

CITY OF BELVEDERE

**ORDER OF THE DIRECTOR OF EMERGENCY SERVICES
ADOPTING FACE COVERING REQUIREMENTS BY THE CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH AND THE MARIN COUNTY PUBLIC HEALTH
DEPARTMENT TO BE ENFORCEABLE BY ADMINISTRATIVE CITATION WITHIN
THE CITY OF BELVEDERE**

WHEREAS, on March 15, 2020, I issued a Proclamation of Existence of Local Emergency in the City of Belvedere due to the COVID-19 pandemic, pursuant to the California Emergency Services Act (Gov. Code, §§ 8630, 8550, *et seq.*) and Belvedere Municipal Code Chapter 2.32 (“Emergency Proclamation”), which was ratified by the City Council on March 18, 2020; and

WHEREAS, pursuant to Belvedere Municipal Code section 2.32.030(A) and the Emergency Proclamation, I am named as the City’s Director of Emergency Services and have the authority to make and issue rules and regulations on all matters reasonably related to the protection of life and property as affected by the emergency; and

WHEREAS, Belvedere Municipal Code section 2.32.030(A)(6) requires that all such rules and regulations must be confirmed by the City Council at the earliest practicable time; and

WHEREAS, pursuant to California Government Code section 8634, such orders must be in writing and shall be given widespread publicity and notice; and

WHEREAS, on March 16, 2020, seven Bay Area counties, including Marin County, issued a shelter in place order, directing residents to remain at their place of residence except as necessary to perform essential activities; and

WHEREAS, on March 19, 2020, Governor Newsom issued Executive Order No. N-33-20 ordering all residents to remain at their place of residence with certain limited exceptions and as needed to maintain critical infrastructure sectors, which Order is effective until revoked; and

WHEREAS, on March 31, 2020 the County of Marin issued an updated shelter in place order, which has been amended from time to time and remains in effect; and

WHEREAS, since the issuance of the initial County and State shelter in place orders, the County of Marin and the State have issued subsequent orders relaxing restrictions and allowing the opening of certain businesses and public spaces pursuant to applicable health and safety guidance; and

WHEREAS, on April 17, 2020 the Health Officer of the County of Marin issued an Order broadly requiring that all members of the public must use a face covering when outside their place of residence, with certain exceptions, effective April 22, 2020 (the “County Face Covering Order”); and

WHEREAS, the County Face Covering Order provides that a violation of any provision of said Order is a misdemeanor punishable by fine, imprisonment, or both pursuant to California Health and Safety Code section 120295 *et seq.* and California Penal Code sections 69, and 148(a)(1), *et seq.*, and that the failure to comply with any provision of said Order constitutes an imminent threat and immediate menace to public health, constitutes a public nuisance, and is punishable by fine, imprisonment, or both; and

WHEREAS, on June 18, 2020 the California Department of Public Health issued guidance mandating the use of face coverings by the general public when outside the home, including when inside, or in line to enter, any indoor space and in outdoor public spaces when maintaining a physical distance of at least 6 feet from persons outside of a household unit or residence is not feasible, with certain limited exceptions (“State Guidance”); and

WHEREAS, on July 3, 2020 California Governor Newsom placed Marin County on the list of California counties that are closely being monitored due to increased COVID-19 activity, including an increase in confirmed COVID-19 cases and hospitalizations, triggering State review of open business sectors and COVID-19 containment strategies; and

WHEREAS, on July 5, 2020, in response to continued increasing COVID-19 activity in Marin, California Governor Newsom ordered certain businesses, including indoor dining, to cease operations for a minimum of three weeks; and

WHEREAS, the World Health Organization, the Federal Centers for Disease Control, the California Department of Public Health, and the Marin County Public Health Department all recommend the use of face coverings in public settings to help slow the spread of COVID-19; and

WHEREAS, the intent of this Emergency Order is to provide a tool, in addition to education, to compel compliance with the County Face Covering Order and State Guidance through the issuance of administrative citations pursuant to Belvedere Municipal Code chapter 1.15; and

WHEREAS, in the interests of public health and safety, as effected by the emergency caused by the continued spread of COVID-19, it is necessary to exercise my emergency authority to issue this regulation related to the preservation life and property.

NOW, THEREFORE, I hereby find and order:

1. The recitals set forth above are true and correct and incorporated herein by reference as findings in support of this Order.
2. The County Face Covering Order, attached hereto as Exhibit “A” as may be amended from time to time, is expressly acknowledged and declared to be enforceable within the City of Belvedere as if directly enacted by the City.
3. The State Guidance, attached hereto as Exhibit “B” as may be amended from time to time, is expressly acknowledged and declared to be enforceable within the City of Belvedere as if directly enacted by the City.

4. Any violation of the County Face Covering Order and/or the State Guidance is in violation of this Order and is subject to administrative citations under Belvedere Municipal Code chapter 1.15. The fine amounts are: \$100 for the first violation; \$200 for a second violation within the same year; and \$500 for each additional violation within the same year.
5. This Order takes precedence over all ordinances and resolutions in conflict for the limited purposes stated herein.
6. If any section, subsection, clause, or phrase of this Order is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion or sections of the Order
7. This Order shall take effect immediately and shall be enforceable until terminated by the City or until the County Face Covering Order and the State Guidance are terminated. The Director of Emergency Services shall request that the City Council confirm this Order at the earliest practicable time.

SIGNED AND ISSUED on this 8th day of July, 2020.



CRAIG MIDDLETON
Director of Emergency Services, City of Belvedere