



**ORDER OF THE HEALTH OFFICER
OF THE CITY OF BERKELEY DIRECTING
ALL INDIVIDUALS LIVING IN THE CITY TO ~~SHELTER~~CONTINUE
SHELTERING AT THEIR PLACE OF RESIDENCE EXCEPT ~~THAT
THEY MAY LEAVE TO~~FOR
ESSENTIAL NEEDS; CONTINUING TO EXEMPT HOMELESS
PROVIDE OR RECEIVE CERTAIN ESSENTIAL SERVICES OR
ENGAGE IN CERTAIN ESSENTIAL ACTIVITIES AND WORK FOR
ESSENTIAL BUSINESSES AND GOVERNMENTAL SERVICES;
EXEMPTING INDIVIDUALS EXPERIENCING HOMELESSNESS FROM
INDIVIDUALS FROM THE SHELTER IN PLACE ORDER BUT
URGING ~~THEM TO FIND~~
~~SHELTER AND~~ GOVERNMENT
AGENCIES TO PROVIDE ~~IT;~~THEM SHELTER AND HAND
SANITATION
FACILITIES; RESTRICTING ACCESS TO RECREATION AREAS;
REQUIRING ESSENTIAL BUSINESSES TO IMPLEMENT SOCIAL
DISTANCING PROTOCOLS; CLARIFYING AND FURTHER LIMITING
ESSENTIAL BUSINESS ACTIVITIES, INCLUDING CONSTRUCTION;
AND DIRECTING ALL BUSINESSES AND GOVERNMENTAL
AGENCIES
OPERATIONS TO FURTHER CEASE NON-ESSENTIAL OPERATIONS
~~AT PHYSICAL LOCATIONS IN
THE CITY; PROHIBITING ALL NON-ESSENTIAL GATHERINGS OF
ANY NUMBER OF INDIVIDUALS; AND ORDERING CESSATION OF
ALL NON-ESSENTIAL TRAVEL~~**

DATE OF ORDER: MARCH ~~16~~31, 2020

Please read this Order carefully. Violation of or failure to comply with this Order is a misdemeanor punishable by fine, imprisonment, or both. (California Health and Safety Code § 120295, *et seq.*; Cal. Penal Code §§ 69, 148(a)(1);

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UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040, 101085, AND 120175, THE HEALTH OFFICER OF THE CITY OF BERKELEY (“HEALTH OFFICER”) ORDERS:

1. This Order supersedes the March 16, 2020 Order of the Health Officer directing all individuals to shelter in place (“Prior Shelter Order”). This Order clarifies, strengthens, and extends certain terms of the Prior Shelter Order to increase social distancing and reduce person-to-person contact in order to further slow transmission of Novel Coronavirus Disease 2019 (“COVID-19”). As of the effective date and time of this Order set forth in Section 16 below, all individuals, businesses and government agencies in the City of Berkeley (“City”) are required to follow the provisions of this Order.
2. The intent of this Order is to ensure that the maximum number of people ~~self-isolate~~shelter in their places of residence to the maximum extent feasible, ~~while enabling essential services to continue,~~ to slow the spread of COVID-19 ~~to the maximum extent possible. When people need to leave their places of residence, whether to obtain or perform vital services, or to otherwise facilitate authorized activities necessary for continuity of social and commercial life, they should at all times reasonably possible comply with Social Distancing Requirements as defined in Section 10 below. All~~and mitigate the impact on delivery of critical healthcare services to those in need. All



provisions of this Order ~~should~~must be interpreted to effectuate this intent. Failure to comply with any of the provisions of this Order constitutes an imminent threat and menace to public health, constitutes a public nuisance, and is punishable by fine, imprisonment, or both.

23. All individuals currently living within the City ~~of Berkeley (the “City”)~~ are ordered to shelter at their place of residence. ~~To the extent individuals are using shared or outdoor spaces, they must at all times as reasonably possible maintain social distancing of at least six feet from any other person when they are outside their residence. All persons~~ They may leave their ~~residences~~residence only for Essential Activities, Essential Governmental Functions, ~~or to operate~~Essential Travel, to work for Essential Businesses, or to perform Minimum Basic Operations for non-essential businesses, all as defined in Section ~~40~~13. Individuals experiencing

homelessness are exempt from this Section, but are strongly urged to obtain shelter, and governmental and other entities are strongly urged to, as soon as possible, make such shelter available ~~as soon as possible to the maximum extent practicable (and to utilize Social Distancing Requirements in their operation)~~and provide handwashing or hand sanitation facilities to persons who continue experiencing homelessness.

