



Health, Housing & Community Services Department  
Public Health Officer

**ORDER OF THE HEALTH OFFICER OF THE CITY OF BERKELEY  
DIRECTING ALL INDIVIDUALS IN THE CITY TO CONTINUE TO  
COMPLY WITH SOCIAL DISTANCING MEASURES AND OTHER  
RESTRICTIONS NECESSARY TO CONTROL THE SPREAD OF  
COVID-19**

**DATE OF ORDER: August 21, 2020 (Updated August 27, 2020)**

**Summary of Order:** This Order of the Berkeley Public Health Officer continues to maintain restrictions on movement and public and private gatherings set forth in the Health Officer's July 17, 2020 Order, in light of the continued, unacceptably high prevalence of COVID-19 in the City of Berkeley and neighboring jurisdictions. These restrictions will remain in place until individuals, business, and public and private institutions in Berkeley and neighboring jurisdictions take steps necessary to control the spread of COVID-19. This Order includes limited revisions to mitigate the adverse economic, social, and cultural impact of restrictions on gatherings that have been in place since March 17, 2020. The Order:

1. Includes more detailed requirements for vehicle-based gatherings and allows live performances at vehicle-based gatherings and the recording and live-streaming of those performances, subject to strict conditions;
2. Allows outdoor swimming pools to open subject to conditions necessary to limit the transmission of COVID-19;
3. Allows outdoor wine tasting business to reopen; and
4. Authorizes certain personal care service providers to provide services outdoors.

In addition, the Order clarifies that, subject to narrow exceptions, in-person instruction at schools is not permitted at this time. The reopening of schools for in-person instruction will be evaluated under criteria set by the California Department of Public Health.

This Order was updated on August 27, 2020 to maintain consistency with guidance regarding small cohorts or groups of children or youth issued by the California Department of Public Health on August 25, 2020.



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**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. This Order supersedes the July 17, 2020 Order of the Health Officer (“Prior Order”). This Order amends, clarifies, and continues certain terms of the Prior Order to ensure continued social distancing and limit person-to-person contact to reduce the rate of transmission of Novel Coronavirus Disease 2019 (“COVID-19”). This Order continues to restrict activity, travel, and governmental and business functions. But in light of progress achieved in controlling the spread of COVID-19 in the City of Berkeley (the “City”) and neighboring jurisdictions, the Order allows certain additional business, recreational, social, and cultural activities to resume, subject to the limitations set forth herein.
2. The primary intent of this Order is to slow the spread of COVID-19 and mitigate the impact on delivery of critical healthcare services. All provisions of this Order must be interpreted to effectuate this intent. However, this Order allows additional business, recreational, social, and cultural activities to resume while the Health Officer continues to assess the transmissibility and clinical severity of COVID-19 and monitors indicators described in Section 11. 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.
3. Except as otherwise provided in this Order, no public or private gathering of individuals who are not members of the same household or living units is permitted. Individuals who do not currently reside in the City must comply with all applicable requirements of the Order when in the City. Persons experiencing homelessness should comply with the Order to the maximum extent feasible. Governmental and other entities are strongly urged to, as soon as possible, make such shelter available 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 15.k, except as expressly provided in this Order, and must wear

Order of the City Health Officer to Continue Restrictions Necessary  
to Control the Spread of COVID-19 (August 21, 2020)



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Face Coverings as provided in, and subject to the limited exceptions in, the Health Officer Order dated June 5, 2020 (the “Face Covering Order”) or in this Order.

5. The following business and activities are permitted within the City of Berkeley and may operate or be carried out consistent with the requirement of this Order:
  - a. Essential Activities, as defined in Section 15.a.
  - b. Healthcare Operations, as defined in Section 15.b.
  - c. Essential Infrastructure, as defined in Section 15.c.
  - d. Essential Governmental Functions, as defined in Section 15.d
  - e. Essential Businesses, as defined in Section 15.f.
  - f. Essential Travel, as defined in Section 15.i.
  - g. Outdoor Businesses, as defined in Section 15.l.
  - h. Outdoor Activities, as defined in Section 15.m.
  - i. Additional Businesses and Additional Activities, as set forth in Section 15.n-15.o and Appendix C.

