

ORDINANCE NO. 3484-A

EMERGENCY ORDINANCE OF THE CITY OF CHULA VISTA ORDERING THE TEMPORARY CLOSURE OF CERTAIN BUSINESSES AND ACTIVITIES, INCLUDING BARS, OTHER ALCOHOL-SERVING ESTABLISHMENTS, AND ON-SITE DINING SERVICES; PROHIBITING CERTAIN PUBLIC OR PRIVATE GATHERINGS OF 50 OR MORE PEOPLE; AND RELATED RESTRICTIONS, ALL AS MORE PARTICULARLY SET FORTH IN THAT CERTAIN MARCH 16, 2020 AMENDED ORDER AND EMERGENCY REGULATIONS OF THE SAN DIEGO COUNTY HEALTH OFFICER

WHEREAS, on January 30, 2020, the World Health Organization (“WHO”) declared a Public Health Emergency of International Concern. On January 31, 2020, the United States Secretary of Health and Human Services declared a Public Health Emergency; and

WHEREAS, on February 14, 2020, the San Diego County Health Officer declared a Local Health Emergency as a result of the COVID-19 virus, which was subsequently ratified by the Board of Supervisors on February 19, 2020; and

WHEREAS, on March 4, 2020, California Governor Gavin Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and department and help the State prepare for a broader spread of COVID-19. The declaration was issued as the number of positive California cases continued to rise and following one official COVID-19 death; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency as a result of the COVID-19 virus; and

WHEREAS, on March 13, 2020, due to the escalating number of COVID-19 virus cases, with many cases in the State of California, the City of Chula Vista Director of Emergency Services issued a Proclamation declaring a Local Emergency, as authorized by Government Code section 8630 and Chula Vista Municipal Code section 2.14.080(a); and

WHEREAS, the Centers for Disease Control and Prevention, the California Department of Public Health, and the San Diego County Department of Public Health have all issued recommendations, including, but not limited to, social distancing, staying home if sick, canceling or postponing large group events, working from home, and other precautions to protect public health and prevent transmission of this communicable virus; and

WHEREAS, on March 12, 2020 and subsequently amended on March 16, 2020, pursuant to California Health and Safety Code sections 101040, 120175, and 120175.5 (b) the Health Officer of the County of San Diego (Health Officer) issued an Order of the Health Officer and Emergency Regulations (the “County Order”) that is effective from Tuesday, March 17, 2020

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through March 31, 2020 for San Diego County. The County Order prohibits all public or private “gatherings,” an event or convening that brings together 50 or more people in a single room or single space at the same time, the closure of all bars, adult entertainment establishments, and other business establishments that serve alcohol and do not serve food, the closure of on-site dining of all restaurants and other business establishments that serve food, and cessation of classes or other school activities where students gather on the school campus for all public or private schools, colleges, and universities; and

WHEREAS, the San Diego County of Public Health has confirmed 55 cases of COVID-19 in the County and has advised that closure of businesses and prohibitions related to public gatherings are necessary to prevent the further spread of COVID-19; and

WHEREAS, pursuant to Health and Safety Code section 120175.5(b) and the County Order, all governmental entities in San Diego County shall take necessary measures within the governmental entity’s control to ensure compliance with the County Order; and

WHEREAS, in accordance with Chula Vista Municipal Code section 2.14.080(F)(1) the City of Chula Vista Director of Emergency Services recommends that the City Council affirm and adopt the County Order as a local measure in order to protect the life and property of the residents of Chula Vista affected by the emergency declared as a result of the COVID-19 virus;

WHEREAS, pursuant to Health and Safety Code section 120295, violation of measures taken by the City Council of the City of Chula Vista in accordance with Health and Safety Code section 120175.5(b) is subject to fine, imprisonment, or both; and

WHEREAS, pursuant to Chula Vista Municipal Code section 2.14.140, violation of lawful rules and regulations issued pursuant to Chapter 2.14 of the Chula Vista Municipal Code is punishable by a fine, imprisonment, or both; and

WHEREAS, pursuant to Chula Vista Municipal Code section 1.20.010, violation of the provisions of ordinances of the City are subject to criminal, civil, and administrative penalties; and

WHEREAS, based on the facts and circumstances stated above, it is necessary to exercise Council’s authority pursuant to the Charter of the City of Chula Vista, Chula Vista Municipal Code Chapter 2.14, Government Code section 8364, Health and Safety Code section 120175.5(b), and the County Order, to establish this Ordinance as an Emergency Ordinance within the meaning of City of Chula Vista Charter section 311(d) to preserve the public peace, health, safety, and general welfare as a result of the impacts of the COVID-19 virus.

