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Enforcement of Public Health Orders Related to COVID-19

Right now, people in San Diego County are required to follow two public health orders: [Governor Gavin Newsom's Executive Order N-33-201](#) and the [County's Order of Health Officer and Emergency Regulations](#). Individuals may also be subject to additional orders issued by incorporated cities within San Diego County if they are located within that city's jurisdiction.

California State Orders

All individuals living in the State of California are currently ordered to stay home or at their place of residence, except for permitted work or other activity authorized by the state guidance. On May 7, 2020, the State Public Health Officer issued an order allowing local jurisdictions to begin opening newly authorized industries.

"Californians may leave their homes to work at, patronize, or otherwise engage with those businesses, establishments, or activities and must, when they do so, continue at all times to practice physical distancing, minimize their time outside of the home, and wash their hands frequently."

On July 13, 2020, the State Public Health Officer issued an order requiring the following industries to shut down, statewide, unless they can be modified to operate outside or by pick-up: dine-in restaurants; wineries and tasting rooms; movie theaters; family entertainment centers; zoos and museums; and cardrooms. Bars, pubs, brewpubs, and breweries that do not serve food must close indoor and outdoor operations.

Counties that have remained on the County Monitoring List for 3 consecutive days are required to shut down indoor operations for the following industries: fitness centers; places of worship; indoor protests; offices for non-critical sectors; personal care services; hair salons and barbershops; and malls. San Diego is required to implement these closures.

Face coverings:

Pursuant to the California Department of Public Health Face Covering Guidance, individuals, except for exempted individuals, are *required* to wear masks in the following situations:

- Inside of, or in line to enter, any indoor public space;
- Obtaining services from the healthcare sector in settings including, but not limited to, a hospital, pharmacy, medical clinic, laboratory, physician or dental office, veterinary clinic, or blood bank;
- Waiting for or riding on public transportation or paratransit or while in a taxi, private car service, or ride-sharing vehicle;
- Engaged in work, whether at the workplace or performing work off-site, when:
 - Interacting in-person with any member of the public;
 - Working in any space visited by members of the public, regardless of whether anyone from the public is present at the time;
 - Working in any space where food is prepared or packaged for sale or distribution to others;
 - Working in or walking through common areas, such as hallways, stairways, elevators, and parking facilities;



- In any room or enclosed area where other people (except for members of the person's own household or residence) are present when unable to physically distance.
- Driving or operating any public transportation or paratransit vehicle, taxi, or private car service or ride-sharing vehicle when passengers are present. When no passengers are present, face coverings are strongly recommended.
- While outdoors in public spaces when maintaining a physical distance of 6 feet from persons who are not members of the same household or residence is not feasible.

San Diego County Local Health Order

The San Diego County Public Health Order that has been in effect will continue until further notice, specifies and orders as follows:

Stay at Home: All persons are to remain in their homes or at their place of residence, except for employees or customers travelling to and from a reopened business or an essential business, or essential activity, or to participate in individual or family outdoor activity as allowed by the Order.

Gatherings: All public or private events or convenings that bring together more than one person in a single room or single indoor or outdoor space at the same time, are prohibited. The order does not prohibit a gathering consisting only of members of a single family or household.

Businesses: All businesses not meeting the definition of essential business or reopened business are “non-essential businesses” and shall be, and remain, closed for the duration of the Order. All essential businesses and reopened businesses must comply with the requirements of the Order.

1. **Essential Business:** A business or activity designated by the State Public Health Officer in the "Essential Critical Infrastructure Workers" list and referenced in Executive Order N-33-20.
2. **Reopened Business:** A business that is not an essential business and has reopened in conformance with the State of California's Resilience Roadmap. A reopened business may open when the State has released applicable industry guidance, the Public Health Officer has posted an acknowledgment of the reopened status on the County's Coronavirus website, and the business has complied with the requirements of the Order.

Childcare: Child daycare and childcare providers shall operate in compliance with the state guidance, and shall prepare and post a "Safe Reopening Plan".

