



Health, Housing & Community Services Department  
Public Health Officer

## **ORDER OF THE HEALTH OFFICER OF THE CITY OF BERKELEY IMPOSING MEASURES NECESSARY TO CONTROL THE SPREAD OF COVID-19**

**DATE OF ORDER: December 9, 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.)**

UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101475 AND 120175, THE HEALTH OFFICER OF THE CITY OF BERKELEY ("HEALTH OFFICER") ORDERS:

1. **Purpose of Order.** This Order supersedes the Health Officer Order dated September 2, 2020. The purpose of this Order is to limit the transmission of Novel Coronavirus Disease 2019 ("COVID-19"). The Order reflects and incorporates the Blueprint for a Safer Economy released by the State of California on August 28, 2020. The Order is made based on the findings set forth in Appendix E. This Order recognizes that compliance with the following measures has been demonstrated to reduce the spread of COVID-19:
  - a. Wearing masks in public places.
  - b. Maintaining a separation of at least six feet between members of different households.
  - c. Washing hands and otherwise maintaining good hygiene.
  - d. Staying home when you are sick or may have been infected with or exposed to COVID-19.
  - e. Limiting gatherings of persons from different households, and in particular, avoiding indoor gatherings involving persons from more than one household.

The purpose of this Order is to encourage the residents of the City of Berkeley to adopt these behaviors, in order to reduce the spread and prevalence of COVID-19 in Berkeley, as is necessary to protect the health of City residents, save lives, and allow for the resumption of economic, social, and cultural activity in the City.

2. **Physical Distancing.** All persons must maintain a distance of at least six feet from persons who are not a member of their household, except as otherwise provided in this Order. Where it is impossible to carry out an activity permitted under this Order in compliance with this requirement (e.g., care of small children, medical or dental care), all persons involved in the activity must employ reasonably available measures to limit the



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extent of close contact between members of different households and to use face coverings, face shields, and other personal protective equipment to reduce the risk of COVID-19 transmission.

3. **Face Coverings.** All persons must comply with the requirements of the Face Covering Order issued by the Health Officer on June 5, 2020, except as otherwise expressly exempted from those requirements by the Face Covering Order or by this Order.
4. **Hygiene Requirements; Isolation and Quarantine.** In addition to physical distancing and face covering requirements set forth above, all persons must:
  - a. Frequently wash their hands with soap and water for at least 20 seconds, or if soap and water is not available, use a hand sanitizer that is recognized by the Centers for Disease Control and Prevention as effective in combatting COVID-19.
  - b. Cover coughs and sneezes with a tissue or fabric or, if not possible, into the sleeve or elbow (but not into hands).
  - c. Avoid all social interaction outside the household when sick with a fever, cough, or other COVID-19 symptoms.
  - d. Comply with the requirements of the Isolation Order issued by the Health Officer on July 31, 2020 when diagnosed with or suspected to have COVID-19.
  - e. Comply with the requirements of the Quarantine Order issued by the Health Officer on July 15, 2002 after having been exposed to known or suspected case of COVID-19.
5. **Permitted and Prohibited Activities.** Business operations and other activities permitted or prohibited by this Order are set forth in **Paragraph 6** and **Appendix A**. Businesses and other members of the public are encouraged to contact the City of Berkeley via email at [covid19@cityofberkeley.info](mailto:covid19@cityofberkeley.info) or via telephone (by dialing 311) if they are unable to determine if an activity is permitted or prohibited based on this Order and applicable State of California guidance. **Any business or activity outside of the home that is not authorized by this Order or applicable State of California guidance incorporated by reference in this Order is prohibited.**
6. **Regional Stay at Home Order.** Notwithstanding any provision of this Order, including but not limited to the enumeration of permitted activities in Appendix A, this Order incorporates the requirements of the [Regional Stay at Home Order and the December 6, 2020 Supplement to Regional Stay at Home Order](#), as of the effective date of this Order. Until lifted, the requirements of the Regional Stay at Home Order supersede all other provisions of this Order, including but not limited to Appendix A.



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- a. All gatherings with members of other households are prohibited in the City of Berkeley, except as expressly permitted by this Order.
- b. All individuals living in the City of Berkeley shall stay home or at their place of residence except as permitted by this Order.
- c. This requirements of this Paragraphs (a) and (b) shall not apply to persons experiencing homelessness, or to activities associated with the operation, maintenance, or usage of [essential critical infrastructure](#).
- d. The following businesses and activities must remain closed while this Order remains in effect:
  - i. Indoor playgrounds
  - ii. Indoor recreational facilities
  - iii. Hair salons and barbershops
  - iv. Personal care services
  - v. Museums, galleries, zoos, aquariums, and charter vessels
  - vi. Movie theaters
  - vii. Winery tasting rooms
  - viii. Bars and brewery and distillery tasting room
  - ix. Family entertainment centers
  - x. Cardrooms and satellite wagering
  - xi. Non-essential limited services, except for curbside pickup and drop off
  - xii. Live audience sports
  - xiii. Amusement parks
  - xiv. Drive-in gatherings
  - xv. Fitness and dance studios, except for outdoor fitness classes or training in compliance with the requirements of this Order
  - xvi. Non-essential manufacturing, warehousing, and logistics
  - xvii. Non-essential real estate businesses
- e. The business and activities listed in this Paragraph are subject to the following additional restrictions while this Order remains in effect:
  - i. Recreational facilities and parks (including outdoor botanical gardens) may operate outdoors only, consistent with the requirements of this Order. Sale of food or beverages for onsite consumption at such facilities is prohibited. Outdoor athletic activities shall be restricted to members of the same household, except as otherwise Paragraphs (vi) and (vii) below.
  - ii. Outdoor playgrounds and other outdoor recreational facilities (including playing fields and basketball, volleyball, tennis, and pickleball courts) may remain open subject to limitations on gatherings of persons from different