Nothing in this Order prevents personnel, volunteers, or contractors from performing activities at their own residences (i.e., working from home). Further, businesses not otherwise permitted to operate under this Order may perform Minimum Basic Operations as defined in Section 15.g. All businesses, including Essential Businesses, must maximize the number of personnel who work from home, and may only assign those personnel who cannot perform their job duties from home to work outside the home.

6. All businesses operating under this Order must prepare or update, post, implement, and distribute to their personnel a Site-Specific Protection Plan for each of their facilities in the City frequented by personnel or members of the public, as specified in Section 15.h. In addition to the Site-Specific Protection Plan, all businesses allowed to operate under this Order must follow any industry-specific guidance issued by the Health Officer related to COVID-19 and any conditions on operation specified in this Order, including those specified in Appendix C, or in industry guidance issued by the



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California Department of Public Health and Department of Industrial Relations (<https://covid19.ca.gov/industry-guidance/>). Except as otherwise provided in this Order, businesses that include an Essential Business or Outdoor Business component at their facilities alongside other components must, to the extent feasible, scale down their operations to the Essential Business and Outdoor Business components only; provided, however, mixed retail businesses that are otherwise allowed to operate under this Order may continue to stock and sell non-essential products.

7. Notwithstanding the requirements of Section 3, small public and private gatherings comprised of individuals within a Social Bubble, or comprised of children and adults within a single Childcare or Youth Extracurricular Activity Unit, are permitted, subject to the requirements of this Order. For purposes of this Section:
  - a. A “Social Bubble” means a group of not more than 12 individuals who may attend social or other events outdoors with persons outside their household or living unit.
  - b. A Childcare or Youth Extracurricular Activity Unit means a group of not more than 14 children or youth that is formed for the purpose of providing childcare or for the purpose of allowing children and youth to engage in extracurricular activities. All providers of Childcare or Youth Extracurricular Activities shall comply with California Department of Public Health [Guidance for Small Cohorts/Groups of Children and Youth](#). All Child Care Providers shall comply with guidance for [Child Care Programs and Providers](#) issued by CDPH, the California Department of Social Services, and the California Department of Industrial Relations.
  - c. No person may be a member of more than one Social Bubble during any three-week period, except that a child who resides in more than one dwelling unit as part of a shared custody arrangement may be part of the Social Bubble of each of the child’s parents or guardians.
  - d. No person may be a member of more than one Childcare or Youth Extracurricular Activity Unit during any three-week period.
  - e. Members of a Social Bubble or Childcare or Youth Extracurricular Activity Unit are strongly encouraged to comply with Social Distancing Requirements and wear face covering to the extent feasible. Children 2 years or younger



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should not wear face coverings, and the use of face coverings in children under the age of 12 must be subject to adult supervision.

Nothing in this Order prevents any person from being a member of both a Social Bubble and a Childcare or Youth Extracurricular Activity Unit during any three-week period. Further, nothing in this Order prohibits members of a single household or living unit from engaging in Essential Travel, Essential Activities, Outdoor Activities, or Additional Activities together.

8. All travel, except Essential Travel, as defined below in Section 15.i, is prohibited. People may use public transit only for purposes of performing activities permitted under this Order. Transit agencies and people riding on public transit must comply with Social Distancing Requirements, as defined in Section 15.k, to the greatest extent feasible, and personnel and passengers must wear Face Coverings as required by the Face Covering Order. Any travel into or out of the City not expressly permitted by this Order is prohibited.
9. This Order is issued based on evidence of continued significant community transmission of COVID-19 within the City and throughout the Bay Area; continued uncertainty regarding the degree of undetected asymptomatic transmission; scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically; 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; and further evidence that others, including younger and otherwise healthy people, are also at risk for serious outcomes. Due to the outbreak of the COVID-19 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 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. Further, evidence shows that the virus can survive for hours to days on surfaces and be indirectly transmitted between individuals. Because even people without symptoms can transmit the infection, and because evidence shows the infection is easily spread, gatherings and other direct or indirect interpersonal interactions can result in preventable transmission of the virus.



