feet or greater must be maintained and enforced at all times while eating. Residents/patients are to remain in their rooms. In consultation with LBDHHS, facilities may be allowed to reinstitute limited communal dining subject to and in alignment with Section II of the City's "[Guidelines for Preventing and Managing COVID-19 in Skilled Nursing Facilities](#)".
- c. **Separate areas and staff.** You must establish an area within your facility for those who have tested positive for COVID-19 or who are displaying symptoms associated with COVID-19, physically separated from and area for those who do not have confirmed or suspected COVID-19. All employees who work or go into the established COVID-19 area of your facility are not to work or enter into any other area of your facility.
- d. **All staff shall wear a surgical mask at all times while in the facility.** Staff must refer to and follow current U.S. Centers for Disease Control (CDC) guidance. Staff shall wear an N-95 respirator, if available, and all personal protective equipment (PPE) as recommended by the CDC (such as gloves, gown, eye protection) while caring for people with suspected or confirmed COVID-19. In facilities with COVID-19 transmission, healthcare personnel should wear full PPE for the care of all patients, irrespective of COVID-19 diagnosis or symptoms. Facilities should follow the CDC's guidance on conservation of PPE.
- e. **All staff must follow all infection prevention guidance from the Centers for Medicare and Medicaid Services (CMS) and the CDC.** In particular, facilities must follow appropriate hand hygiene as set forth by the CDC, and the CMS infection control guidance checklist. Facilities must follow any additional guidance provided by the Health Officer, such as the Long Beach "Long-Term Care Facility Guidance for Managing and Preventing COVID" or "Long Beach Masking Recommendations for Healthcare Personnel."
- f. **Patients/residents must wear a surgical mask when available, or a clean cloth face covering, when outside of the person's room.** This includes patient/residents who must regularly leave the facility for care (e.g., hemodialysis patients). Surgical masks are required for any resident with symptoms.

- g. **Symptom screening for all.** Everyone entering the facility (except first responders, who typically have separate screenings) must have a symptom screening prior to entry. Anyone who is experiencing any symptoms is not to be admitted entry into the facility. As used in this Section, "symptoms" includes, but is not limited to, fever, chills, not feeling well, sore throat, cough, sneezing, shortness of breath or gastrointestinal symptoms like soft stool or stomach cramps. Everyone must have their temperature taken before entry to the facility. Anyone with a fever (100.0° F or 37.8° C) is not be admitted entry into the facility. Individuals who have used fever-lowering medications in the past eight hours are prohibited from the facility. Temperature must be taken with a method that will not cause risk for disease transmission between employees. Access point should be limited to ensure that all accessible entrances have a temperature screening station.
- h. **Conduct daily temperature checks for staff and patients/residents.** All staff should be checked twice daily, once prior to coming to work and the second approximately twelve (12) hours later. Patients/residents should be checked frequently each day. Records are to be kept of those temperature checks.
- i. **All confirmed or suspected COVID-19 cases should be reported to the Long Beach Department of Health and Human Services immediately by phone.**
- j. **Facilities should avoid, by any means possible, utilizing employees who have worked at another facility.**

#### Definitions

- 3. "Licensed Congregate Health Care Facilities" includes the following facilities within the City:
  - a. Adult Residential Care Facilities (ARF) all license types
  - b. Chronic Dialysis Clinic
  - c. Continuing Care Retirement Communities
  - d. Hospice Facilities
  - e. Intermediate Care Facilities of all license types
  - f. Psychiatric Health Facilities
  - g. Residential Care Facilities for the Elderly
  - h. Residential Facility Chronically III
  - i. Skilled Nursing Facilities
  - j. Social Rehabilitation Facilities

k. Long-Term Care Facilities

Additional Terms

4. 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.
5. 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.
6. 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.
7. In the City, the State of California (State), and the nation, there are insufficient quantities of critical healthcare infrastructure, including hospital beds, ventilators and workers, capable of adequately treating mass numbers of patients at a single time should the virus spread unchecked. In direct response to the lack of healthcare infrastructure, governments across the nation are taking actions to slow the spread of COVID-19 in order to reduce the rate of infection and reduce the numbers of individuals infected at any one time by minimizing situations where the virus can spread.
8. Physical distancing alone in certain Licensed Congregate Health Care Facilities serving individuals 65 years and older or with underlying health conditions, including, but not limited, to Skilled Nursing Facilities and Long-Term Care Facilities may not be effective due to the concentration of individuals and the nature of the services provided to them.
9. The City Health Officer (Health Officer) finds:
  - a. There is an increased risk of COVID-19 among those working in or living in certain Licensed Congregate Health Care Facilities, and among those providing services in our community;
  - b. That prior to providing services in our community, or prior to entering certain Licensed Congregate Health Care Facilities all individuals who are not a patient, existing resident, or new resident should conduct a self-evaluation and temperature screening for symptoms of the COVID-19 virus; and



c. Accordingly, individuals with symptoms such as respiratory illness or fever should not enter these Licensed Congregate Health Care Facilities because doing so is likely to impair efforts at mitigating the spread of COVID-19 both within the City, County, and State.

10. This Order is issued in light of existing community transmission of COVID-19 in the City which 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 June 22, 2020, there have been at least 3,042 positive cases of COVID-19 and 14 deaths reported in the City, of which 780 positive cases and 91 deaths are associated with long-term care facilities in the City. There remains a strong likelihood of a significant and increasing number of suspected cases of community transmission.

11. 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.

12. The violation of any provision of this Order constitutes an imminent threat and creates an immediate menace to public health, safety and welfare. To protect the public's health, the Health Officer of the City of Long Beach 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 120275 et seq and Chapter 1.32 of the Long Beach Municipal Code.

Pursuant to Long Beach City Charter Section 109, Sections 8634 and 41601 of the California Government Code; Sections 101040 and 120175 of the California Health and Safety Code; and Chapters 8.08, 8.26, 8.120 of the Long Beach Municipal Code, these Orders and Directives as issued by the Health Officer shall be enforceable by the Chief of Police of the City of Long Beach to ensure compliance with and enforcement of this Order and the Directives set forth herein.

IT IS SO ORDERED:



Anissa Davis, MD, DrPH,  
Health Officer, City of Long Beach  
Date: August 11, 2020

August 11, 2020

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### PROMULGATION OF EMERGENCY REGULATIONS

As Director of Civil Defense for the City of Long Beach pursuant to Long Beach Municipal Code ("LBMC") section 2.69.060.A, and in accordance with the provisions of LBMC Chapter 8.120, I am authorized to promulgate regulations for the protection of life and property as affected by the COVID-19 emergency pursuant to Government Code section 8634, and LBMC sections 2.69.070.A and 8.120.020. The following shall be in effect for the duration of the Long Beach Health Order, SAFER AT HOME ORDER FOR CONTROL OF COVID-19, issued above, which is incorporated in its entirety by reference:

The Long Beach Health Officer Order, SAFER AT HOME ORDER FOR CONTROL OF COVID-19, shall be promulgated as a regulation for the protection of life and property.

Any person who, after notice, knowingly and willfully violates or refuses or neglects to conform to the above referenced lawfully issued Health Order shall be guilty of a misdemeanor punishable by a fine not to exceed one thousand dollars (\$1,000), by imprisonment for a period not exceeding six (6) months, or by both such fine and imprisonment. (Long Beach Municipal Code sections 8.120.030.A and 8.120.030.E.3.)

IT IS SO ORDERED:

A handwritten signature in black ink, appearing to read 'T.B. Modica', with a long horizontal stroke extending to the left.

Thomas B. Modica  
City Manager, City of Long Beach  
Date: August 11, 2020