



**DECLARATION OF AN EMERGENCY
SHELTER IN PLACE ORDER
CITY OF PALM SPRINGS**

March 17, 2020

WHEREAS, the virus that causes Coronavirus 2019 Disease ("COVID-19") is easily transmitted, especially in group settings, and it is essential that the spread of the virus be slowed to protect the ability of public and private health care providers to handle the influx of new patients and safeguard public health and safety; and

WHEREAS, pursuant to the City of Palm Springs Municipal Code section 2.20.050(a)(1), the City Manager, acting as the Director of Emergency Services, has, on March 14, 2020, declared the existence of a local emergency within the City of Palm Springs, due to the threat presented by the COVID-19 pandemic; and

WHEREAS, on March 15, 2020, the City Manager/Director of Emergency Services encouraged those who are 65 and older or vulnerable to COVID-19 to practice home isolation and ordered that all bars, night clubs and breweries within the City to be closed, based on guidance provided by the State of California; and

WHEREAS, on March 16, 2020, the City Manager/Director of Emergency Services ordered the closure of commercial gyms and cannabis lounge areas, and cancelled all in-person events consisting of 50 or more people, based on guidance provided by the State of California; and

WHEREAS, of the fifteen positive cases of COVID-19 in Riverside County, thirteen (or 87%) are in the Coachella Valley; and

WHEREAS, on March 16, 2020, the County of Riverside announced the death of two residents of the Coachella Valley resulting from COVID-19; and

WHEREAS, on March 17, 2020, the County of Riverside announced the death of a third resident of the Coachella Valley resulting from COVID-19; and

WHEREAS, because of the risk of the rapid spread of the virus, and the need to protect all members of the City and the Coachella Valley region, especially including our

members most vulnerable to the virus and also health care providers, this Order requires all individuals anywhere in the City of Palm Springs to shelter in place—that is, stay at home—except for certain essential activities and work to provide essential business and government services or perform essential public infrastructure construction, including housing; and

WHEREAS, under this Order, gatherings of individuals outside the home are generally prohibited, with certain exceptions for essential activities or essential travel or to perform work for essential businesses and government agencies or perform essential infrastructure work; and

WHEREAS, consistent with the directive issued by Governor Gavin Newsom on March 15, 2020, all bars and nightclubs are ordered closed. Restaurants and cafes—regardless of their seating capacity—that serve food are ordered closed, except solely for takeout and delivery service. Additionally, all gyms and recreation facilities are ordered closed. Homeless individuals are not subject to this shelter in place order, but are strongly urged to find shelter and the County is urged to take steps needed to provide shelter for those individuals; and

WHEREAS, under any of the limited circumstances in which individuals are allowed to interact in person outside their residence, the City Manager/Director of Emergency Services orders individuals to abide by the following requirements:

- (i) maintain at least six feet from other individuals, wash hands with soap and water for at least 20 seconds as frequently as possible or using hand sanitizer, cover coughs or sneezes, and not shake hands;
- (ii) for people 65 years of age or older or with medical conditions, regardless of age, that put them at higher risk of serious complications should they get COVID-19, and other than health care workers and other essential providers, avoid leaving their homes to the extent possible; and
- (iii) for employers in Palm Springs that do not provide essential businesses or government services, take all steps necessary for employees to work remotely from home to the extent possible. These requirements build on the California Department of Public Health and United States Centers for Disease Control and Prevention guidelines issued March 11, 2020, extended as necessary to address the health emergency affecting the Coachella Valley.

WHEREAS, the City Manager/Director of Emergency Services may revise this Order as the situation evolves, and facilities must stay updated by checking the City's website (<https://www.palmspringsca.gov/>) regularly; and

WHEREAS, this Order revokes and replaces the two Declaration of Emergency Orders, issued March 15, 2020 and March 16, 2020 by the City Manager/Director of Emergency Services. Those orders are no longer in effect as of the effective date and time of this Order.

NOW, THEREFORE, IT IS HEREBY DECLARED AND ORDERED, that:

- 1.** The intent of this Order is to ensure that the maximum number of people self-isolate 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 provisions of this Order should be interpreted to effectuate this intent.
- 2.** All individuals currently living within the City of Palm Springs (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 may leave their residences only for Essential Activities, Essential Governmental Functions, Essential Travel, or to operate Essential Businesses, all as defined in Section 10. Individuals experiencing homelessness are exempt from this Section, but are strongly urged to obtain shelter, and the County and other entities are strongly urged to make such shelter available as soon as possible and to the maximum extent practicable (and to use COVID-19 risk mitigation practices in their operation).
- 3.** All businesses with a facility in the City, except Essential Businesses as defined below in Section 10, are required to cease all activities at facilities located within the City, except Minimum Basic Operations, as defined in Section 10. Businesses may also continue operations consisting exclusively of employees 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, Essential Businesses shall comply with Social Distancing Requirements as defined in Section 10 below, including by maintaining six-foot social distancing for both employees and members of the public, including, but not limited to, when any customers are standing in line.
- 4.** 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. Nothing in this Order prohibits the gathering of members of a household or living unit.
- 5.** All travel, including, but not limited to, travel on scooter, motorcycle, automobile, or public transit, except Essential Travel and Essential Activities as defined below in Section 10, is prohibited. People may use public transit only for purposes of performing Essential Activities, Essential Travel, or to travel to and from work to operate Essential Businesses or maintain Essential Governmental Functions. People on public transit must comply with Social

