

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

DATE OF ORDER: November 16, 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 \$1000 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 Monday, November 16, 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 Executive Orders and the State Public Health Officer that govern including without limitation, (1) the May 4, 2020, [Executive Order \(PDF\)](#) that informed local health jurisdictions and industry sectors that they may gradually reopen under new modifications and guidance provided by the state per the May 7, 2020 [Public Health Order \(PDF\)](#), (2) the August 28, 2020 [Blueprint for a Safer Economy](#) which provides revised criteria for loosening and tightening restrictions on activities (found at <https://covid19.ca.gov/safer-economy/>), (3) the November 16, 2020 [Guidance for the Use of Face Coverings](#) Issued by the State Public Health Officer, and (4) all subsequently-issued guidance and Executive Orders, Public Health Officer Orders, and/or orders of other duly authorized representatives of the State of California governing the opening, partial opening, or closure of businesses, venues, events, and activities in the City of Irvine.

2. 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 outside the home; provided, however, that the following categories of persons are exempt from wearing face coverings in the following specific

settings: (i) persons in a car alone or solely with members of their own household; (ii) persons who are working in an office or in a room alone; (iii) persons who are actively eating or drinking provided that they are able to maintain a distance of at least six feet away from persons who are not members of the same household or residence; (iv) persons who are outdoors and maintaining at least 6 feet of social distancing from others not in their household (such persons must have a face covering with them at all times and must put it on if they are within 6 feet of others who are not in their household); (v) 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; (vi) workers who are required to wear respiratory protection; and (vii) persons who are specifically exempted from wearing face coverings by other CDPH guidance. In addition, the following individuals are exempt from wearing face coverings at all times: (a) persons younger than two years old (these very young children must not wear a face covering because of the risk of suffocation); (b) 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; such conditions are rare); (c) 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; and (d) 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.

- 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 in compliance with this Order, (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.

3. 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 September 23, 2020, and the previously issued "ORDER OF THE CITY MANAGER OF THE CITY OF IRVINE IN HIS CAPACITY AS DIRECTOR OF DIRECTOR OF EMERGENCY SERVICES AND MEMBER OF THE IRVINE DISASTER COUNCIL," which was issued on July 15, 2020.

4. This Order shall be effective immediately and will remain in effect until terminated or amended by further Order of the Director of Emergency Services.
5. This Order is issued as a result of the worldwide pandemic of COVID-19 disease, also known as "novel coronavirus," which has infected over millions individuals worldwide and is implicated in hundreds of thousands of worldwide deaths, including over 67,000 cases and 1,535 deaths in Orange County. These numbers grow every day.
6. This Order is issued based on evidence of increasing transmission of COVID-19 both within the City of 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.
7. This Order is intended to reduce the likelihood of exposure to COVID-19, thereby slowing the spread of COVID-19 in communities worldwide. Among other things, 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.
8. This Order is intended to address the strain upon the health care system from the effects of the COVID-19 virus. Similarly, this Order is intended to reduce the likelihood of exposure to COVID-19, thereby slowing the spread of COVID-19 in communities worldwide.
9. Emergency management and public health officials at the federal, state, and county levels continue to issue guidance to slow the spread of COVID-19.
10. Violation of this Order is a crime and may also be pursued as an 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.) For the avoidance of doubt, each act taken in violation of this Order may constitute a separate violation of this Order (*e.g.*, the admission of three patrons to a business that is required under this Order to remain closed may constitute three separate violations of this Order).
11. 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); and (3) provided to any member of the public requesting a copy of this Order.


Marianna Marysheva, Director of Emergency
Services / Interim City Manager, City of Irvine