4. When people need to leave their place of residence for the limited purposes allowed in this Order, they must strictly comply with Social Distancing Requirements as defined in Section 13.k, except as expressly provided in this Order.

35. All businesses with a facility in the City, except Essential Businesses, as defined ~~below~~ in Section ~~10~~13.f, are required to cease all activities at facilities located within the City except Minimum Basic Operations, as defined in Section ~~10~~13.g. For clarity, all businesses may ~~also~~ continue operations consisting exclusively of owners, employees, volunteers, or contractors performing activities at their own residences (i.e., working from home). All Essential Businesses are strongly encouraged to remain open. ~~To the greatest extent feasible,~~But Essential Businesses are directed to maximize the number of employees who work from home. Essential Businesses may only assign those employees who cannot perform their job duties from home to work outside the home. All Essential Businesses shall ~~comply with~~prepare, post, and implement a Social Distancing ~~Requirements as defined in Section 10 below, including, but not limited to, when any customers are standing in line.~~Protocol at each of their facilities at which they are maintaining operations, as specified in Section 13.h. Businesses that include an Essential Business component at their facilities alongside non-essential components must, to the extent feasible, scale down their operations to the Essential Business component only;

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provided, however, that mixed retail businesses that are otherwise allowed to operate under this Order may continue to stock and sell non-essential products. Essential Businesses must follow industry-specific guidance issued by the Health Officer related to COVID-19.

46. All public and private gatherings of any number of people occurring outside a single household or living unit are prohibited, except for the limited purposes ~~as~~ expressly permitted in ~~Section 10~~this Order. Nothing in this Order prohibits ~~the gathering of~~ members of a single household or living unit from engaging in Essential Travel or Essential Activities together.



57. All travel, including, but not limited to, travel on foot, bicycle, scooter, motorcycle, automobile, or public transit, except Essential Travel ~~and Essential Activities~~, as defined below in Section ~~10~~13.i, is prohibited. People ~~must~~may use public transit only for purposes of performing Essential Activities or to travel to and from work to operate Essential Businesses ~~or~~, maintain Essential Governmental Functions. ~~People, or to perform Minimum Basic Operations at nonessential businesses. Transit agencies and people~~ riding on public transit must comply with Social Distancing Requirements, as defined in Section ~~10 below~~13.k, to the greatest extent feasible. This Order allows travel into or out of the City only to perform Essential Activities, operate Essential Businesses, ~~or~~ maintain Essential Governmental Functions, or perform Minimum Basic Operations at non-essential businesses.
68. This Order is issued based on evidence of increasing occurrence of COVID-19 within the City and throughout the Bay Area, scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, and evidence that the age, condition, and health of a significant portion of the population of the City places it at risk for serious health complications, including death, from COVID-19. Due to the outbreak of the COVID-19 ~~virus~~disease in the general public, which is now a pandemic according to the World Health Organization, there is a public health emergency throughout the City. Making the problem worse, some individuals who contract the virus causing the COVID-19 ~~virus~~disease have no symptoms or have mild symptoms, which means they may not be aware they carry the virus and are transmitting it to others. Because even people without symptoms can transmit the ~~disease~~infection, and because evidence shows the ~~disease~~infection is easily spread, gatherings and other interpersonal interactions can result in preventable transmission of the virus. This public health emergency has substantially worsened since the City issued the Prior Shelter Order on March 16, 2020, with a significant escalation in the number of positive cases, hospitalizations, and deaths, and increasing strain on health care resources. At the same time, evidence suggests that the restrictions on mobility and social distancing requirements imposed by the Prior Shelter Order are slowing the rate of increase in community transmission and confirmed cases by limiting interactions among people, consistent with scientific evidence of the efficacy of similar measures in other parts of the country and world. The scientific evidence shows that at this stage of the emergency, it ~~is~~remains essential to continue to slow virus transmission as much as possible to protect the most vulnerable ~~and~~, to prevent the health care system from being overwhelmed. ~~One proven way to slow the transmission is to limit interactions among people to the greatest extent practicable. By~~
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~~reducing~~ the spread of the COVID-19 ~~virus, this Order helps preserve~~ disease, preserving critical and limited healthcare capacity in the City and advancing toward a point in the public health emergency where transmission can be controlled.