Distancing Requirements as defined in Section 10 below, to the greatest extent feasible. This Order allows travel into or out of the City to perform Essential Activities, Essential Travel, operate Essential Businesses, and maintain Essential Governmental Functions.

6. This Order is issued based on evidence of increasing occurrence of COVID-19 within the City and throughout the Coachella Valley, 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 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 COVID-19 virus have no symptoms or have mild symptoms, which means they may not be aware they carry the virus. Because even people without symptoms can transmit the disease, and because evidence shows the disease is easily spread, gatherings can result in preventable transmission of the virus. The scientific evidence shows that at this stage of the emergency, it is essential 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 reducing the spread of the COVID-19 virus, this Order helps preserve critical and limited healthcare capacity in the City.
7. This Order also is issued in light of the existence of thirteen cases of COVID-19 in the Coachella Valley, as well as three confirmed deaths in neighboring Coachella Valley resulting from COVID-19 as of 11:00 a.m. on Tuesday, March 17, 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 City Manager/Director of Emergency Services will re-evaluate it as further data becomes available.
8. This Order is issued in accordance with, and incorporates by reference, the declaration of federal emergency on March 13, 2020, the March 4, 2020 Proclamation of a State of Emergency issued by Governor Gavin Newsom, the Order of the Riverside County Health Officer dated March 16, 2020, the Declaration of the Existence of a Local Emergency Declaring the Existence of a Local Emergency issued by the City Manager/Director of Emergency Services on March 14, 2020, and guidance issued by the California Department of Public Health and CDC, as each of them have been and may be supplemented.

9. This Order is also issued in accordance with, and incorporates by reference, the March 12, 2020 Executive Order (Executive Order N-25-20) issued by Governor Gavin Newsom. Executive Order N-25-20 expressly orders that “[a]ll residents are to heed any orders and guidance of state and local public health officials, including but not limited to the imposition of social distancing measures, to control the spread of COVID-19.” This Order is also based on statements by Governor Newsom during a press conference on March 15, 2020, indicating the guidance of the State of California that all nightclubs, bars, wineries, and brewpubs close and that persons 65 years old and older isolate at home. Nothing contained in this Order is intended to, or shall operate to, supersede any County, State or federal law, order or rule, including, without limitation, the Riverside County Health Officer’s March 16, 2020 order, which generally prohibits gatherings of ten (10) or more persons within a given area.

10. Definitions and Exemptions.

- a. **“Essential Activities”** For purposes of this Order, individuals may leave their residence only to perform any of the following “Essential Activities.” But, people at higher risk of severe illness from COVID-19 and people who are sick are urged to stay in their residence to the extent possible except as necessary to seek medical care.
- i. To engage in activities or perform tasks essential 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, 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 supplies, fresh meats, fish, and poultry, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences.
 - iii. To engage in outdoor activity, provided the individuals comply with Social Distancing Requirements as defined in this Section, such as, by way of example and without limitation, walking, hiking, or running.
 - iv. To perform work providing essential products and services at an Essential Business or to otherwise carry out activities

specifically permitted in this Order, including Minimum Basic Operations.

- v. To care for a family member or pet in another household.
- b. **“Healthcare Operations”** For purposes of this Order, individuals may leave their residence to work for or obtain services at any “Healthcare Operations” including hospitals, clinics, dentists, pharmacies, 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, dog walking, animal boarding, and all healthcare services provided to animals. This exemption shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. “Healthcare Operations” does not include commercial fitness centers, commercial exercise gyms and similar commercial facilities.
- c. **“Essential Infrastructure”** For purposes of this Order, individuals may leave their residence to provide any services or perform any work necessary to the operations 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), hotels, airport operations, water, sewer, gas, electrical, oil refining, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for 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. **“Essential Governmental Functions”** For purposes of this Order, all first responders, emergency management personnel, emergency dispatchers, court personnel, and law enforcement personnel, and others working for or to support Essential Businesses are categorically exempt from this Order. Further, nothing in this Order shall prohibit any individual from performing or accessing “Essential Governmental Functions.” Essential Government Functions means all services needed to ensure the continuing operation of the government agencies and provide for the health, safety and welfare of the public, including, without limitation solid waste removal as well as public or private recycling. All Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements as defined this Section, to the extent possible.