Hospital Entry: Employees, contractors, or members of the public who do not perform treatment, maintenance, support, or administrative tasks deemed essential to the healthcare mission of a long-term care facility or hospital are prohibited from entry into any hospital or long-term care facility. All essential personnel who are COVID-19 positive or show any potential signs or symptoms of COVID-19 are strictly prohibited from entry into hospitals or long-term care facilities. However, individuals requiring medical care for COVID-19 or related conditions may be admitted to hospitals or other medical facilities if the hospital or medical facility is appropriate for treating COVID-19 and has adequate precautions in place to protect its patients, medical personnel and staff.



Mandatory Face Covering: All persons two years old or older shall have possession of a face covering when they leave their home or place of residence and shall wear the face covering in accordance with the California Department of Public Health Face Covering Guidance as set forth above.

Exceptions:

Persons with a medical or mental health condition, or disability that prevents wearing a face covering shall be exempt from this requirement.

Persons who are seated at a restaurant or other establishment that offers food or beverage service, while they are 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 engaged in outdoor work or recreation such as swimming, walking, hiking, bicycling, or running, when alone or with household members, and when they are able to maintain a distance of at least six feet from others.

Essential Business Social Distancing and Sanitation Protocol: All essential businesses that allow members of the public to enter a facility must prepare and post a "Social Distancing and Sanitation Protocol" form, or a form required by another governmental entity requiring substantially similar information, for each facility open to the public in the county. The Protocol must be posted at or near the entrance of the facility, and shall be easily viewable by the public and employees. A copy of the Protocol must also be provided to each employee working at the facility. All essential businesses shall implement the Protocol and provide evidence of its implementation to any authority enforcing the Order upon demand. Any business that fails to successfully implement social distancing and sanitation may be required to close.

Reopened Business Safe Reopening Plan and COVID-19 Restaurant Operating Protocol: All reopened businesses, with the exception of restaurants, bars, wineries, distilleries and breweries which do not limit services to take-out or delivery, must prepare and post a "Safe Reopening Plan" form for each facility. Restaurants, bars, wineries, distilleries, and breweries which do not limit services to take-out or delivery, must prepare and post a "COVID-19 Restaurant Operating Protocol" form for each restaurant. The Plan or Protocol must be posted at or near the entrance of the facility, and shall be easily viewable by the public and employees. A copy of the Plan or Protocol must also be provided to each employee working at the facility. All reopened businesses shall implement the Plan or Protocol and provide evidence of its implementation to any authority enforcing the Order upon demand. The Plan or Protocol must ensure all required measures are implemented. Any business that fails to comply with its Plan or Protocol shall immediately close.

- a. When the State issues industry guidance, or subsequent amendments, with mandatory or suggested measures to be implemented by a particular type of business or industry, a reopened business must include all mandatory measures as part of its Safe Reopening Plan. The reopened business shall include all suggested measures necessary to maintain proper sanitation, employee screening, social distancing and facial coverings. Any mandatory measures required by the Order must also be included in the Plan.



Brewpubs, Breweries, Bars and Pubs: All brewpubs, breweries, bars and pubs shall close unless they serve food in compliance with section 14(c) of the Order. If these facilities sell food, they may operate in accordance with the "Restaurants, Bars, Wineries, Distilleries and Breweries" guidance immediately below.

Restaurants, Bars, Wineries, Distilleries and Breweries: All restaurants, bars, wineries, distilleries and breweries shall close indoor service in conformance with the state guidance. These facilities shall be closed from 10:00 p.m. until 5:00 a.m. every day. Guests already in the facility at 10:00 p.m. may remain until 11:00 p.m. and only staff needed to close, open or clean the facility shall be in the facility between 11:00 p.m. and 5:00 a.m. These businesses are required to ensure their customers comply with all of the following measures and shall immediately close if they are not able to do so:

- a. No food or beverages shall be served to or consumed by a customer who is not seated at a table designated by the restaurant for dining.
- b. The bar area of a restaurant may be used only for table service of meals.
- c. Alcoholic drinks shall only be served as part of a meal and must be sold and served in the same transaction as the meal. All meals shall be served by a food operator permitted by the San Diego County Department of Environmental Health. *This restriction shall not be applicable to outdoor service of wine at a winery or spirits at a distillery.*
- d. Customers shall not stand in the facility except in the reception area while waiting for a table or to pick up take-out food. If customers cannot be socially distanced in the reception area they shall wait in their cars or outside of the restaurant in a line with six feet between each customer.
- e. Discontinue open seating. All members of the party must be present before seating and the host must bring the entire party to the table at one time. The customers allowed at a table are limited to members of a single household or customers who have asked to be seated together at the time a table is requested.
- f. Discontinue seating customers and/or groups at bar counters, sushi preparation bars, etc. where they cannot maintain at least six feet of distance from employee work areas/stations. Install physical barriers or partitions in areas where maintaining a physical distance of six feet is difficult.
- g. Customers are not required to wear face coverings while at a table with members of the same household. Customers at a table with non-household members are not required to wear face coverings when eating and drinking. Customers are required to wear face coverings at all other times in conformance with the California Department of Public Health Face Covering Guidance, set forth above.
- h. Tables designated for dining shall be six feet apart or separated by barriers or partitions that extend above the heads of customers while seated. Customers are not allowed to bring additional chairs to the table that interfere with the six-foot separation.
- i. Self-serve food or drink options, such as buffets, salad bars, and drink stations are not allowed.



j. Shared entertainment items such as board games, arcade games and vending machines are prohibited and customers shall not have access to game and entertainment areas such as pool tables or darts.

k. Dance floors shall be closed and live performances such as musical or dance acts shall be discontinued.

Places of Worship: Religious services and cultural ceremonial activities (including wedding ceremonies but not receptions) may be conducted in conformance with the state guidance. Outdoor services and cultural ceremonial activities may be conducted as long as all persons practice social distancing..

Business Mandatory Face Covering and Screening: Each essential business and reopened business shall require all employees to have possession of face coverings in compliance with the Mandatory Face Covering section when in the business facility. Additionally, the businesses shall conduct temperature screening of all employees and prohibit employees with a temperature of 100 degrees or more or employees exhibiting COVID-19 symptoms from entering the workplace.

Parks and Recreation Areas: Each public park and recreation area or facility, shall operate in compliance with the state guidance. The operator of the park shall prepare a "Safe Reopening Plan." Any park or recreation area/facility at which the Plan requirements cannot be effectively implemented may be required to close.

a. This guidance applies to campgrounds, RV parks, and outdoor recreation, including for-hire fishing and small charter operations.

Outdoor Recreation and Day Camps: Outdoor recreation instruction and day camps that comply with the state guidance may be conducted in park and recreation areas and facilities.

Pools: Swimming pools owned or operated by a Homeowners' Association, Condominium or Apartment complex may be open provided the owner or operator completes and posts a "Safe Reopening Plan" and operates in conformance with the swimming pool/aquatic venues requirements of the state guidance.

Hotels and Lodging Establishments: Hotels and lodging establishments may be open for all guests, including tourists and leisure guests, provided that they comply with the state guidance and complete and post a "Safe Reopening Plan."

Isolation or Quarantine: Persons who have been diagnosed with COVID-19, or who are likely to have COVID-19, are required to comply with the Order of the Health Officer titled: "Isolation of All Persons with or Likely to have COVID-19." Persons who have a close contact with a person who either has COVID-19, or is likely to have COVID-19, is required to comply with the Order of the Health Officer titled: "Quarantine of Persons Exposed to COVID-19." Both orders are available on the County website. If a more specific isolation or quarantine order is issued to a person, that order shall be followed.

The County Public Health Order does not prohibit:



1. A gathering consisting only of members of a single family or household.
2. Operations at airports, public transportation or other spaces where persons in transit are able to practice social distancing.
3. Operations at essential businesses and where the other requirements set forth in the Order are followed.

"Social distancing" is maintaining a six-foot separation from all persons except for household members and medical providers with the appropriate personal protection equipment

Law Enforcement Authority:

All individuals must follow the Governor's Executive order to stay home, except as needed to obtain or perform the authorized essential activities. The local health order includes additional prohibitions that must be followed on top of the state requirement. The local order may be enforced when someone is engaging in an activity that is authorized by the state order, but they are not acting in compliance with the local order.

Violations of either order are enforceable under Government Code Section 8665. Government Code Section 8665 provides that any person who violates any of the provisions of the California Emergency Services Act or who refuses or willfully neglects to obey any lawful order or regulation promulgated or issued as provided in the Act, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not to exceed one thousand dollars (\$1,000) or by imprisonment for not to exceed six months or by both such fine and imprisonment.

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