



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: October 2, 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. **Social 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 social 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. **Prohibition on Gatherings.** No gathering of more than 12 persons for any purpose is permitted unless expressly authorized by this Order.
 - a. Gatherings of 12 or fewer people are permitted only if the gathering takes place outdoors, and (a) persons at the gathering maintain at least six feet of distance between persons who are members of different households, or (b) all members of the gathering are part of the same stable cohort of persons (“social bubble”) who, over a three-week period, do not attend gatherings authorized under this Section with persons outside of their social bubble.
 - b. Indoor gatherings among persons of different households are prohibited, except in cases where such gatherings are allowed in connection with a business or activity permitted under Appendix A.
6. **Permitted and Prohibited Activities.** Business operations and other activities permitted or prohibited by this Order are set forth in Appendix A. Businesses and other members of the public are encouraged to contact the City of Berkeley via email at



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covid19@cityofberkeley.info or via telephone (by dialing 311) if they are unable to determine if an activity is permitted or prohibited based on Appendix A 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.**

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 and April 21, 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.
10. **Effective Date.** This Order shall become effective at 8:00 a.m. on October 9, 2020, unless expressly stated otherwise, and will continue to be in effect until it is rescinded, superseded, or amended in writing by the Health Officer. The effective date for reopening of Grades TK-5 for in-person instruction shall be October 13, 2020.
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 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.



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IT IS SO ORDERED:

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

Dated: October 2, 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](#) – Vehicle-Based Gatherings

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

[Appendix F](#) – Entertainment Venues: Recording, Live Streaming, or Broadcasting Events Without In-Person Audiences