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10. The collective efforts taken to date regarding this public health emergency have slowed the virus' trajectory, but the emergency and the attendant risk to public health remain significant. As of August 19, 2020, there are 484 confirmed cases of COVID-19 in the City as well as 16,184 confirmed cases and at least 231 deaths in Alameda County. The cumulative number of confirmed cases continues to increase. Evidence suggests that the restrictions on mobility and social distancing requirements imposed by the Prior Order continue to be necessary to slow 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.
  
11. The Health Officer will continue to monitor several key indicators (“COVID-19 Indicators”) to inform their decision as to whether to modify the restrictions in this Order. The Health Officer will continually review whether modifications to the Order are warranted based on (1) progress on the COVID-19 Indicators; (2) developments in epidemiological and diagnostic methods for tracing, diagnosing, treating, or testing for COVID-19; and (3) scientific understanding of the transmission dynamics and clinical impact of COVID-19. The COVID-19 Indicators include, but are not limited to, the following:
  - a. The trend of the number of new COVID-19 cases and hospitalizations per day.
  - b. The capacity of hospitals and the health system in the City and region, including acute care beds and Intensive Care Unit beds, to provide care for COVID-19 patients and other patients, including during a surge in COVID-19 cases.
  - c. The supply of personal protective equipment (PPE) available for hospital staff and other healthcare providers and personnel who need PPE to safely respond to and treat COVID-19 patients.
  - d. The ability and capacity to quickly and accurately test persons to determine whether they are COVID-19 positive, especially those in vulnerable populations or high-risk settings or occupations.
  - e. The ability to conduct case investigation and contact tracing for the volume of cases and associated contacts that will continue to occur, isolating confirmed cases and quarantining persons who have had contact with confirmed cases.



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12. Scientific evidence shows that at this stage of the emergency, it remains essential to continue to slow virus transmission to help (a) protect the most vulnerable; (b) prevent the health care system from being overwhelmed; (c) prevent long-term chronic health conditions, such as cardiovascular, kidney, and respiratory damage and loss of limbs from blood clotting; and (d) prevent deaths. This Order is necessary to slow the spread of the COVID-19 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. At the same time, since the Prior Order was issued, the City has continued to make progress in expanding health system capacity and healthcare resources and in controlling community transmission of COVID-19. In light of progress on these indicators, and subject to continued monitoring and potential public health-based responses, the Health Officer has identified additional business and activities that may resume operations under this Order, taking into account health-related considerations and transmission risk factors including, but not limited to, the intensity and quantity of contacts and the ability to substantially mitigate transmission risks associated with the operations.
13. 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 and April 21, 2020 Resolutions of the City Council ratifying and extending the Declaration of a Local Emergency.
14. 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, and subsequent orders and guidance issued by the Governor, the State Health Officer, and the California Department of Public Health and Department of Industrial Relations. 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. Where a conflict exists between this Order and any state public health order related to the COVID-19 pandemic, the most restrictive provision controls.



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15. Definitions and Exemptions.

- a. Individuals may leave their residence to perform the following “Essential Activities.” However, 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 as follows:
  - i. To engage in activities or perform tasks important to their health and safety, or to the health and safety of their family or household members (including pets), such as, by way of example only and without limitation, obtaining medical supplies or medication, or visiting a health care professional.
  - 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, or products necessary to maintain the habitability, sanitation, and operation of residences.
  - iii. To engage in outdoor recreation activity, including, by way of example and without limitation, walking, hiking, 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 must comply 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.
    2. Use of outdoor recreational areas and facilities with high-touch equipment or that encourage gathering, including, but not limited to, playgrounds, gym equipment, climbing walls, picnic areas, spas, and barbecue areas, is prohibited outside of residences, and





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all such areas shall be closed to public access including by signage and, as appropriate, by physical barriers.