~~79.~~ This Order is also ~~is~~ issued in light of the existence ~~of 3,~~ as of March 29, 2020, of 19 cases of COVID-19 in the City, as well as at least 2,092 confirmed cases (up from 258 confirmed



cases on March 15, 2020, just before the Prior Shelter Order and at least 51 deaths (up from three deaths on March 15, 2020) in the seven Bay Area jurisdictions jointly issuing this Order, ~~as of 5 p.m. on March 15, 2020,~~ including a significant and increasing number of suspected cases of community transmission and likely further significant increases in transmission. ~~Widespread testing for COVID-19 is not yet available but is expected to increase in the coming days.~~ This Order is necessary to slow the rate of spread, and the Health Officer will re-evaluate it as further data becomes available.

810. This Order is issued in accordance with, and incorporates by reference, the March 4, 2020 Proclamation of a State of Emergency issued by Governor Gavin Newsom, the March 3, 2020 Proclamation by the Director of Emergency Services Declaring the Existence of a Local Emergency in the City, the March 10, 2020 Resolution of the City Council Ratifying ~~and~~ the Declaration of a Local Health Emergency.
911. This Order is issued in light of evidence that the Prior Shelter Order has been generally effective in increasing social distancing, but that at this time additional restrictions are necessary to further mitigate the rate of transmission of COVID-19, to prevent the health care system from being overwhelmed, and prevent death. This Order comes after the release of substantial guidance from the City ~~and County~~ Health ~~Officers~~ Officer, the Centers for Disease Control and Prevention, the California Department of Public Health, and other public health officials throughout the United States and around the world, including ~~a variety of prior orders~~ an increasing number of orders imposing similar social distancing requirements and mobility restrictions to combat the spread and harms of COVID-19. The Health Officer will continue to assess the quickly evolving situation and may modify or extend this Order, or issue additional Orders, related to COVID-19, as changing circumstances dictate.
12. This Order is also issued in light of the March 19, 2020 Order of the State Public Health Officer (the “State Shelter Order”), which set baseline statewide restrictions on non-residential business activities effective until further notice, as well as the Governor’s March 19, 2020 Executive Order N-33-20 directing California residents to follow the State Shelter Order. The State Shelter Order was complementary to the Prior Shelter Order. This Order adopts in certain respects more stringent restrictions addressing the particular facts and circumstances in this City, which are necessary to control the public health emergency as it is evolving within the City and the Bay Area. Without this tailored set of restrictions that further reduces the number of interactions between persons, scientific evidence indicates that the public health crisis in the City will worsen to the point at which it may overtake available health care resources within the City and increase the death rate. Also, this Order enumerates additional restrictions on non-work-related travel not covered by the

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State Shelter Order, including limiting such travel to performance of Essential Travel or Essential Activities; sets forth mandatory Social Distancing Requirements for all individuals in the City when engaged in activities outside their residences; and adds a mechanism to ensure that Essential Businesses comply with



the Social Distancing Requirements. Where a conflict exists between this Order and any state public health order related to the COVID-19 pandemic, the most restrictive provision controls. Consistent with California Health and Safety Code section 131080 and the Health Officer Practice Guide for Communicable Disease Control in California, except where the State Health Officer may issue an order expressly directed at this Order and based on a finding that a provision of this Order constitutes a menace to public health, any more restrictive measures in this Order continue to apply and control in this City.

~~10~~13. Definitions and Exemptions.

- a. For the purposes of this Order, individuals may leave their residence only to perform ~~any of~~ the following “Essential Activities.” But people at high risk of severe illness from COVID-19 and people who are sick are strongly urged to stay in their residence to the extent possible, except as necessary to seek or provide medical care. or Essential Governmental Functions. Essential Activities are:
 - i. To engage in activities or perform tasks ~~essential~~important to their health and safety, or to the health and safety of their family or household members (including, ~~but not limited to,~~ pets), such as, by way of example only and without limitation, obtaining medical supplies or medication, or visiting a health care professional, ~~or obtaining supplies they need to work from home.~~
 - ii. To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation, canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products, ~~and~~products needed to work from home, or products necessary to maintain the ~~safety~~habitability, sanitation, and ~~essential~~ operation of residences.
 - iii. To engage in outdoor recreation activity, ~~provided the individuals comply with Social Distancing Requirements as defined in this Section, such as including,~~ by way of example and without limitation, walking, hiking, ~~or bicycling, and~~ running, in compliance with Social Distancing Requirements and with the following limitations:
 1. Outdoor recreation activity at parks, beaches, and other open spaces