NOW, THEREFORE, the City Council of the City of Chula Vista does ordain as follows:

**Section I. Order of the City Council**

IT IS HEREBY ORDERED THAT:

1. The March 16, 2020 Amended Order of the Health Officer and Emergency Regulations (“County Order”) issued by Wilma J. Wooten, M.D., M.P.H., the County of San Diego Public Health Officer, attached hereto as Exhibit A, is hereby affirmed and adopted as the Order and Emergency Regulations of the City of Chula Vista (“City Order”) effective as of 12:00 a.m. March 18, 2020.
2. The City Order shall remain in effect throughout the duration of the County Order, including any County extensions thereof. The County Order is currently scheduled to expire on March 31, 2020. The City Order may be further extended or sooner terminated by order of the City Council.
3. The City Order may be expanded or amended to apply to additional businesses or circumstances pursuant to the independent judgment of the Chula Vista Director of Emergency Services consistent with his or her authority to make and issue rules and regulations reasonably related to the protection of life and property and subject to confirmation of the City Council at the earliest practicable time as authorized in Chula Vista Municipal Code section 2.14.080.
4. Violations of the City Order shall be enforceable to the maximum extent authorized by law, including without limitation, as set forth in Chula Vista Municipal Code sections 1.20.010(A) and 2.14.140 and Health and Safety Code section 120295.

**Section II. Severability**

If any portion of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid, unenforceable or unconstitutional, by a court of competent jurisdiction, that portion shall be deemed severable, and such invalidity, unenforceability or unconstitutionality shall not affect the validity or enforceability of the remaining portions of the Ordinance, or its application to any other person or circumstance. The City Council of the City of Chula Vista hereby declares that it would have adopted each section, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more other sections, sentences, clauses or phrases of the Ordinance be declared invalid, unenforceable or unconstitutional.

**Section III. Construction**

The City Council of the City of Chula Vista intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

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**Section IV. Effective Date**

Based on the facts and circumstances set forth above, it is necessary to establish this Ordinance as an Emergency Ordinance, within the meaning of City of Chula Vista Charter section 311(d), for preserving the public peace, health, safety, and general welfare as a result of the COVID-19 virus and is hereby effective upon passage by City Council.

This Ordinance shall also take effect and be in force on the thirtieth day after its final passage.

In the event of conflict of effective dates, this Ordinance shall be effective upon the earliest lawful effective date.

**Section V. Publication**

The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

[SIGNATURES ON THE FOLLOWING PAGE]

Presented by

Approved as to form by

DocuSigned by:  
*Gary Halbert*  
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Gary Halbert  
City Manager

DocuSigned by:  
*Glen R. Googins*  
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Glen R. Googins  
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 17th day of March 2020, by the following vote:

AYES: Councilmembers: Diaz, Galvez, McCann, and Casillas Salas

NAYS: Councilmembers: None

ABSENT: Councilmembers: Padilla

DocuSigned by:  
*Mary Casillas Salas*  
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Mary Casillas Salas, Mayor

ATTEST:

DocuSigned by:  
*Kerry K. Bigelow*  
3074D104EAF342E...

Kerry K. Bigelow, MMC, City Clerk

STATE OF CALIFORNIA     )  
COUNTY OF SAN DIEGO    )  
CITY OF CHULA VISTA     )

I, Kerry K. Bigelow, City Clerk of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 3484-A was passed as an emergency measure on the 17th day of March 2020; and was duly published in summary form in accordance with the requirements of state law and the City Charter.

