

**CITY OF COSTA MESA REGULATION NO. 3 PURSUANT TO  
PROCLAMATION NO. 2020-01**

**COSTA MESA REGULATION NO. 3 ISSUED PURSUANT TO A PROCLAMATION BY THE CITY MANAGER OF THE CITY OF COSTA MESA, CALIFORNIA, ACTING AS THE DIRECTOR OF EMERGENCY SERVICES, ORDERING THAT ALL RESIDENTS OR VISITORS WITHIN THE GEOGRAPHIC BOUNDARIES OF THE CITY OF COSTA MESA SHALL NOT LEAVE THEIR PLACES OF DOMICILE OR RESIDENCE, EXCEPT TO ENGAGE IN ESSENTIAL SERVICES, WITHOUT WEARING A FACE MASK OR COVERING WHICH SHALL COVER THE NOSE AND MOUTH OF THE WEARER, AND MAKING A VIOLATION OF SAME ENFORCEABLE BY CITY AUTHORITIES THROUGH ALL ENFORCEMENT PROVISIONS WITHIN THE COSTA MESA MUNICIPAL CODE**

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. The Center for Disease Control and Prevention (CDC) has indicated the virus is a tremendous public health threat; and

WHEREAS, 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 announced that the federal government would make emergency funding to assist state and local governments in preventing the spread of and addressing the effects of COVID-19; 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, in a short period of time, COVID-19 has rapidly spread throughout California, the County of Orange, and the City of Costa Mesa, necessitating stringent public health emergency orders as well as guidance from federal, state and local authorities; and

WHEREAS, the COVID-19 pandemic continues to spread rapidly within California, the County of Orange, and the City of Costa Mesa, continues to present an immediate and significant risk to public health and safety, and can result in serious illness or death, especially 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. As a result, restaurant and retail business has significantly declined and workers have been impacted by lost wages and layoffs. Parents have had to miss work to care for home-bound school-age children. As the virus spreads, workers may have to stay home for extended periods; and

WHEREAS, while individuals are required to minimize trips from home except to perform or access essential services and 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 is essential to avoid unnecessary close contact; and

WHEREAS, after consideration of all facts reasonably available, the Costa Mesa City Manager, in her capacity as Director of Emergency Services determines to issue this regulation to expressly mandate the use of face masks or coverings by residents 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, 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. 3 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 midnight on April 13, 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.** Each resident of, or visitor to, the City of Costa Mesa shall wear a face covering while outside their home or personal vehicle within the boundaries of the City of Costa Mesa while performing or accessing an essential service, except as may be *required* to perform an essential service within the meaning of applicable Federal

Guidelines. The face mask or covering which 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.

**SECTION 3.** This Order does not prohibit any individual or members of a single household or living unit from engaging in outdoor activities, as an individual or household, such as jogging, walking, or biking. This Order continues to allow individuals to leave their homes to shop at Essential Businesses, including grocery stores and restaurants offering delivery, drive through or carry out service, so long as all persons practice Social Distancing and wear a cloth face covering while visiting Essential Businesses.

**SECTION 4.** 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 5.** 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 6.** This regulation must be confirmed at the earliest practicable time by the City Council.

**SECTION 7.** 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 8.** Notwithstanding pending review of this regulation by the City Council for confirmation at the earliest practicable time, this regulation shall take effect at midnight on April 13, 2020.

**SECTION 9.** 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 13th day of April, 2020.**

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Lori Ann Farrell Harrison, City Manager

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Kimberly Hall Barlow, City Attorney

ATTEST:

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Brenda Green, City Clerk