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must be in conformance with any restrictions on access and use established by the Health Officer, government, or other entity that manages such area to reduce crowding and risk of transmission of COVID-19. Such restrictions may include, but are not limited to, restricting the number of entrants, closing the area to vehicular access and parking, or closure to all public access;

2. Use of recreational areas with high-touch equipment or that encourage gathering, including, but not limited to, playgrounds,



outdoor gym equipment, picnic areas, dog parks, and barbecue areas, is prohibited outside of residences, and all such areas shall be closed to public access including by signage and, as appropriate, by physical barriers;

3. Use of shared facilities for recreational activities outside of residences, including, but not limited to, golf courses, tennis and pickle ball courts, rock parks, climbing walls, pools, spas, shooting and archery ranges, gyms, disc golf, and basketball courts is prohibited and those areas must be closed for recreational purposes, including by signage and, as appropriate, by physical barriers. Such facilities may be repurposed during the emergency to provide essential services needed to address the COVID-19 pandemic; and
4. Sports or activities that include the use of shared equipment may only be engaged in by members of the same household or living unit.

- iv. To perform work ~~providing essential products and services at~~for an Essential Business or to otherwise carry out activities specifically permitted in this Order, including Minimum Basic Operations, as defined in this Section.
- v. To provide necessary care for a family member or pet in another household who has no other source of care.
- vi. To attend a funeral with no more than 10 individuals present.
- vii. To move residences, but only if it is not possible to defer an already planned move, if the move is necessitated by safety, sanitation, or habitability reasons, or if the move is necessary to preserve access to shelter. When moving into or out of the Bay Area region, individuals are strongly urged to quarantine for 14 days. To quarantine, individuals should follow the guidance of the United States Centers for Disease Control and Prevention.

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- b. For the purposes of this Order, individuals may leave their residence to work for, volunteer at, or obtain services at ~~any~~ “Healthcare Operations,” including, without limitation, hospitals, clinics, COVID-19 testing locations, dentists, pharmacies, blood banks and blood drives, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related and/or ancillary healthcare services. “Healthcare Operations” also includes veterinary care and all healthcare services provided to animals. This exemption for Healthcare Operations shall be construed broadly to avoid any ~~impacts to~~ interference with the delivery of healthcare, broadly defined. “Healthcare Operations” ~~does not include~~ excludes fitness and exercise gyms and similar facilities.



- c. For the purposes of this Order, individuals may leave their residence to provide any services or perform any work necessary to the ~~operations~~operation and maintenance of “Essential Infrastructure,” including, ~~but not limited to, public works construction, construction of housing (in particular affordable housing or housing for individuals experiencing homelessness), airport operations, airports, utilities (including water, sewer, gas, and electrical), oil refining, roads and highways, public transportation, solid waste facilities (including collection and, removal, internet disposal, and processing facilities), cemeteries, mortuaries, crematoriums, and telecommunications systems~~ (including the provision of essential global, national, and local infrastructure for internet, computing services, business infrastructure, communications, and web-based services), ~~provided that they carry out those services or that work in compliance with Social Distancing Requirements as defined this Section, to the extent possible.~~
- d. For the purposes of this Order, all first responders, emergency management personnel, emergency dispatchers, court personnel, and law enforcement personnel, and others who need to perform essential services are categorically exempt from this Order to the extent they are performing those essential services. Further, nothing in this Order shall prohibit any individual from performing or accessing “Essential Governmental Functions,” as determined by the governmental entity performing those functions in the City. Each governmental entity shall identify and designate appropriate employees, volunteers, or contractors to continue providing and carrying out any Essential Governmental Functions. ~~All, including the hiring or retention of new employees or contractors to perform such functions. Each governmental entity and its contractors must employ all necessary emergency protective measures to prevent, mitigate, respond to and recover from the COVID-19 pandemic, and all~~ Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements ~~as defined in this Section,~~ to the greatest extent ~~possible~~feasible.
- e. For the purposes of this Order, ~~covered businesses include~~ a “business” includes any for-profit, ~~nonprofit~~non-profit, or educational ~~entities,~~entity, whether a corporate entity, organization, partnership or sole proprietorship, and regardless of the nature of the service, the function they perform it performs, or its corporate or entity structure.



