

**CITY OF COSTA MESA REGULATION NO. 4 PURSUANT TO
PROCLAMATION NO. 2020-01**

COSTA MESA REGULATION NO. 4 ISSUED PURSUANT TO A PROCLAMATION BY THE CITY MANAGER OF THE CITY OF COSTA MESA, CALIFORNIA, ACTING AS THE DIRECTOR OF EMERGENCY SERVICES, PARTIALLY MODIFYING REGULATIONS NO. 1 AND NO. 3 REQUIRING CLOSURE OF ALL PARKS AND WEARING OF A FACE MASK OR COVERING

WHEREAS, Costa Mesa Municipal Code Section 6-6 empowers the City Manager, as the Director of Emergency Services, to declare the existence or threatened existence of a local emergency when the City is affected or likely to be affected by a public calamity; and

WHEREAS, Government Code Section 8550 *et seq.*, including Section 8558(c), authorize the City Manager to proclaim a local emergency when the City is threatened by conditions of disaster or extreme peril to the safety of persons and property within the City that are likely to be beyond the control of the services, personnel, equipment, and facilities of the City; and

WHEREAS, a novel coronavirus, COVID-19, causes infectious disease and was first detected in Wuhan City, Hubei Province, China in December 2019. Symptoms of COVID-19 include fever, cough, and shortness of breath; outcomes have ranged from mild to severe illness, and, in some cases, death. On January 30, 2020, the World Health Organization (WHO) declared the outbreak a “public health emergency of international concern” and on March 11, 2020, the WHO has elevated the public health emergency to the status of a pandemic. On January 31, 2020, United States Health and Human Services Secretary Alex M. Azar II declared a public health emergency for the United States to aid the nation’s healthcare community in responding to COVID-19. On February 26, 2020 the County of Orange declared a local emergency and a local health emergency. On March 4, 2020, California Governor Gavin Newsom declared a State of Emergency in California; and

WHEREAS, the Governor on March 12, 2020 issued Executive Order N-25-20, ordering, inter alia, that all residents are to heed the orders and guidance of state and local public health officials; and

WHEREAS, on March 12, pursuant to Proclamation No. 2020-01, the City Manager did proclaim the existence of a local emergency pursuant to Title 6 of the Costa Mesa Municipal Code; and

WHEREAS, on March 13, 2020 the City Council pursuant to Resolution No. 2020-09 did ratify Emergency Proclamation No. 2020-01; and

WHEREAS, on March 13, 2020, the President of the United States of America declared a national emergency; and

WHEREAS, on March 19, 2020, the Governor issued Executive Order N-33-20, including the Order of the State Public Health Officer mandating all individuals living in the State of California to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors, as outlined at <https://www.cisa.gov/identifying-critical-infrastructure-during-covid-19>; and

WHEREAS, on March 20, 2020, the City Manager, acting as the Director of Emergency Services, ordered the closure of the Costa Mesa Country Club as a non-essential business and because social distancing measures were not being carried out; and

WHEREAS, on March 23, 2020, the City Manager, acting as the Director of Emergency Services, issued Regulation No. 1 pursuant to the City's Emergency Proclamation which closed all city parks and open spaces; and

WHEREAS, on March 24, 2020, the City Council approved Resolution No. 2020-13 ratifying Regulation No. 1; and

WHEREAS, COVID-19 continues to spread in the City and in the County and is especially dangerous to vulnerable populations, including the elderly and those with underlying health conditions; and

WHEREAS, the city has been severely impacted by the health crisis of this global pandemic. Sporting events, concerts, plays, and conferences have been canceled. School closures have occurred and are continuing. Employees have been advised to work at home. Parents have had to miss work to care for home-bound school-age children. As the virus spreads, many workers have had to stay home for extended periods; and

WHEREAS, while individuals are required to minimize trips from home except to perform or access essential services, there is a heightened risk of transmission of COVID-19 to those performing or accessing essential services outside of their residences; and

WHEREAS, during this local emergency, and in the interest of protecting the public health and preventing transmission of COVID-19, it remains essential to avoid unnecessary close contact; and

