

CITY OF SANTA ANA EXECUTIVE ORDER NO. 14-2020

EXECUTIVE ORDER NO. 14 OF THE DIRECTOR OF EMERGENCY SERVICES FOR THE CITY OF SANTA ANA REQUIRING THE USE OF FACE COVERINGS IN PUBLIC

SECTION 1. Findings.

- A. International, national, state, and local health and governmental authorities have been responding to an outbreak of respiratory disease caused by a novel coronavirus named "SARS-CoV-2," and the disease it causes has been named "coronavirus disease 2019," abbreviated COVID-19, ("COVID-19").
- B. On March 4, 2020, the Governor of the State of California declared a state of emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for broader spread of COVID-19.
- C. 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 available to assist state and local governments in preventing the spread of and addressing the effects of COVID-19.
- D. The Orange County Board of Supervisors and Department of Public Health also declared a local emergency and local public health emergency to aid the regional healthcare and governmental community in responding to COVID-19.
- E. On March 17, 2020, the City Council proclaimed the existence of a local emergency to ensure the availability of mutual aid and support an effective City response to COVID-19.
- F. According to the Centers for Disease Control and Prevention ("CDC"), masks or face coverings are recommended as a simple barrier to help prevent respiratory droplets from traveling into the air and onto other people when the person wearing the mask coughs, sneezes, talks or raises their voice. COVID-19 is spread through respiratory droplets mainly among people who are in close contact (within 6 feet).
- G. The CDC advises that emerging evidence from clinical and laboratory studies show that masks reduce the spray of droplets when worn over the nose and mouth. The use of masks is particularly important in settings where people are close to each other (within 6 feet) or where social distancing is difficult to maintain.
- H. On June 18, 2020, the California Department of Public Health ("CDPH") issued "Guidance for the Use of Face Coverings" mandating the use of face coverings when individuals are in certain high risk situations.

- I. On September 8, 2020, the County of Orange Health Officer revised previous Orders and Strong Recommendations issued on July 1, 2020 and mandated, among other things that, all county residents and visitors shall wear face coverings in certain high risk situations as required by the “Guidance for the Use of Face Coverings” issued by the CDPH on June 18, 2020.
- J. On November 16, 2020, the CDPH issued updated guidance regarding the use of face coverings that superseded its guidance issued on June 18, 2020. The CDPH guidance requires the use of a face coverings state-wide at all times when outside of the home unless one of the following exemptions applies:
- Persons in a car alone or solely with members of their own household.
 - Persons who are working in an office or in a room alone.
 - 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.
 - 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.
 - 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.
 - Workers who are required to wear respiratory protection.
 - Persons who are specifically exempted from wearing face coverings by other CDPH guidance.
- K. Currently, Orange County is in the Purple Widespread Tier according to the Governor’s Blue Print for a Safer Economy. As of December 2, 2020, Orange County has a total of 80,551 positive cases and 1,578 deaths due to COVID-19. The City of Santa Ana has the most positive COVID-19 cases in the County with a total of 15,609 and 331 deaths.
- L. On December 1, 2020, the Santa Ana City Council unanimously directed the City Manager to issue an Executive Order requiring the use of face coverings within the City of Santa Ana.
- M. This Order is adopted pursuant to the City's police powers and powers afforded to the city in time of national, state, county and local emergency during an unprecedented health pandemic, such powers being afforded by the State Constitution, the City Charter of the City of Santa Ana and the Santa Ana Municipal Code to protect the peace, health, and safety of the public. This Order is necessary for the preservation of the public peace, health, and safety of residents living within the City. Under Government Code Section 8634, this Order is necessary to provide for the protection of life and property. Furthermore, pursuant to Santa Ana Municipal Code section 2-648(b), this Order is necessary because failure to wear a face covering when in public imperils the lives of inhabitants of the City.

NOW, THEREFORE, I, Kristine Ridge, the Director of Emergency Services for the City of Santa Ana, do hereby issue the following order to become effective immediately, subject to further clarification by the City Council:

IT IS HEREBY ORDERED THAT:

SECTION 2. All people within the City limits of the City of Santa Ana are required to wear a cloth face covering at all times in public or when outside of their home unless one of the following exemptions applies:

- Persons in a car alone or solely with members of their own household.
- Persons who are working in an office or in a room alone.
- 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.
- 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.
- 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.
- Workers who are required to wear respiratory protection.
- Persons who are specifically exempted from wearing face coverings by other CDPH guidance, including but not limited to the following:
 - Persons younger than two years old. These very young children must not wear a face covering because of the risk of suffocation.
 - 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.
 - 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.
 - 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.

Note: Persons exempted from wearing a face covering due to a medical condition who are employed in a job involving regular contact with others must wear a non-restrictive alternative, such as a face shield with a drape on the bottom edge, as long as their condition permits it.

SECTION 3. Violation of this Order is a crime and may be pursued as an administrative citation, an infraction or a misdemeanor, in the City's sole and absolute discretion pursuant to California Penal Code section 19, California Government Code section 8665, and Santa Ana Municipal Code sections 1-8 and 2-648.

SECTION 4. This Order shall remain in effect until the local emergency declaration related to COVID-19 is repealed or terminated. This Order shall be superseded by a duly enacted Ordinance of the City Council or further Order by the Director of Emergency Services adopted during the local emergency expressly superseding this Order.

SECTION 5. This Order shall become effective immediately.

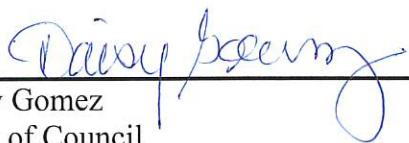
SECTION 6. If any section, subsection, sentence, clause, phrase or word of this Order is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the remaining provisions of this order.

PASSED, APPROVED AND ADOPTED this 4th day of December, 2020.



Kristine Ridge
Director of Emergency Services and
City Manager

ATTEST:



Daisy Gomez
Clerk of Council