- f. For the purposes of this Order, “Essential Businesses” ~~means~~are:
- i. Healthcare Operations and businesses that operate, maintain, or repair Essential Infrastructure;
 - 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, ~~and any other~~as well as hygienic products and household consumer products (such as cleaning and personal care products). This includes stores that sell groceries and also sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences; 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. Food cultivation, including farming, livestock, and fishing;
 - iv. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
 - v. Construction, but only of the types listed in this subparagraph below:
 - 1. Projects immediately necessary to the maintenance, operation or repair of Essential Infrastructure;
 - 2. Projects associated with Healthcare Operations, including creating or expanding Healthcare Operations, provided that such construction is directly related to the COVID-19 response;
 - 3. Affordable housing that is or will be income-restricted, including multi-unit or mixed-use developments containing at least 10% income-restricted units;
 - 4. Public works projects if specifically designated as an Essential Governmental Function by the lead governmental agency;
 - 5. Shelters and temporary housing, but not including hotels or motels;
 - 6. Projects immediately necessary to provide critical non-commercial services to individuals experiencing homelessness, elderly persons, persons who are economically disadvantaged, and persons with special needs;
 - 7. Construction necessary to ensure that existing construction sites that must be shut down under this Order are left in a safe and secure manner, but only to the extent necessary to do so; and
 - 8. Construction or repair necessary to ensure that residences and buildings containing Essential Businesses are safe, sanitary, or habitable to the extent such construction or repair cannot reasonably be delayed;
 - ~~v~~vi. Newspapers, television, radio, and other media services;
 - ~~v~~vii. Gas stations and auto-supply, auto-repair, ~~and related facilities;~~ (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). This subparagraph (vii) does not restrict the on-line purchase of automobiles if they are delivered to a residence or

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Essential Business;

viii. Bicycle repair and supply shops;

~~vii~~ix. Banks and related financial institutions;



- x. Service providers that enable residential transactions (including rentals, leases, and home sales), including, but not limited to, real estate agents, escrow agents, notaries, and title companies, provided that appointments and other residential viewings must only occur virtually or, if a virtual viewing is not feasible, by appointment with no more than two visitors at a time residing within the same household or living unit and one individual showing the unit (except that in person visits are not allowed when the occupant is still residing in the residence);
- ~~viii~~xi. Hardware stores;
- ~~ix~~xii. Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the ~~safety~~habitability, sanitation, and ~~essential~~ operation of residences, ~~Essential Activities~~, and Essential Businesses, but not for cosmetic or other purposes;
- xiii. Arborists, landscapers, gardeners, and similar service professionals, but only to the limited extent necessary to maintain the habitability, sanitation, operation of businesses or residences, or the safety of residents, employees, or the public (such as fire safety or tree trimming to prevent a dangerous condition), and not for cosmetic or other purposes (such as upkeep);
- ~~xiv~~xiv. Businesses providing mailing and shipping services, including post office boxes;
- ~~xi~~xv. Educational institutions—including public and private K-12 schools, colleges, and universities—for purposes of facilitating distance learning or performing essential functions, provided that social distancing of six-feet per person is maintained to the greatest extent possible;
- ~~xii~~xvi. Laundromats, drycleaners, and laundry service providers;
- ~~xiii~~xvii. Restaurants and other facilities that prepare and serve food, but only for delivery or carry out. Schools and other entities that typically provide free food services to students or members of the public may continue to do so under this Order on the condition that the food is provided to students or members of the public on a pick-up and take-away basis only. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site;
- xviii. Funeral home providers, mortuaries, cemeteries, and crematoriums, to the extent necessary for the transport, preparation, or processing of bodies or remains;
- xix. Businesses that supply other Essential Businesses with the support or

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supplies necessary to operate, but only to the extent that they support or supply these Essential Businesses. This exemption shall not be used as a basis for engaging in sales to the general public from retail storefronts;

