

**ORDER OF THE CITY MANAGER OF THE CITY OF IRVINE IN HIS CAPACITY  
AS DIRECTOR OF EMERGENCY SERVICES AND MEMBER OF  
THE IRVINE DISASTER COUNCIL**

**DATE OF ORDER: July 15, 2020**

Please read this Order carefully. Violation of or failure to comply with this Order is a crime. Violators are also subject to civil enforcement actions including civil penalties of up to \$500 per violation per day, injunctive relief, and other relief. (Penal Code section 19; Government Code section 8665; Irvine Municipal Code Sections 4-9-107(A)(6)(a) [Director of Emergency Services authority to make and issue rules and regulations on matters reasonably related to the protection of life and property]; 4-9-111(A) and (B) [misdemeanor to violate any lawful rule or regulation issued pursuant to Emergency Services Division of Municipal Code]; 4-13-301 *et seq.* [discretion to prosecute Municipal Code violations as administrative citations]; 4-13-103 [discretion to prosecute all misdemeanors as infractions].)

UNDER THE AUTHORITY OF CALIFORNIA CONSTITUTION ARTICLE XI; CALIFORNIA GOVERNMENT CODE SECTIONS 8610, 8630, 8634, AND 8665, AND IRVINE MUNICIPAL CODE SECTIONS 4-9-101 *et seq.*, 4-13-301, AND 4-13-103, THE DIRECTOR OF EMERGENCY SERVICES ("DIRECTOR") OF THE CITY OF IRVINE ("CITY") ORDERS:

**Effective 5:00 p.m. on Wednesday, July 15, 2020, and continuing until terminated or amended** by further Order of the Director, the following will be in effect for the City:

**1. Order on Closures of Businesses, Venues, Events and Activities**

The City will abide by and enforce the [Order](#) of the State Public Health Officer, issued on July 13, 2020 (attached as **Exhibit A**) which provides as follows:

- a. Bars, pubs, brewpubs, and breweries, whether operating indoors or outdoors, shall be closed throughout the City, unless an exception below applies.
  - i. Bars, pubs, brewpubs, and breweries, may operate outdoors if they are offering sit-down, outdoor, dine-in meals. Alcohol can be sold only in the same transaction as a meal. When operating outdoors, they must follow the [dine-in restaurant guidance](#) and should continue to encourage takeout and delivery service whenever possible.
  - ii. Bars, pubs, brewpubs, and breweries that do not provide sit-down meals themselves, but can contract with another vendor to do so, can serve dine-in meals when operating outdoors provided both businesses follow the [dine-in restaurant guidance](#) and alcohol is sold only in the same transaction as a meal.
  - iii. Venues that are currently authorized to provide off sale beer, wine, and spirits to be consumed off premises and do not offer sit-down, dine-in meals must follow the [guidance for retail operations](#) and offer curbside sales only.

- iv. Concert, performance, or entertainment venues must remain closed until they are allowed to resume modified or full operation through a specific reopening order or guidance. Establishments that serve full meals must discontinue this type of entertainment until these types of activities are allowed to resume modified or full operation.
- b. Indoor operations shall be restricted throughout the City of Irvine as specified below:
- i. Dine-in restaurants must close indoor seating to customers. During this closure all dine-in restaurants may continue to utilize outdoor seating and must comply with the [guidance for outdoor dining](#). Restaurants should continue to encourage takeout and delivery service whenever possible.
  - ii. Wineries and tasting rooms must close indoor services to customers. During this closure all wineries and tasting rooms operating outdoors must comply with the [guidance for restaurants, wineries, and bars](#).
  - iii. Family entertainment centers and movie theaters must close indoor services and attractions to customers.
    - 1. Family entertainment centers may continue to provide outdoor services and attractions to customers, and must comply with the [guidance for movie theaters and family entertainment centers](#).
    - 2. Drive-in movie theaters may continue to operate and should follow additional applicable [guidance for drive-in movie theaters](#).
  - iv. Indoor attractions at museums must close to visitors.
    - 1. Museums may continue to operate outdoor attractions and must follow the [guidance for museums](#).
- c. Until such time as Orange County is removed from the California Department of Public Health (CDPH) Monitoring List, all indoor operations of the following types of businesses/events/activities in the City of Irvine shall be and remain closed:
- i. Gyms and Fitness Centers;
  - ii. Places of Worship;
  - iii. Protests;
  - iv. Offices for [Non-Critical Infrastructure Sectors](#);
  - v. Personal Care Services (including nail salons, massage parlors, and tattoo parlors)'
  - vi. Hair salons and barbershops; and
  - vii. Malls