WHEREAS, on April 13, 2020, the Costa Mesa City Manager, in her capacity as Director of Emergency Services issued Regulation No. 3 expressly mandating the use of face masks or coverings by residents engaging in performing or accessing essential services and those who visit within the jurisdiction of the City, and to make the same enforceable within the boundaries of the City's jurisdiction; and

WHEREAS, on April 21, 2020, the City Council approved Resolution No. 2020-17, ratifying Regulation No. 3 requiring the wearing of face masks; and

WHEREAS, as the length of the stay-at-home order has extended, many affected by the stay-at-home orders have requested an easing of restrictions on the use of public parks, open spaces and golf courses for passive exercise so long as strict regulations are followed to ensure social distancing and minimize the transmission of COVID-19; and

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, it is necessary to issue this Regulation No. 4 to allow passive use of specified parks and golf courses, subject to strict requirements to minimize the risk of COVID-19 transmission pursuant to the emergency proclamation related to protection of life and property;

NOW, THEREFORE, IT IS PROCLAIMED AND ORDERED by the City Manager of the City of Costa Mesa acting as the Director of Emergency Services as follows, to become effective at 11:59 p.m. on April 28, 2020, subject to ratification as soon as practicable by the Costa Mesa City Council:

SECTION 1. The above recitals are true and correct and incorporated herein by this reference. The recitals referenced herein, are adopted as though set forth fully herein as findings in support of this regulation.

SECTION 2. Regulations No. 1 and No. 3, pursuant to Emergency Proclamation 2020-01 are hereby modified in the following respects only: City parks, excepting Fairview Park, the Tennis Center, the Bark Park, and the Skate Park shall be open during regular park hours for walking and biking only. Parking lots and amenities will remain closed for all use until otherwise ordered. There shall be no gathering, stopping (except as required for resting for those with disabilities), picnicking, or other such use. Social distancing shall be maintained and a face covering shall be worn, except for children under age 2 or individuals who have difficulty breathing. The face mask or covering shall be of sufficient size to cover the nose and mouth of the wearer so as to assure the inhale or exhale of air through the mask or covering. However, due to the scarcity of critical medical supplies, N95 respirators and surgical masks should not be used except by workers in health care and emergency response settings. All signs posted at the direction of the Costa Mesa Parks and Community Services Director shall be followed at all times.

SECTION 3. Golf courses within the City of Costa Mesa may reopen to a limited extent provided that golf courses shall be walking only, with only hand carts, social distancing and no-touch rules in place which are consistent with Guidelines issued by the Costa Mesa Parks and Community Services Director and with individual course rules to be approved by the Parks and Community Services Director in writing prior to opening or re-opening.

SECTION 4. This Order does not apply to individuals or members of a single household or living unit engaging in outdoor activities at home or in their neighborhoods, such as jogging, walking, or biking.

SECTION 5. This regulation shall be enforceable within the geographic boundaries of the City of Costa Mesa pursuant to the provisions of CMMC Title 6, Chapter I, section 6-6 and section 6-9, which provides for enforcement of violations as emergency orders and regulations. Violations of this Regulation will be cited as infractions. Each and every day a violation exists may constitute a separate and distinct offense.

SECTION 6. Except as expressly modified herein, Regulations No. 1 and No. 3 shall remain in full force and effect so long as the City remains in a state of emergency.

SECTION 7. Should the regulations referenced herein conflict in any manner, the stricter requirement shall apply, unless expressly acknowledged otherwise by the Director of Emergency Services or the City Council, or unless by operation of law.

SECTION 8. This regulation must be confirmed at the earliest practicable time by the City Council.

SECTION 9. If any subsection, sentence, clause, phrase, or word of this regulation 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 regulation.

SECTION 10. Notwithstanding pending review of this regulation by the City Council for confirmation at the earliest practicable time, this regulation shall take effect at 11:59 p.m. on April 28, 2020.

SECTION 11. This regulation shall remain in effect until terminated by subsequent order of the Costa Mesa Director of Emergency Services, terminated by resolution or other action of the City Council, or until the state of local emergency in the City concludes, whichever occurs earlier.

PROCLAIMED this 28th day of April, 2020.



Lori Ann Farrell Harrison, City Manager



Kimberly Hall Barlow, City Attorney

ATTEST:



Brenda Green, City Clerk