- ~~xiv. Businesses that supply products needed for people to work from home;~~
- ~~xv. Businesses that supply other essential businesses with the support or supplies necessary to operate;~~
- ~~xvi. Businesses that ship or deliver groceries, food, goods or services directly to residences;~~



- xx. Businesses that have the primary function of shipping or delivering groceries, food, or other goods directly to residences or businesses. This exemption shall not be used to allow for manufacturing or assembly of non-essential products or for other functions besides those necessary to the delivery operation;
- ~~xvii~~xxi. Airlines, taxis, rental car companies, rideshare services (including shared bicycles and scooters), and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order;
- ~~xviii~~xxii. Home-based care for seniors, adults, ~~or~~ children, and pets;
- ~~xix~~xxiii. Residential facilities and shelters for seniors, adults, and children;
- ~~xx~~xxiv. Professional services, such as legal, notary, or accounting services, when necessary to assist in compliance with non-elective, legally mandated required activities;
- xxv. Services to assist individuals in finding employment with Essential Businesses;
- xxvi. Moving services that facilitate residential or commercial moves that are allowed under this Order;
- ~~xxi~~xxvii. Childcare facilities providing services that enable ~~employees exempted in this Order to work as permitted~~ owners, employees, volunteers, and contractors for Essential Businesses, Essential Governmental Functions, or Minimum Basic Operations to work as allowed under this Order. Children of owners, employees, volunteers, and contractors who are not exempt under this Order may not attend childcare facilities. To the extent possible, childcare facilities must operate under the following mandatory conditions:
 - 1. Childcare must be carried out in stable groups of 12 or fewer (“stable” means that the same 12 or fewer children are in the same group each day).
 - 2. Children shall not change from one group to another.
 - 3. If more than one group of children is cared for at one facility, each group shall be in a separate room. Groups shall not mix with each other.

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4. Childcare providers shall remain solely with one group of children.

g. For the purposes of this Order, “Minimum Basic Operations” ~~include~~means the following activities for businesses, provided that owners, employees, and contractors comply with Social Distancing Requirements as defined this Section, to the extent possible, while carrying out such operations:

i. The minimum necessary activities to maintain and protect the value of the business’s inventory; and facilities; ensure security, safety, and sanitation;



process payroll and employee benefits, ~~or for~~; provide for the delivery of existing inventory directly to residences or businesses; and related functions.

ii. The minimum necessary activities to facilitate owners, employees, and contractors of the business being able to continue to work remotely from their residences, and to ensure that the business can deliver its service remotely.

h. For the purposes of this Order, all Essential Businesses must prepare and post by no later than 11:59 p.m. on April 2, 2020 a “Social Distancing Protocol” for each of their facilities in the City frequented by the public or employees. The Social Distancing Protocol must be substantially in the form attached to this Order as Appendix A. The Social Distancing Protocol must be posted at or near the entrance of the relevant facility, and shall be easily viewable by the public and employees. A copy of the Social Distancing Protocol must also be provided to each employee performing work at the facility. All Essential Businesses shall implement the Social Distancing Protocol and provide evidence of its implementation to any authority enforcing this Order upon demand. The Social Distancing Protocol must explain how the business is achieving the following, as applicable:

- i. Limiting the number of people who can enter into the facility at any one time to ensure that people in the facility can easily maintain a minimum six-foot distance from one another at all times, except as required to complete the Essential Business activity;
- ii. Where lines may form at a facility, marking six-foot increments at a minimum, establishing where individuals should stand to maintain adequate social distancing;
- iii. Providing hand sanitizer, soap and water, or effective disinfectant at or near the entrance of the facility and in other appropriate areas for use by the public and employees, and in locations where there is high-frequency employee interaction with members of the public (e.g. cashiers);
- iv. Providing for contactless payment systems or, if not feasible to do so, the providing for disinfecting all payment portals, pens, and styluses after each use;
- v. Regularly disinfecting other high-touch surfaces; and
- vi. Posting a sign at the entrance of the facility informing all employees and customers that they should: avoid entering the facility if they have a cough or fever; maintain a minimum six-foot distance from one another; sneeze and cough into one’s elbow; not shake hands or engage in any unnecessary

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physical contact.

- vii. Any additional social distancing measures being implemented (see the Centers for Disease Control and Prevention's guidance at:



<https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>).