## 1. **Orders on Face Covering**

In conformance with, and where not superseded by the Executive Orders of the Governor of the State of California, and/or guidance and orders from the Centers for Disease Control, CDPH, and the Orange County Health Officer, this Order additionally specifies and orders as follows:

- a. **Order to All Residents and Visitors:** All Irvine residents and visitors shall wear a cloth face-covering or face shield when (i) in a public place; (ii) visiting a retail, commercial or other place of business; or (iii) at work, and when the resident or visitor is not able to maintain at least 6 feet of physical distance from another person who is not a family/household member or live in the same living unit. Without limiting the foregoing, this order shall presumptively apply in the following locations and contexts: (a) waiting in line to go inside a store; (b) shopping in a store; (c) picking up food at a restaurant; (d) waiting for or riding on public transportation; (e) riding in a taxi or other ride service vehicle; (f) seeking health care; (g) going into facilities that are allowed to stay open; (h) while at work; and (i) when at an outdoor museum.

A cloth face-covering is a material that covers the nose and mouth; it can be secured to the head with ties or straps or simply wrapped around the lower face; it can be made of a variety of materials, such as cotton, silk, or linen; and a face covering may be factory-made or sewn by hand, or can be improvised from household items such as scarfs, T-shirts, sweatshirts, or towels. A face shield is a plastic shield that covers the face, including the nose and mouth, and is attached to the head (typically by a strap or headband).

The face-covering order shall not apply to children under the age of 2; to anyone who has trouble breathing, or is unconscious, incapacitated or otherwise unable to remove the face-covering or face shield without assistance; or to persons with a medical or mental health condition, or development disability, that prevents wearing a cloth face-covering or face shield.

- b. **Order to All Lawfully Open Businesses:** All lawfully open businesses (“Covered Businesses”) must identify and cause all required measures to be implemented as necessary to ensure social distancing and sanitation at that particular facility.

Without limiting the foregoing, Covered Businesses shall (i) cause their employees and patrons to wear cloth face coverings or face shields, (ii) cause their employees and patrons to follow social distancing and infection control guidelines published by the CDC and CDPH, and (iii) post signage to advise patrons of social distancing requirements, and of the fact that those requirements are imposed upon Covered Businesses by this Order. If the measures identified and implemented are not effective in maintaining proper social distancing and sanitation, additional measures shall be identified and implemented or the facility shall be closed.

- c. The Director of Emergency Services, with the confirmation of the Irvine City Council ***STRONGLY RECOMMENDS*** that all people in the City of Irvine should wear a face covering when outside the home.
2. This Order replaces and supersedes the previously issued "ORDER OF THE CITY MANAGER OF THE CITY OF IRVINE IN HIS CAPACITY AS DIRECTOR OF EMERGENCY SERVICES AND MEMBER OF THE IRVINE DISASTER COUNCIL," which was originally issued on April 8, 2020, and was last amended on June 24, 2020.
3. This Order shall be effective immediately and will remain in effect until terminated or amended by further Order of the Director of Emergency Services.
4. This Order is issued as a result of the worldwide pandemic of COVID-19 disease, also known as "novel coronavirus," which has infected over one million individuals worldwide in over 180 countries and is implicated in over 580,000 worldwide deaths, including over 26,000 cases and 433 deaths in Orange County. These numbers grow every day.
5. This Order is issued based on evidence of increasing transmission of COVID-19 both within the City of Irvine and worldwide, scientific evidence regarding the most effective approach to slow transmission of communicable diseases generally and COVID-19 specifically, as well as best practices as currently known and available to protect the public from the risk of spread of or exposure to COVID-19.
6. This Order is intended to reduce the likelihood of exposure to COVID-19, thereby slowing the spread of COVID-19 in communities worldwide. This Order is issued to prevent circumstances often present in Covered Businesses that may exacerbate the spread of COVID-19, such as (but not limited to): (1) the increased likelihood that retail, restaurant, and banking transactions attract people from a broad geographic area; (2) the prolonged time period in which large numbers of people are in close proximity; and (3) difficulty ensuring that such persons (patrons and employees) follow adequate hygienic practices.
7. This Order is intended to address the strain upon the health care system from the effects of the COVID-19 virus. Similarly, this Order is intended to reduce the likelihood of exposure to COVID-19, thereby slowing the spread of COVID-19 in communities worldwide.
8. Emergency management and public health officials at the federal, state, and county levels continue to issue guidance to slow the spread of COVID-19.
9. Violation of this Order is a crime and may also be pursued as an administrative fine, an infraction, or a misdemeanor, in the City's sole and absolute discretion. (Penal Code section 19; Government Code sections 8665, Irvine Municipal Code Sections 4-9-101 *et seq.*, 4-13-301, and 4-13-103.)