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households and other requirements of this Order (see Appendix A, § 16). Playgrounds open to the general public must comply with State [Guidance for Outdoor Playgrounds and Other Outdoor Recreational Facilities](#). Playgrounds located on schools that remain open for in-person instruction, and not accessible by the general public, may remain open and must follow State [Industry Guidance for Schools and School-Based Programs](#).

- iii. Stand-alone grocery stores where the principal business activity is the sale of food may operate at 35% of capacity (based on fire department occupancy limits). All access to grocery stores must be strictly metered to ensure compliance with the limit on capacity. The sale of food, beverages, and alcohol for in-store consumption is prohibited.
  - iv. Retail businesses (including critical infrastructure retailers other than stand-alone grocery stores) and shopping centers may operate indoors at no more than 20% capacity. All access to retail must be strictly metered to ensure compliance with the limit on capacity. The sale of food, beverages, and alcohol for instore consumption is prohibited. Libraries shall be considered a retail activity for purposes of this Paragraph.
  - v. Restaurants and bars, wineries, or breweries that serve food may open only for take-out, pick-up, or delivery.
  - vi. Youth sports and extracurricular activities may take place under the supervision of a childcare or after school program or as part of an organized and supervised extracurricular program. Programs must comply with the requirements of the State [Guidance for Small Cohorts/Groups of Children and Youth](#) and [Interim Guidance for Youth Sports](#).
  - vii. College athletics are permitted with an approved return to play safety plan, as set forth in this Order.
  - viii. Film and media production are permitted consistent with the requirements of this Order (see Appendix D).
  - ix. Worship and political expression are permitted outdoors, consistent with the requirements of this Order.
- f. Except as otherwise required by law, no hotel or lodging entity in California shall accept or honor out of state reservations for non-essential travel, unless the reservation is for at least the minimum time period required for quarantine and the persons identified in the reservation will quarantine in the hotel or lodging entity until after that time period has expired.



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- g. TK-12 schools that are already open for in-person learning, child care, and pre-K education may remain open for in-person learning or child care subject to the requirements of this Order.
  - h. Higher education institutions may offer in-person instruction for clinical training or classes and laboratory or studio classes only. In-person instruction is otherwise prohibited.
  - i. Nothing in this Order prevents any number of persons from the same household from leaving their residence, lodging, or temporary accommodation, as long as they do not engage in any interaction with (or otherwise gather with) any number of persons from any other household, except as specifically permitted by this Order.
  - j. Nothing in this Order prevents persons from leaving their household to provide care for children, people with disabilities, or sick or elderly persons who are unable to obtain care from a member of their household.
- 7. **Site-Specific Protection Plan.** All businesses and organizations operating under this Order must prepare and post an up-to-date and accurate Site-Specific Protection Plan for each of their facilities in the City frequented by personnel or members of the public, unless expressly exempted from this requirement. The Site-Specific Protection Plan must be in substantially the same form as Appendix B of this Order. Construction sites shall be exempt from the requirements of this Section but must prepare Construction Safety Protocols that comply with the requirements of Appendix C.
- 8. **State of Emergency.** 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, and the March 10, 2020, April 21, 2020, June 18, 2020, July 28, 2020, September 22, 2020, and November 17, 2020 Resolutions of the City Council ratifying and extending the Declaration of a Local Emergency, and is based in whole or in part on the Health Officer's authority under Health and Safety Code section 101040.
- 9. **Enforcement.** 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, and is punishable by administrative citation under the Berkeley Municipal Code.
- 10. **Effective Date.** This Order shall become effective at 12:01 a.m. on December 10, 2020 and will continue to be in effect until January 4, 2020 at 11:59 p.m.



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11. **Posting of Order.** 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](http://www.cityofberkeley.info) and (3) provided to any member of the public requesting a copy of this Order.
12. **Severability.** If any provision of this Order or its application 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.

**IT IS SO ORDERED:**

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

Dated: December 9, 2020

Attachments:

[Appendix A](#) – Permitted and Prohibited Business and Activities

[Appendix B](#) – Site-Specific Protection Plan

[Appendix C-1](#) – Small Construction Project Safety Protocol

[Appendix C-2](#) – Large Construction Project Safety Protocol

[Appendix D](#) – Filming, Recording, Live Streaming, or Broadcasting Without In-Person Audiences

[Appendix E](#) – Findings of the City of Berkeley Health Officer