



Health, Housing & Community Services Department
Public Health Officer

ORDER OF THE HEALTH OFFICER OF THE CITY OF BERKELEY ADOPTING THE REQUIREMENTS OF STATE OF CALIFORNIA BLUEPRINT FOR A SAFER ECONOMY, STATE HEALTH OFFICER ORDERS, AND LOCAL HEALTH OFFICER REQUIREMENTS

DATE OF ORDER: January 25, 2021

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 Health Officer Orders dated January 8, 2021 (“Stay at Home Order”) and June 5, 2020 (the “Face Covering Order”).
2. All persons in the City of Berkeley must comply with the requirements of the [Blueprint for a Safer Economy](#) released by the State of California on August 28, 2020, as amended, including the requirements of any orders implementing the Blueprint for a Safer Economy issued by California Department of Public Health (“CDPH”) and/or the Department of Industrial Relations (“DIR”).
3. All mandatory requirements of CDPH and DIR guidance, including but not limited to CDPH [Guidance for Face Coverings](#), CDPH [Guidance for the Prevention of COVID-19 Transmission for Gatherings](#), and all CDPH/DIR [Industry Guidance](#), are deemed to be mandatory requirements of the Blueprint for a Safer Economy and of this Order. A violation of any such requirement is a violation of this Order.
4. TK-12 schools must comply with the requirements of the [Reopening In-Person Instruction Framework & Public Health Guidance for K-12 Schools in California](#).
5. Capacity limits for retail stores shall be calculated based on the retail floor area and the total number of customers and hired shoppers. Where necessary to prevent the transmission of COVID-19, the Health Officer may issue further orders to prevent transmission, including but not limited to orders limiting the capacity of any retail store and/or requiring that all staff (including hired shoppers) be tested periodically for COVID-19.
6. Media production activities without an in-person audience are permitted. All media production activities must comply with the City of Berkeley Health Officer [Requirements for Filming, Recording, Live Streaming, or Broadcasting Without In-Person Audiences](#).



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7. Any business or organization may comply with the requirement to prepare a worksite specific COVID-19 prevention plan by preparing and posting a Site-Specific Plan in the form set forth in **Appendix A**, or for a construction site, by preparing and posting a Construction Project Safety Protocol consistent with the requirements of **Appendix B-1** or **B-2**, as applicable.
8. The Health Officer shall have the authority to issue interpretative guidance to implement and enforce the requirements of this Order and any order or guidance issued by the State Health Officer, CDPH, and/or DIR incorporated by reference herein.
9. 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, November 17, 2020, and December 15, 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.
10. 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.
11. This Order is effective January 25, 2021 at 11:59 p.m. and will remain in effect until modified or rescinded by the Health Officer.
12. This Order is issued based on evidence of continued significant community transmission of COVID-19 within the City of Berkeley and throughout the Bay Area; evidence of asymptomatic and presymptomatic transmission by respiratory aerosols and droplets; 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, 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. Because even people without symptoms can transmit the infection, and because evidence shows the infection is easily spread,



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gatherings and other direct or indirect interpersonal interactions can result in preventable transmission of the virus. This Order is further based on all findings of the State Health Officer in connection with the Blueprint for a Safer Economy, Guidance for Face Covering, Industry Guidance, and other orders or guidance incorporated into this Order, which are similarly incorporated by reference are incorporated by reference herein. The restrictions on mobility and physical distancing requirements imposed by prior Health Officer orders 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 and research on the means of transmission of COVID-19.

13. 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. 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: January 25, 2021

Attachments

[Appendix A](#): Site-Specific Protection Plan

[Appendix B-1](#): Small Construction Project Safety Protocol

[Appendix B-2](#): Large Construction Project Safety Protocol