10. Copies of this Order shall promptly be: (1) made available at the City of Irvine City Hall located at 1 Civic Center Plaza, Irvine, CA 92606; (2) posted on the City of Irvine's website ([www.cityofirvine.org](http://www.cityofirvine.org)); and (3) provided to any member of the public requesting a copy of this Order.



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John A. Russo, Director of Emergency Services /  
City Manager, City of Irvine

# **EXHIBIT A**

STATEWIDE PUBLIC HEALTH OFFICER ORDER

JULY 13, 2020

AVAILABLE AT <https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/COVID-19/SHO%20Order%20Dimming%20Entire%20State%207-13-2020.pdf>



SONIA Y. ANGELI, MD, MPH  
State Public Health Officer &  
Director

State of California – Health and Human Services Agency  
**California Department of Public Health**



GAVIN NEWSOM  
Governor

**Statewide Public Health Officer Order,  
July 13, 2020**

On March 19, 2020, I issued an [order](#) directing all individuals living in the State of California to stay at home except as needed to facilitate authorized, necessary activities or to maintain the continuity of operations of critical infrastructure sectors. I then set out California's path forward from this "Stay-at-Home" Order in California's [Pandemic Resilience Roadmap](#). On May 7<sup>th</sup>, I [announced](#) that statewide data supported the gradual movement of the entire state into Stage 2 of the Pandemic Resilience Roadmap. On May 8<sup>th</sup>, the Governor outlined a process where counties that met specific criteria could move more quickly than other parts of the state through Stage 2 of modifying the Stay-at-Home order, including certain businesses deemed higher risk.

The statewide data has since demonstrated a significant increase in the spread of COVID-19, resulting in public health conditions that demand measures responsive to those conditions be put into place with haste. On June 28, 2020, the California Department of Public Health (CDPH) issued [guidance](#) setting forth the need to close bars and similar establishments in counties that - due to concerning levels of disease transmission, hospitalizations, or insufficient testing - had been on the County Monitoring List, which includes counties that show concerning levels of disease transmission, hospitalizations, insufficient testing, or other critical epidemiological markers, for 14 days. On July 1, 2020, CDPH issued [guidance](#) specific to counties on the County Monitoring List for three consecutive days, requiring closure of the indoor operations of various sectors, including restaurants, wineries, and certain entertainment venues, as well as all bars indoor and outdoor. Based on my judgment as the State Public Health Officer, it is now necessary to take these steps statewide, to take additional steps for counties on the County Monitoring List, and to continue to monitor and modify the process of reopening.

The current data reflect that community spread of infection is of increasing concern across the state. On July 1, 2020, there were 19 counties on the County Monitoring List. As of July 13, 2020, there are 32 counties on the list, and additional counties may soon be added as data warrants. In addition to the impact on the general population, community spread increases the likelihood of expanded transmission of COVID-19 in congregate settings such as nursing homes, homeless shelters, jails and prisons. Infection of these vulnerable populations in these settings can be catastrophic. Higher

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level of community spread also increase the likelihood of infection among individuals at high risk of serious outcomes from COVID-19, including the elderly and those with underlying health conditions who might live or otherwise interact with an infected individual.

The Pandemic Resilience Roadmap classifies bars, pubs, breweries, brewpubs, dine-in restaurants, wineries and tasting rooms, family entertainment centers, zoos, museums, and cardrooms as Stage 2 or Stage 3 sectors with high risk of transmission due to a number of features of the businesses and the behaviors that occur within them. Public health studies have shown that the risk of transmission is exacerbated in indoor spaces, particularly when lacking appropriate ventilation. These sectors are settings where groups convene and may mix with others for a prolonged period of time, increasing the risk of escalating the transmission rate of COVID-19. While physical distancing is critical to mitigating exposure, it is more effective at protecting an individual with brief exposures or outdoor exposures. In contrast to indoor spaces, wind and the viral dilution in outdoor spaces can help reduce viral load.

Bars, both indoor and outdoor, have additional risk factors. A bar, foundationally, is a social setting where typically not only small groups convene, but also where groups mix with other groups. Bars also have an added risk imposed by the consumption of alcohol as a primary activity offered in such venues. Alcohol consumption slows brain activity, reduces inhibition, and impairs judgment, factors which contribute to reduced compliance with recommended core personal protective measures, such as the mandatory use of face coverings and maintaining six feet of distance from people in different households, both indoors and outdoors. Louder environments and the cacophony of conversation that are typical in bar settings also require raised voices and greater projection of orally emitted viral droplets.