- h.i. For the purposes of this Order, “Essential Travel” ~~includes~~means travel for any of the following purposes. ~~Individuals engaged in any Essential Travel must comply with all Social Distancing Requirements as defined in this Section below.:~~
- i. ~~Any travel~~Travel related to the provision of or access to Essential Activities, Essential Governmental Functions, Essential Businesses, or Minimum Basic Operations.
 - ii. Travel to care for any elderly, minors, dependents, or persons with disabilities, ~~or other vulnerable persons.~~
 - iii. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services.
- iv. Travel to return to a place of residence from outside the ~~jurisdiction~~City.
- v. Travel required by law enforcement or court order.
 - vi. Travel required for non-residents to return to their place of residence outside the City. Individuals are strongly encouraged to verify that their transportation out of the City remains available and functional prior to commencing such travel.



j. For purposes of this Order, “Social Distancing Requirements” includes maintaining at least six-foot social distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high touch surfaces, and not shaking hands.

iv. Avoiding all social interaction outside the household when sick with a fever or cough.

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All individuals must strictly comply with Social Distancing Requirements, except to the limited extent necessary to provide care (including childcare, adult or senior care, care to individuals with special needs, and patient care); as necessary to carry out the work of Essential Businesses, Essential Governmental Functions, or provide for Minimum Basic Operations; or as otherwise expressly provided in this Order.

14. Government agencies and other entities operating shelters and other facilities that house or provide meals or other necessities of life for individuals experiencing homelessness must take appropriate steps to help ensure compliance with Social Distancing Requirements, including adequate provision of hand sanitizer. Also, individuals experiencing homelessness who are unsheltered and living in encampments should, to the maximum extent feasible, abide by 12 foot by 12 foot distancing for the placement of tents, and government agencies should provide restroom and hand washing facilities for individuals in such encampments as set forth in Centers for Disease Control and Prevention Interim Guidance Responding to Coronavirus 2019 (COVID-19) Among People Experiencing Unsheltered Homelessness (<https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/unsheltered-homelessness.html>).

~~11~~15. Pursuant to Government Code sections 26602 and 41601 and Health and Safety Code section 101029, the Health Officer requests that the Chief of Police ~~in the City~~ ensure compliance with and enforce this Order. The violation of any provision of this Order constitutes an imminent threat and menace to public health, constitutes a public nuisance, and is punishable by fine, imprisonment, or both.

~~12~~16. This Order shall become effective at ~~12:01 a~~11:59 p.m. on March ~~17~~31, 2020 and will continue to be in effect until 11:59 p.m. on ~~April 7~~May 3, 2020, or until it is extended, rescinded, superseded, or amended in writing by the Health Officer.

~~13~~17. Copies of this Order shall promptly be: (1) posted at 2134 Martin Luther King Jr. Way, Berkeley, CA 94704; (2) posted on the City's website at www.cityofberkeley.info; and (3) provided to any member of the public requesting a copy of this Order.

~~14~~18. If any provision of this Order to ~~theits~~ application ~~thereof~~ to any person or circumstance is held to be invalid, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.



[Health, Housing & Community Services Department](#)
[Public Health Officer](#)

IT IS SO ORDERED:



Lisa B. Hernandez, MD, MPH
Health Officer of the City of Berkeley

Dated: March ~~16~~31, 2020

[Attachments: Appendix A – Social Distancing Protocol](#)



**ORDER OF THE HEALTH OFFICER
OF THE CITY OF BERKELEY DIRECTING
ALL INDIVIDUALS LIVING IN THE CITY TO CONTINUE
SHELTERING AT THEIR PLACE OF RESIDENCE EXCEPT FOR
ESSENTIAL NEEDS; CONTINUING TO EXEMPT HOMELESS
INDIVIDUALS FROM THE ORDER BUT URGING GOVERNMENT
AGENCIES TO PROVIDE THEM SHELTER AND HAND SANITATION
FACILITIES; RESTRICTING ACCESS TO RECREATION AREAS;
REQUIRING ESSENTIAL BUSINESSES TO IMPLEMENT SOCIAL
DISTANCING PROTOCOLS; CLARIFYING AND FURTHER LIMITING
ESSENTIAL BUSINESS ACTIVITIES, INCLUDING CONSTRUCTION;
AND DIRECTING ALL BUSINESSES AND GOVERNMENTAL
OPERATIONS TO FURTHER CEASE NON-ESSENTIAL OPERATIONS**

DATE OF ORDER: MARCH 31, 2020

EXHIBIT A: Social Distancing Protocol

Appendix A: Social Distancing Protocol

Business name:

Facility Address:

Approximate gross square footage of space open to the public:

Businesses must implement all applicable measures listed below, and be prepared to explain why any measure that is not implemented is inapplicable to the business.