- e. For the purposes of this Order, covered businesses include any for-profit, non-profit, or educational entities, regardless of the nature of the service, the function they perform, or its corporate or entity structure.
- f. **“Essential Businesses”** For the purposes of this Order, “Essential Businesses” means:
 - i. Healthcare Operations and 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 canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other 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;
 - 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. Newspapers, television, radio, and other media services;
 - vi. Gas stations and auto-supply, auto-repair, and related facilities;
 - vii. Banks and related financial institutions, as well as notary services, provided that Social Distancing is implemented;
 - viii. Hardware stores;
 - ix. Plumbers, pool service, landscape maintenance, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, and Essential Businesses;
 - x. Businesses providing mailing and shipping services, including post office boxes;
 - xi. Educational institutions subject to the legal jurisdiction of the City—including 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.** Laundromats, dry cleaners, and laundry service providers;
- xiii.** Restaurants and other facilities that prepare and serve food, including those within hotels, but only for delivery (including room service), drive through, 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 takeaway 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;
- xiv.** Businesses that supply products necessary for people to work from home, including, electronic stores, mobile phone stores, office supply stores;
- 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;
- xvii.** Airlines, taxis, and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order;
- xviii.** Home-based care for seniors, adults, or children;
- xix.** Residential facilities and shelters for seniors, adults, and children;
- xx.** Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities;
- xxi.** Childcare facilities providing services that enable employees exempted in this Order to work as permitted. 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.
 4. Childcare providers shall remain solely with one group of children.
- xxii. Hotels, motels and lawfully permitted vacation rentals and homesharing, all provided that the same comply with Social Distancing Requirements.
- xxiii. Licensed cannabis dispensaries and lounges, provided, however, that cannabis lounges shall be operated solely for purposes of continuing to offer cannabis products to customers for pick up, or if licensed to do so, for delivery, but the lounge areas shall not be used.
- g. "Minimum Basic Operations"** For the purposes of this Order, "Minimum Basic Operations" include any of the following, provided that persons comply with Social Distancing Requirements as defined this Section, to the extent possible, while carrying out such operations related to Essential Businesses, Essential Infrastructure, or Essential Governmental Functions:
- i. The minimum necessary activities to maintain the value of the business's infrastructure, inventory, ensure security, process payroll and employee benefits, or for related functions such as property management.
 - ii. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.
 - iii. The minimum necessary activities to maintain the value or safety of real property, including, cleaning, landscape maintenance or pool maintenance.
- h. "Essential Travel"** For the purposes of this Order, "Essential Travel" 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.

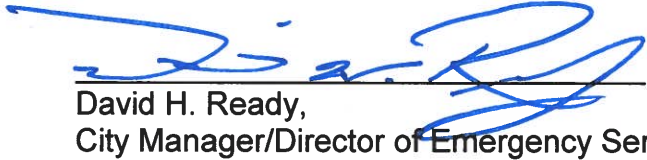
- i. Any travel related to the provision of or access to Essential Activities, Essential Governmental Functions, Essential Businesses, or Minimum Basic Operations.
 - ii. Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons.
 - iii. Travel to or from 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.
 - 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.
- i. For purposes of this order, residences include hotels, motels, lawfully permitted vacation rentals, shared rental units, and similar facilities.
 - j. **“Social Distancing Requirements”** 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, and such other standards or guidelines as may be promulgated from time to time by City, County, State and federal authorities.
11. The violation of any provision of this Order constitutes an imminent threat and creates an immediate menace to public health. Violation of or failure to comply with this Order is a misdemeanor punishable by fine, imprisonment, or both. (Palm Springs Municipal Code section 2.20.100.)
 12. This Order shall become effective at 7:00 a.m. on March 18, 2020 and will continue to be in effect until 11:59 p.m. on April 2, 2020, or until it is extended, rescinded, superseded, or amended in writing by the City Manager/Director of Emergency Services, the City Council or any County, State or federal law, rule or order.
 13. The City will provide copies of this Order as follows: (1) by posting on the City website (<https://www.palmspringsca.gov>); (2) by posting at City Hall, located at 3200 East Tahquitz Canyon Way, Palm Springs, California; and (3) by

providing to any member of the public requesting a copy. In addition, the owner, manager, or operator of any facility that is likely to be impacted by this Order is strongly encouraged to post a copy of this Order onsite and to provide a copy to any member of the public asking for a copy.

14. If any provision of this Order or its application to any person or circumstance is held to be invalid, then 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.

IT IS FURTHER DECLARED AND ORDERED, that this order is a temporary emergency measure, which is effective immediately and shall remain in effect unless and until modified or superseded by the City Council or any county, state or federal order or declaration.

March 17, 2020



David H. Ready,
City Manager/Director of Emergency Services

APPROVED AS TO LEGAL FORM:



Jeffrey S. Ballinger, City Attorney