



**CITY OF MILPITAS
DIRECTOR OF EMERGENCY SERVICES ORDER
IMPOSING REGULATIONS TO PROTECT ESSENTIAL
WORKERS AND CONSUMERS THROUGH THE USE OF FACE
COVERINGS TO PREVENT THE SPREAD OF THE NOVEL
CORONAVIRUS (COVID-19)**

WHEREAS, international, national, state and local health and governmental authorities are responding on an urgent, emergency basis to an unprecedented outbreak of respiratory disease caused by a novel coronavirus that emerged in 2019 ("COVID-19"); and

WHEREAS, on February 10, 2020, the County of Santa Clara ("County") ratified the declaration of its Health Officer and proclamation of its Director of Emergency Services of a local emergency and declared a local and public health emergency as a result of COVID-19;

WHEREAS, on March 4, 2020, Governor Newsom 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 the broader spread of COVID-19; and

WHEREAS, on March 11, 2020, the World Health Organization declared the COVID-19 outbreak a pandemic; and

WHEREAS, on March 16, 2020, the County of Santa Clara joined Contra Costa, Marin, San Francisco, San Mateo, Alameda counties on issuing a legal order directing their respective residents to shelter at home for three weeks beginning March 17, 2020. The County's Shelter-in-Place Order ("County Order") also requires all businesses except Essential Businesses as described in the Order to cease all activities at facilities located within the County except minimum basic operations and prohibits all public and private gatherings of any number of people except for limited purposes as well as all non-essential travel; and

WHEREAS, the Interim City Manager, acting as the Director of Emergency Services, proclaimed the existence of a local emergency in response to the COVID-19 pandemic within the City of Milpitas on March 12, 2020; and

WHEREAS, on March 17, 2020, the Milpitas City Council ratified the Interim City Manager's Emergency Proclamation regarding the existence of a local emergency; and

WHEREAS, on March 31, 2020, the County Order was extended through May 3, 2020 with modifications; and

WHEREAS, as of April 22, 2020, there are 1,962 confirmed cases and 94 deaths from COVID-19 in the County of Santa Clara with 66 confirmed cases in Milpitas; and

WHEREAS, the Centers for Disease Control is now advising that individuals use simple cloth face coverings in public in addition to social distancing and good hygiene to help slow the spread of the virus; and

WHEREAS, workers continue to provide essential services during this emergency, and some of these critical workers face an outsized risk of exposure. It is imperative that medical workers and first responders continue to follow the advice of health officials and wear hospital grade masks, such as surgical masks or N95 respirators. Other essential workers who come into frequent contact with the public must also be protected from infection. There is a worldwide shortage of medical grade masks, and health officials are increasingly urging non-medical workers to wear non-medical grade cloth face coverings to help curb the spread of COVID-19, by preventing the transmission of respiratory droplets that contain the virus;

WHEREAS, in the two weeks prior to the date of this Order, Contra Costa, Marin, Alameda, San Mateo, San Francisco, Sonoma, and Los Angeles counties, as well as the Cities of Fremont, Glendale, Beverly Hills, and Los Angeles, have issued orders requiring individuals to wear face coverings in public places, and the County of Santa Clara has issued guidance strongly urging the public to wear face coverings;

WHEREAS, in the interest of public health, safety and welfare as affected by the emergency caused by the spread of COVID-19, and to aid the City's efforts to slow the pace of community spread and avoid unnecessary strain on our medical system, it is necessary to issue these regulations for the protection of the public health, safety; and.

WHEREAS, the City's Emergency Services Director is issuing this Order pursuant to his existing authority contained at Milpitas Municipal Code V-1-4.03-1 as a regulation related to the protection of life as affected by the emergency posed by COVID-19.

NOW, THEREFORE, BE IT RESOLVED, by virtue of the authority granted pursuant to Milpitas Municipal Code V-1-4.03, the Director of Emergency Services issues the following Order, effective at 8:00 a.m. on April 24, 2020 and until the end of the local emergency period, which shall apply to persons and places within the City of Milpitas:

Section 1. All workers who work at businesses or perform services under Paragraph 13(f) of the County of Santa Clara's Shelter-in-Place Order, in the following subparagraphs:

- i. Healthcare Operations as defined by the County Order;
- ii. Grocery stores, certified farmers' markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of unprepared food, canned food, dry goods, non-alcoholic beverages, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, as well as hygienic products and household consumer products necessary for personal hygiene or the habitability, sanitation, or operation of residences. The businesses included in this subparagraph (ii) include establishments that sell multiple categories of products provided that they sell a significant amount of essential products identified in this subparagraph, such as liquor stores that also sell a significant amount of food;

- iii. Gas stations and auto-supply, auto-repair (including, but not limited to, for cars, trucks, motorcycles and motorized scooters), and automotive dealerships, but only for the purpose of providing auto-supply and auto-repair services (and not, by way of example, car sales or car washes);
- iv. Bicycle repair and supply shops;
- v. Hardware stores;
- vi. Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the habitability, sanitation, and operation of occupied residences and Essential Businesses, but not for cosmetic or other purposes;
- vii. Laundromats, drycleaners, and laundry service providers;
- viii. Restaurants and other facilities that prepare and serve food, but only for delivery or carry out;
- ix. Funeral home providers, mortuaries, cemeteries, and crematoriums, to the extent necessary for the transport, preparation, or processing of bodies or remains;
- x. Businesses that have the primary function of shipping or delivering groceries, food, or other goods directly to residences or businesses;
- xi. Taxis, rental car companies, rideshare services (including shared bicycles and scooters), and other private transportation providers; and
- xii. Professional services, such as legal, notary, or accounting services, when necessary to assist in compliance with non-elective, legally required activities;

shall wear face coverings over their noses and mouths ("Face Coverings") while performing their work. Face Coverings need not be medical-grade masks or N95 respirators, but rather include cloth coverings, such as scarves and bandanas, that cover the nose and mouth. All essential, non-medical workers required to wear Face Coverings must frequently (at least once a day) wash any reusable face coverings, for the health and safety of themselves and others. Single-use Face Coverings must be properly discarded into trash receptacles.

Section 2. Employers of all workers who work at businesses or perform services described in Section 1 of this Order must provide, at their expense, non-medical grade Face Coverings for their employees.

Section 3. All customers and visitors, over six (6) years of age, who visit the businesses and organizations described in Section 1 of this Order must wear Face Coverings to provide additional protection for employees and customers.

Section 4. A business owner or operator described in Section 1 of this Order may refuse admission or service to any individual over six (6) years of age who fails to wear a Face Covering as required by this Order provided that such business or operator has posted in a conspicuous location, which is visible to any customer or visitor, a notice of the Face Covering requirement imposed by this Order.

Section 5. Violations of this Order shall be enforced as set forth in Milpitas Municipal Code Chapter I-21 with education being the first step in the enforcement process. Pursuant to Milpitas Municipal Code Chapter 1-21-1.07, to the extent an individual cited under this Order can show with documentation sufficient to City staff that they have an economic hardship specific to COVID-19, city staff may dismiss the citation in the interest of justice.

Section 6. This Order shall remain in effect for the duration of the local emergency proclaimed in response to the COVID-19 crisis.

Section 7. Under Title 14 of the California Code of Regulations, Section 15061(b)(3) and Section 15378(b), each as a separate and independent basis this Order is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment.

Section 8. If any section, subsection, sentence, clause or phrase of this Order is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this Order. The Director of Emergency Services hereby declares that he would have issued this Order and each section or subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Approved and issued on April 22, 2020.



Steven G. McHarris
Interim City Manager/Director of Emergency
Services