3. Except as expressly allowed under this Order, sports or activities that include the use of shared equipment or physical contact between participants may only be engaged in by members of the same household or living unit.
  4. Use of shared outdoor facilities for recreational activities that may occur outside of residences consistent with the restrictions set forth in subsections 1, 2, and 3, above, including, but not limited to, skate parks, athletic fields, and tennis and pickleball courts, must, before they may begin, comply with social distancing and health/safety protocols posted at the site and any other restrictions, including prohibitions, 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. Tennis and pickleball courts may be used by members of different households or living units so long as no more than two people are present (i.e., singles tennis or pickleball).
- iv. To perform work for or access an Essential Business, Outdoor Business, or Additional 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 25 individuals present.
  - vii. To move residences. 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.
- b. Individuals may leave their residence to work for, volunteer at, or obtain services at “Healthcare Operations,” including, without limitation, hospitals,



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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 interference with the delivery of healthcare, broadly defined. “Healthcare Operations” excludes fitness and exercise gyms and similar facilities.

- c. Individuals may leave their residence to provide any services or perform any work necessary to the operation and maintenance of “Essential Infrastructure,” including airports, utilities (including water, sewer, gas, and electrical), oil refining, roads and highways, public transportation, solid waste facilities (including collection, removal, disposal, recycling, 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).
- d. Individuals may leave their residences to perform or access “Essential Governmental Functions,” as determined by the governmental entity performing those functions in the City, including election related activities such as signature gathering. Each governmental entity shall identify and designate appropriate personnel, volunteers, or contractors to continue providing and carrying out any Essential Governmental Functions, including the hiring or retention of new personnel 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 to the greatest extent feasible. 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.
- e. For the purposes of this Order, a “business” includes any for-profit, non-profit, or educational entity, whether a corporate entity, organization, partnership or



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sole proprietorship, and regardless of the nature of the service, the function it performs, or its corporate or entity structure.

- f. Essential Businesses may operate in the City of Berkeley. For the purposes of this Order, “Essential Businesses” are as follows:
- 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, as well as hygienic products and household consumer products necessary for personal hygiene or the habitability, sanitation, or operation of residences, or to enable work from home. 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 as permitted under the State Shelter Order and only pursuant to the Construction Safety Protocols listed in Appendix B and incorporated into this Order by this reference. Public works projects shall also be subject to Appendix B, except if other protocols are specified by the Health Officer.
  - vi. Newspapers, television, radio, and other media services.
  - vii. Gas stations and auto-supply, auto-repair (including, but not limited to, for cars, trucks, motorcycles and motorized scooters), and automotive dealerships, but only for the purpose of providing auto-supply and auto-



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repair services. This subparagraph (vii) does not restrict the on-line purchase of automobiles if they are delivered to a residence or Essential Business.

- viii. Bicycle repair and supply shops.
- ix. Banks and related financial institutions.
- x. Service providers that enable real estate 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 real estate 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 present in the residence).
- xi. Hardware stores.
- xii. Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the habitability, sanitation, or operation of residences and Essential Businesses.
- xiii. Businesses providing mailing and shipping services, including post office boxes.
- xiv. Educational institutions—including public and private K-12 schools, colleges, and universities—for purposes of conducting facilitating distance learning or clinical, career internship and pathways, conducting or participating in COVID-19 related research, or performing essential functions, or as allowed under subparagraph xxvi, provided that social distancing of six feet per person is maintained to the greatest extent possible. In-school instruction is permitted only for children and youth residential settings, such as psychiatric health facilities, juvenile detention facilities, or crisis housing units.
- xv. Laundromats, drycleaners, and laundry service providers.



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- xvi. Restaurants and other facilities that prepare and serve food, but only for Outdoor Dining (as described in Appendix C), 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.
- xvii. Funeral home providers, mortuaries, cemeteries, and crematoriums, to the extent necessary for the transport, preparation, or processing of bodies or remains.
- xviii. Businesses that supply other Essential Businesses, Outdoor Businesses, or Additional Businesses with the support or supplies necessary to operate, but only to the extent that they support or supply these businesses. This exemption shall not be used as a basis for engaging in sales to the general public from retail storefronts that are not otherwise authorized under this Order.
- xix. 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 other functions besides those necessary to the delivery operation.
- xx. 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.
- xxi. Home-based care for seniors, adults, children, and pets.
- xxii. Residential facilities and shelters for seniors, adults, and children.
- xxiii. Professional services, such as legal, notary, or accounting services, when necessary to assist in compliance with non-elective, legally required activities or in relation to death or incapacity.