3/19/2020

Dated

DocuSigned by:  
*Kerry K. Bigelow*  
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Kerry K. Bigelow, MMC, City Clerk



# County of San Diego

**NICK MACCHIONE, FACHE**  
AGENCY DIRECTOR

**HEALTH AND HUMAN SERVICES AGENCY**  
PUBLIC HEALTH SERVICES  
3851 ROSECRANS STREET, MAIL STOP P-578  
SAN DIEGO, CA 92110-3134  
(619) 531-5800 • FAX (619) 542-4186

**WILMA J. WOOTEN, M.D.**  
PUBLIC HEALTH OFFICER

**\* AMENDED \***  
**ORDER OF THE HEALTH OFFICER  
AND EMERGENCY REGULATIONS**

Pursuant to California Health and Safety Code sections 101040, 120175, and 120175.5 (b) the Health Officer of the County of San Diego (Health Officer) amends the Health Officer Order dated March 12, 2020 as of 12:00 a.m. on Tuesday March 17, 2020. The Health Officer **ORDERS AS FOLLOWS:**

Effective 12:00 a.m. on Tuesday, March 17, 2020, and continuing until 11:59 p.m. on March 31, 2020, the following will be in effect for San Diego County (county):

1. All public or private “gatherings,” as defined in section 20 below, are prohibited. All non-essential gatherings of any size are strongly discouraged.
2. All bars, adult entertainment establishments, and other business establishments that serve alcohol and do not serve food, shall close.
3. All restaurants and other business establishments that serve food shall close all on-site dining. All food served shall be by delivery, or through pick-up or drive thru. Social distancing shall be required for persons picking up food on site.
4. All businesses shall enact social distancing, increased sanitation standards, and shall make every effort to use telecommuting for its workforce. All businesses shall suspend any policy or procedure requiring doctor verification for sick or other leave approval.
5. All public or private schools, colleges, and universities shall not hold classes or other school activities where students gather on the school campus. Parents of school-aged minor children shall take steps to ensure said children are not participating in activities prohibited by the Order and that social distancing requirements are practiced.
6. A strong recommendation is made that all persons who are 65 years old or older, have a chronic underlying condition, or have a compromised immune system self-quarantine themselves at home.

7. “Non-essential personnel,” as defined in section 20 below, are prohibited from entry into any hospital or long-term care facility. All essential personnel who show any potential signs or symptoms of COVID-19 shall be strictly prohibited from entry into hospitals or long-term care facilities.
8. Hospitals and healthcare providers shall take measures to preserve resources including delaying non-emergent or elective surgeries or procedures where feasible.
9. Hospitals, healthcare providers, and commercial testing laboratories shall report all COVID-19 test results to the Public Health Officer immediately after such results are received.
10. All persons arriving in the county, from locations as found on the Centers for Disease Control and Prevention (CDC) Warning Level 3 Travel Advisory shall be subject to 14-day home quarantine, self-monitoring. This includes originating or connecting flights through these countries and includes South Korea, Japan, Italy, China and Iran, and any other country that is subsequently added to that list, which is available at: <https://wwwnc.cdc.gov/travel/notices>.
11. A strong recommendation is made for persons exhibiting mild to moderate symptoms of COVID-19 to self-isolate themselves in their place of residence unless seeking medical treatment.
12. This Order is issued as a result of the World Health Organization’s declaration of a worldwide pandemic of COVID-19 disease, also known as “novel coronavirus,” which has infected at least 179,165 individuals worldwide in 155 countries and is implicated in over 7,000 worldwide deaths.
13. This Order is issued based on the increasing transmission of COVID-19 in California and the significant risk of widespread introduction and transmission of COVID-19 into the county.
14. This Order is issued based on scientific evidence regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, as well as best practices as currently known and available to protect vulnerable members of the public from avoidable risk of serious illness or death resulting from exposure to COVID-19. The age, condition, and health of a significant portion of the population of the county places it at risk for serious health complications, including death, from COVID-19. Although most individuals who contract COVID-19 do not become seriously ill, persons with mild symptoms and asymptomatic persons with COVID-19 may place other vulnerable members of the public—such as older adults, and those with underlying health conditions—at significant risk.
15. This Order will reduce the likelihood that many individuals will be exposed to COVID-19, and will thereby slow the spread of COVID-19 in the county. By reducing the spread of

COVID-19, this Order will help preserve critical and limited healthcare capacity in the county.