Signage:

Signage at each public entrance of the facility to inform all employees and customers that they should: avoid entering the facility if they have a cough or fever; maintain a minimum six-foot distance from one another; sneeze and cough into a cloth or tissue or, if not available, into one's elbow; and not shake hands or engage in any unnecessary physical contact.

Signage posting a copy of the Social Distancing Protocol at each public entrance to the facility.

Measures To Protect Employee Health (check all that apply to the facility):

Everyone who can carry out their work duties from home has been directed to do so.

All employees have been told not to come to work if sick.

Symptom checks are being conducted before employees may enter the work space.

All desks or individual work stations are separated by at least six feet.

Break rooms, bathrooms, and other common areas are being disinfected frequently, on the following schedule:

Break rooms:

Bathrooms:

Other"

Disinfectant and related supplies are available to all employees at the following location(s):

Hand sanitizer effective against COVID-19 is available to all employees at the following location(s):

Soap and water are available to all employees at the following location(s):

Copies of this Protocol have been distributed to all employees.

Optional—Describe other measures:

Measures To Prevent Crowds From Gathering (check all that apply to the facility):

Limit the number of customers in the store at any one time to (insert maximum number here), which allows for customers and employees to easily maintain at least six-foot distance from one

Appendix A: Social Distancing Protocol

another at all practicable times.

☐ Post an employee at the door to ensure that the maximum number of customers in the facility set forth above is not exceeded.

☐ Placing per-person limits on goods that are selling out quickly to reduce crowds and lines.
Explain:

Appendix A: Social Distancing Protocol

- Optional—Describe other measures:

Measures To Keep People At Least Six Feet Apart (check all that apply to the facility)

- Placing signs outside the store reminding people to be at least six feet apart, including when in line.
- Placing tape or other markings at least six feet apart in customer line areas inside the store and on sidewalks at public entrances with signs directing customers to use the markings to maintain distance.
- Separate order areas from delivery areas to prevent customers from gathering.
- All employees have been instructed to maintain at least six feet distance from customers and from each other, except employees may momentarily come closer when necessary to accept payment, deliver goods or services, or as otherwise necessary.
- Optional—Describe other measures:

Measures To Prevent Unnecessary Contact (check all that apply to the facility):

- Preventing people from self-serving any items that are food-related.
 - Lids for cups and food-bar type items are provided by staff; not to customers to grab.
 - Bulk-item food bins are not available for customer self-service use.
- Not permitting customers to bring their own bags, mugs, or other reusable items from home.
- Providing for contactless payment systems or, if not feasible, sanitizing payment systems regularly. Describe:
- Optional—Describe other measures (e.g. providing senior-only hours):

Measures To Increase Sanitization (check all that apply to the facility):

- Disinfecting wipes that are effective against COVID-19 are available near shopping carts and shopping baskets.
- Employee(s) assigned to disinfect carts and baskets regularly.
- Hand sanitizer, soap and water, or effective disinfectant is available to the public at or near the entrance of the facility, at checkout counters, and anywhere else inside the store or immediately outside where people have direct interactions.
- Disinfecting all payment portals, pens, and styluses after each use.
- Disinfecting all high-contact surfaces frequently.

Appendix A: Social Distancing Protocol

Optional—Describe other measures:

* Any additional measures not included here should be listed on separate pages, which the business should attach to this document.

You may contact the following person with any questions or comments about this protocol:

Name:

Phone number:

Summary report:	
Litera® Change-Pro for Word 10.1.0.800 Document comparison done on 3/31/2020 6:34:26 PM	
Style name: Default Style	
Intelligent Table Comparison: Active	
Original filename: Berkeley.pdf	
Modified filename: Berkeley Revised.pdf	
Changes:	
Add	387
Delete	158
Move From	0
Move To	0
Table Insert	0
Table Delete	0
Table moves to	0
Table moves from	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	19
Embedded Excel	0
Format changes	0
Total Changes:	564