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- xxiv. Services to assist individuals in finding employment with Essential Businesses.
  - xxv. Moving services that facilitate residential or commercial moves that are allowed under this Order.
  - xxvi. Childcare establishments, summer camps, and other educational or recreational institutions or programs providing care or supervision for children of all ages, subject to the requirements of Section 7. Childcare establishments may also be required to comply with other applicable federal, state, and local requirements. To the extent there is any inconsistency between the different regulations, the strictest rule governs. For additional guidance from the state regarding childcare licensing, please visit: [https://www.cdss.ca.gov/Portals/9/CCLD/PINs/2020/CCP/PIN\\_20-06-CCP.pdf](https://www.cdss.ca.gov/Portals/9/CCLD/PINs/2020/CCP/PIN_20-06-CCP.pdf).
  - xxvii. The operation of public libraries for curbside pickup of books and other media.
- g. Businesses not otherwise permitted to operate under this Order may nonetheless carry out Minimum Basic Operations. For the purposes of this Order, “Minimum Basic Operations” means the following activities for businesses, provided that owners, personnel, 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; provide for the delivery of existing inventory directly to residences or businesses; and related functions. Curbside pickup to goods is permitted only to the extent permitted and subject to the conditions set forth in Appendix C.
  - ii. The minimum necessary activities to facilitate owners, personnel, 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.



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- h. For the purposes of this Order, all businesses that are operating at facilities in the City visited or used by the public or personnel must, as a condition of such operation, prepare and post a “Site-Specific Protection Plan” for each of these facilities; provided, however, that construction activities shall instead comply with the Construction Project Safety Protocols set forth in Appendix B and not the Site-Specific Protection Plan. The Site-Specific Protection Plan must be substantially in the form attached to this Order as Appendix A, and it must be updated from prior versions to address new requirements listed in this Order or in related guidance or directives from the Health Officer. The Site-Specific Protection Plan must be posted at or near the entrance of the relevant facility, and shall be easily viewable by the public and personnel. A copy of the Site-Specific Protection Plan must also be provided to each person performing work at the facility. All businesses subject to this paragraph shall implement the Site-Specific Protection Plan and provide evidence of its implementation to any authority enforcing this Order upon demand. The Site-Specific Protection Plan 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 Essential Business activity.
  - ii. Requiring face coverings to be worn by all persons entering the facility, other than those exempted from face covering requirements (e.g., young children).
  - iii. Where lines may form at a facility, marking six-foot increments at a minimum, establishing where individuals should stand to maintain adequate social distancing.
  - iv. 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 personnel, and in locations where there is high-frequency employee interaction with members of the public (e.g., cashiers).
  - v. 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.



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- vi. Regularly disinfecting other high-touch surfaces.
- vii. Posting a sign at the entrance of the facility informing all personnel and customers that they should: avoid entering the facility if they have any COVID-19 symptoms; maintain a minimum six-foot distance from one another; sneeze and cough into one's elbow; not shake hands or engage in any unnecessary physical contact.
- viii. 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>).
- i. Essential Travel is permitted within, or to or from, the City of Berkeley. For the purposes of this Order, "Essential Travel" means travel for any of the following purposes:
  - i. Travel related to the provision of or access to Essential Activities, Essential Governmental Functions, Essential Businesses, Minimum Basic Operations, Outdoor Activities, Outdoor Businesses, Additional Activities, and Additional Businesses.
  - ii. Travel to care for any elderly, minors, dependents, or persons with disabilities.
  - 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 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.
  - vii. Travel to manage after-death arrangements and burial.