For counties on the County Monitoring List, the risks and impacts of disease transmission are even greater. The science suggests that for indoor operations the odds of an infected person transmitting the virus are dramatically higher compared to an open-air environment. Thus, for those counties on the list, it is necessary to close indoor operations for additional sectors which promote the closed-space mixing of populations beyond households and/or make adherence to physical distancing with face coverings difficult, including: gyms and fitness centers, places of worship, protests, offices for non-Critical Infrastructure sectors as designated on [covid19.ca.gov](https://www.covid19.ca.gov), personal care services (including nail salons, massage parlors, and tattoo parlors), hair salons and barbershops and malls.

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**NOW, THEREFORE, I, as State Public Health Officer and Director of the California Department of Public Health, order all of the following:**

**Statewide Order Relative to Bars, Pubs, Brewpubs, and Breweries**

1. Bars, pubs, brewpubs, and breweries, whether operating indoors or outdoors, shall be closed across the state, unless an exception below applies.
    - a. Bars, pubs, brewpubs, and breweries, may operate outdoors if they are offering sit-down, outdoor, dine-in meals. Alcohol can be sold only in the same transaction as a meal. When operating outdoors, they must follow the [dine-in restaurant guidance](#) and should continue to encourage takeout and delivery service whenever possible.
    - b. Bars, pubs, brewpubs, and breweries that do not provide sit-down meals themselves, but can contract with another vendor to do so, can serve dine-in meals when operating outdoors provided both businesses follow the [dine-in restaurant guidance](#) and alcohol is sold only in the same transaction as a meal.
    - c. Venues that are currently authorized to provide off sale beer, wine, and spirits to be consumed off premises and do not offer sit-down, dine-in meals must follow the [guidance for retail operations](#) and offer curbside sales only.
    - d. Concert, performance, or entertainment venues must remain closed until they are allowed to resume modified or full operation through a specific reopening order or guidance. Establishments that serve full meals must discontinue this type of entertainment until these types of activities are allowed to resume modified or full operation.
  
  2. Indoor operations shall be restricted across the state as specified below:
    - a. Dine-in restaurants must close indoor seating to customers. During this closure all dine-in restaurants may continue to utilize outdoor seating and must comply with the [guidance for outdoor dining](#). Restaurants should continue to encourage takeout and delivery service whenever possible.
    - b. Wineries and tasting rooms must close indoor services to customers. During this closure all wineries and tasting rooms operating outdoors must comply with the [guidance for restaurants wineries and bars](#).
    - c. Family entertainment centers and movie theaters must close indoor services and attractions to customers.
      1. Family entertainment centers may continue to provide outdoor services and attractions to customers, and must comply with the guidance for [movie theaters and family entertainment centers](#).
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2. Drive-in movie theaters may continue to operate and should follow additional applicable guidance for [drive-in movie theaters](#).
- d. Indoor attractions at zoos and museums must close to visitors.
  1. Zoos and museums may continue to operate outdoor attractions and must follow the [guidance for zoos and museums](#).
- e. Cardrooms must close indoor services to customers and must follow the [guidance for cardrooms](#).

#### **Order for Closure of Additional Indoor Sectors for Counties on Monitoring List**

3. Counties that currently appear on CDPH's County Monitoring List and have been on the list for three consecutive days, and counties that subsequently appear for three consecutive days or more while this order remains effective, must close all indoor operations of the following types of businesses/events/activities:

- a. Gyms and Fitness Centers
- b. Places of Worship
- c. Protests
- d. Offices for [Non-Critical Infrastructure Sectors](#)
- e. Personal Care Services (including nail salons, massage parlors, and tattoo parlors)
- f. Hair salons and barbershops
- g. Malls

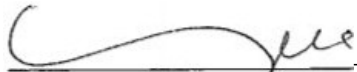
#### **Terms of Orders**

4. This order shall go into effect immediately.
5. These closures shall remain in effect until I determine it is appropriate to modify the order based on public health conditions.
6. Outdoor operations may be conducted under a tent, canopy, or other sun shelter but only as long as no more than one side is closed, allowing sufficient outdoor air movement.
7. I will continue to monitor the epidemiological data and will modify the sectors that may be open both statewide and in counties on the Monitoring List as required by the evolving public health conditions. If I determine that it is appropriate to reopen, close, or modify the operations of any additional sectors, those sectors will be posted at: <https://covid19.ca.gov/roadmap-counties/>.
8. My [guidance](#) mandating the wearing of face coverings and my [guidance](#) prohibiting gatherings continue to apply statewide, except as specifically permitted in other orders or guidance documents. To prevent further spread of COVID-19 to and within other

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jurisdictions within the State, Californians should not travel significant distances and should stay close to home.

9. This order is issued pursuant to the authority under EO N-60-20, and Health and Safety Code sections 120125, 120130(c), 120135, 120140, 120145, 120150, 120175, 120195 and 131080.



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Sonia Y Angell, MD, MPH  
State Public Health Officer & Director  
California Department of Public Health