16. This Order is issued in accordance with, and incorporates by reference: 1) the Declaration of Local Health Emergency issued by the Health Officer on February 14, 2020; 2) the Proclamation of Local Emergency issued by the County Director of Emergency Services on February 14, 2020; 3) the action of the County Board of Supervisors to ratify and continue both the local health emergency and local emergency on February 19, 2020; 4) the Proclamation of a State of Emergency issued by Governor of the State of California on March 4, 2020; 5) Executive Order N-25-20 issued by the Governor of the State of California on March 12, 2020 which orders that “All residents are to heed any orders and guidance of state and local health officials, including but not limited to the imposition of social distancing measures, to control COVID-19; and 6) Proclamation 9984 regarding COVID-19 issued by the President of the United States on March 11, 2020; and the Health Officer Order dated on March 12, 2020.
17. This Order is issued to prevent circumstances often present in gatherings that may exacerbate the spread of COVID-19, such as: 1) the increased likelihood that gatherings will attract people from a broad geographic area; 2) the prolonged time period in which large numbers of people are in close proximity; 3) the difficulty in tracing exposure when large numbers of people attend a single event; and 4) the inability to ensure that attendees follow adequate hygienic practices.
18. This Order comes after the release of substantial guidance from the Health Officer, the California Department of Public Health, the CDC, and other public health officials throughout the United States and around the world. On March 11, 2020, the California Department of Public Health recommended the cancellation or postponement of large gatherings.
19. This Order comes after the CDC issued: “Interim Additional Guidance for Infection Prevention and Control for Patients with Suspected or Confirmed COVID-19 in Nursing Homes.”
20. For the purposes of this Order:
  - a. “Gathering” is any event or convening that brings together 50 or more people in a single room or single space at the same time, such as an auditorium, stadium, arena, theater, church, casino, large conference room, meeting hall, cafeteria, or any other indoor or outdoor space.
  - b. “Long term care facility” is a facility serving adults that require assistance with activities of daily living, including a skilled nursing facility, and that is licensed by the California Department of Community Care and Licensing, or the California Department of Public Health.
  - c. “Non-essential personnel” for purposes of section 7 above are employees, contractors, or members of the public who do not perform treatment, maintenance, support, or administrative tasks deemed essential to the healthcare mission of the

long-term care facility or hospital. Non-essential personnel do not include first responders, nor State, federal, or local officials, investigators, or medical personnel carrying out lawful duties. Entry of visitors at long-term care facilities are allowed upon the approval of the facility's director, or designee, for the purpose of allowing family and friends to visit a resident in an end of life situation, or to allow parents or guardians to visit a child who is a patient, and where appropriate precautions by the facility that follow federal, State, and local public health guidance regarding COVID-19 are followed.

- d. "Social Distancing" is maintaining a six-foot separation from all persons except for family members.
  - e. This Order does not prohibit:
    - i. Operations at airports, public transportation or other spaces where 50 or more persons may be in transit but able to practice social distancing. It also does not include essential businesses where many people are present but are able to practice social distancing.
    - ii. Emergency shelters, homeless shelters, or other similar essential gatherings that are for the protection of public health and safety and where appropriate precautions are taken that follow federal, State, and local public health guidance regarding COVID-19.
21. Gatherings of less than 50 people are strongly encouraged to maintain social distancing pursuant to Department of Public Health guidelines.
22. Pursuant to Health and Safety Code section 120175.5 (b) all governmental entities in the county shall take necessary measures within the governmental entity's control to ensure compliance with this Order and to disseminate this Order to venues or locations within the entity's jurisdiction where a large gathering may occur.
23. Violation of this Order is subject to fine, imprisonment, or both. (California Health and Safety Code section 120295.)
24. To the extent necessary, this Order may be enforced by the Sheriff or chiefs of police pursuant to Government Code sections 26602 and 41601 and Health and Safety Code section 101029.
25. This Order shall be reevaluated and extended if appropriate on or before March 31, 2020.

**IS SO ORDERED:**

Date: March 16, 2020

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Wilma J. Wooten, M.D., M.P.H.  
Public Health Officer  
County of San Diego

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EMERGENCY REGULATIONS

As Director of Emergency Services for the County of San Diego, I am authorized to promulgate regulations for the protection of life and property pursuant to Government Code Section 8634 and San Diego County Code section 31.103. The following shall be in effect for the duration of the Amended Health Officer Order issued above which is incorporated in its entirety by reference:

The Amended Health Officer Order shall be promulgated as a regulation for the protection of life and property.

Any person who violates or who refuses or willfully neglects to obey this regulation is subject to fine, imprisonment, or both. (Government Code section 8665.)

Date: March 16, 2020

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Helen Robbins-Meyer  
Chief Administrative Officer  
Director of Emergency Services  
County of San Diego