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- viii. Travel to arrange for shelter or avoid homelessness.
- ix. Travel to avoid domestic violence or child abuse.
- x. Travel for parental custody arrangements.
- xi. Travel to a place to temporarily reside in a residence or other facility to avoid potentially exposing others to COVID-19, such as a hotel or other facility provided by a governmental authority for such purposes.
- j. For purposes of this Order, “residences” include hotels, motels, shared rental units, and similar facilities. Residences also include living structures and outdoor spaces associated with those living structures, such as patios, porches, backyards, and front yards that are only accessible to a single family or household unit.
- k. For purposes of this Order, “Social Distancing Requirements” means:
  - i. Maintaining at least six-foot social distancing from individuals who are not part of the same household or living unit.
  - ii. Frequently washing hands with soap and water for at least 20 seconds, or using hand sanitizer that is recognized by the Centers for Disease Control and Prevention as effective in combatting COVID-19.
  - iii. Covering coughs and sneezes with a tissue or fabric or, if not possible, into the sleeve or elbow (but not into hands).
  - iv. Wearing a face covering when out in public, consistent with the orders or guidance of the Health Officer.
  - v. Avoiding all social interaction outside the household when sick with a fever, cough, or other COVID-19 symptoms.

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



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Governmental Functions, or provide for Minimum Basic Operations; or as otherwise expressly provided in this Order. Outdoor Activities, Outdoor Businesses, Additional Activities, and Additional Businesses must strictly adhere to these Social Distancing Requirements, except as otherwise permitted in this Order.

1. Outdoors Businesses are permitted to operate in the City of Berkeley consistent with the requirements of this Order. For purposes of this Order, “Outdoor Businesses” means businesses that normally operated primarily outdoors on or prior to March 16, 2020 and where there is the ability to fully maintain social distancing of at least six feet between all persons, and includes the following:
  - i. Businesses primarily operated outdoors, such as wholesale and retail plant nurseries, agricultural operations, and garden centers.
  - ii. Service providers that primarily provide outdoor services, such as landscaping and gardening services, and environmental site remediation services.

“Outdoor Businesses” does not include bars. Except as otherwise provided in Appendix C, Outdoor Businesses also do not include businesses that promote large, coordinated, and prolonged gatherings, such as outdoor concert venues and amusement parks.

- m. Individuals may leave their residence to engage in Outdoor Activities consistent with the requirements of this Order. For purposes of this Order, “Outdoor Activities” means:
  - i. To obtain goods, services, or supplies from, or perform work for, an Outdoor Business.
  - ii. To engage in outdoor recreation activity as permitted in Section 15.a.iii.
  - iii. Outdoor social, childcare, or youth extracurricular activities permitted under Section 7.
- n. Additional Businesses are permitted to operate in the City of Berkeley consistent with the requirements of this Order. For purposes of this Order, “Additional



**Health, Housing & Community Services Department  
Public Health Officer**

Business” means any business, entity, or other organization identified as an Additional Business in Appendix C, which will be updated as warranted based on the Health Officer’s ongoing evaluation of the COVID-19 Indicators and other data. In addition to the other requirements in this Order, operation of those Additional Businesses is subject to any conditions and health and safety requirements set forth in Appendix C and in any industry-specific guidance issued by the Health Officer or by the California Department of Public Health and/or the Department of Industrial Relations.

- o. Individuals may leave their residence to engage in Additional Activities consistent with the requirements of this Order. For purposes of this Order, “Additional Activities” means to obtain goods, services, or supplies from, or perform work for, Additional Businesses identified in Appendix C or to perform other activities permitted under Appendix C, subject to requirements in this Order, and any conditions and health and safety requirements set forth in this Order or in any industry-specific guidance issued by the Health Officer or by the California Department of Public Health and/or the Department of Industrial Relations.

16. 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>).

17. 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.



**Health, Housing & Community Services Department  
Public Health Officer**

18. This Order shall become effective at 8:00 a.m. on August 28, 2020 and will continue to be in effect until it is rescinded, superseded, or amended in writing by the Health Officer.
19. 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.
20. 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:**

A handwritten signature in blue ink, appearing to read "Lisa B. Hernandez".

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

Dated: August 27, 2020

- Attachments: Appendix A – Site-Specific Protection Plan
- Appendix B-1 – Small Construction Project Safety Protocol
- Appendix B-2 – Large Construction Project Safety Protocol
- Appendix C – Additional Permitted Businesses and Activities