

**ORDER OF THE DIRECTOR OF EMERGENCY SERVICES FOR THE CITY OF CAPITOLA  
NO. 5-2020**

**WHEREAS**, on March 3, 2020, Governor Newsom proclaimed a State of Emergency related to the COVID-19 pandemic, effective throughout the State of California; and

**WHEREAS**, on March 4, 2020, the Santa Cruz County Public Health Officer declared a local health emergency related to the COVID-19 pandemic, which remains in effect; and

**WHEREAS**, on March 26, 2020, the City Council of the City of Capitola declared the existence and anticipated spread of COVID-19 to be an emergency situation, as defined in California Government Code Section 54956.6, because it severely impairs public health and safety;

**WHEREAS**, on March 26, 2020, the City Council further declared the existence and anticipated spread of COVID-19 to be a local emergency, as defined by the California Emergency Services Act (California Government Code Sections 8634, 8550, *et seq.*);

**WHEREAS**, Government Code Section 8634 empowers the Director of Emergency Services to promulgate orders and regulations necessary to provide for the protection of life and property;

**WHEREAS**, Capitola Municipal Code Section 8.08.050.A designates the City Manager as the Director of Emergency Services and Capitola Municipal Code Section 8.08.060.A.6.a authorizes the Director of Emergency Services to make and issue rules and regulations on matter reasonably related to the protection of life and property; and

**WHEREAS**, on June 18, 2020, the California Department of Public Health (CDPH) released Guidance for the Use of Face Coverings (Guidance), which was updated on June 29, 2020, and which requires all people in California, with certain exemptions, to wear face coverings when they are in high-risk situations; and

**WHEREAS**, on June 24, 2020, the Santa Cruz County Health Officer issued a County-wide mask and social-distancing order (County Mask Order) requiring that all members of the public, except those specifically exempted, wear face coverings; and

**WHEREAS**, the Centers for Disease Control and Prevention (CDC) and CDPH now believe that wearing a face covering, when combined with physical distancing of at least six (6) feet and frequent hand washing, may reduce the risk of transmitting coronavirus when in public by reducing the spread of respiratory droplets; and

**WHEREAS**, violations of the order of the Health Officer related to the control of the spread of COVID-19 are a public nuisance and present an immediate threat to the public peace, health, and safety in that they increase the likelihood that the COVID-19 virus will spread throughout the City and region and overwhelm health care systems and lead to injury and death that might otherwise be substantially reduced through adherence to the orders of the Health Officer; and

**WHEREAS**, the number of infected persons in Santa Cruz County is rising and having a high number of people in public without wearing a face covering seriously impedes efforts to stem the local transmission of COVID-19; and

**WHEREAS**, under California Law, the orders of the Health Officer are enforceable by local police agencies; and

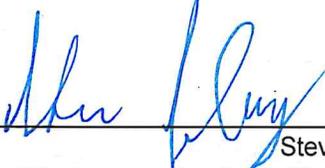
**WHEREAS**, the immediate enforcement of the orders of the Health Officer related to physical distancing and wearing face coverings is necessary to control the spread of COVID-19 in Capitola; and

**WHEREAS**, I have determined that urgent action must be taken to protect the health, safety, and welfare of individuals in Capitola; and

**WHEREAS**, the intent of this Emergency Order is to provide a tool, in addition to education, to compel compliance with the Guidance and the County Mask Order by authorizing enforcement of the Guidance and the County Mask Order through the issuance of infraction citations and administrative citations pursuant to Chapter 4 of Capitola Municipal Code.

**NOW THEREFORE, IT IS HEREBY PROCLAIMED AND ORDERED** by the Director of Emergency Services of the City of Capitola that:

1. The recitals set forth above are incorporated herein as if fully set forth, are true and correct, and are adopted as findings in support of this Emergency Order
2. Any person who violates the Guidance for the Use of Face Coverings released by the California Department of Public Health or the County Mask Order is in violation of this Emergency Order and is subject to one or the other of the following penalties, depending on the determination of the issuing officer:
  - a. An administrative citation carrying a fine in the amount(s) set forth below.
    - i. \$100 for the first violation within a one-year period (Capitola Municipal Code §4.14.070.A.1).
    - ii. \$200 for the second violation within a one-year period (Capitola Municipal Code §4.14.070.A.2).
    - iii. \$500 for each additional violation within a one-year period (Capitola Municipal Code §4.14.070.A.3).
  - b. An infraction carrying a fine in the amount(s) set forth below.
    - i. \$100 for the first violation within a one-year period (Capitola Municipal Code §4.04.010).
    - ii. \$200 for the second violation within a one-year period (Capitola Municipal Code §4.04.010).
    - iii. \$500 for each additional violation within a one-year period (Capitola Municipal Code §4.04.010).
3. This Emergency Order shall be liberally construed to provide the broadest possible protection for the residents of the City
4. This Emergency Order shall become effective immediately, subject to ratification as soon as practicable by the Capitola City Council

  
\_\_\_\_\_  
Steven Jesberg  
Acting Director of Emergency Services, City of Capitola

ATTEST:

  
\_\_\_\_\_  
Chloé Woodmansee, Interim City Clerk