

HEALTH OFFICER ORDER NO. 2020-13.1
COUNTY OF SANTA BARBARA

PUBLIC BEACHES TEMPORARILY RESTRICTED IN SANTA BARBARA COUNTY
DURING THE LABOR DAY WEEKEND

Health Officer Order No. 2020-13.1

Effective Dates: September 4, 2020 through September 7, 2020

Please read this Order carefully. Violation of or failure to comply with this Order may constitute a misdemeanor punishable by fine of up to \$1,000, imprisonment, or both. (Health and Safety Code §§ 101029, 120295 et seq.) Violators are also subject to civil enforcement actions including fines or civil penalties per violation per day, injunctive relief, and attorneys' fees and costs.

Nothing in this Health Officer Order No. 2020-13.1 supersedes State Executive Orders or State Health Officer Orders.

SUMMARY: This Health Officer Order orders temporary restrictions to all public beaches in Santa Barbara County during the Labor Day weekend. Individuals are restricted from sitting, lying, standing, sunbathing, sight-seeing, picnicking, and all other non-exercise, passive, or stationary activities. Ocean water sports are not restricted (e.g., surfing, boogie-boarding, swimming, paddle-boarding, kayaking, boating, etc.) and individuals may be present on and cross beaches in order to immediately access and leave the ocean. Beaches may also be used for running, walking, cycling, or other forms of active physical activity.

WHEREAS, on March 4, 2020, Governor Newsom declared a state of emergency for conditions caused by a novel coronavirus, COVID-19, and on March 11, 2020, the World Health Organization declared COVID-19 a global pandemic, and on March 12, 2020, the County of Santa Barbara declared a local emergency and a local health emergency in relation COVID-19 in the community; and

WHEREAS, in the County of Santa Barbara as well as throughout California and the nation, there are insufficient quantities of critical healthcare infrastructure, including hospital beds, ventilators and workers, capable of adequately treating mass numbers of patients at a single time – should the virus spread unchecked; and

WHEREAS, in direct response to the lack of healthcare infrastructure, governments across the nation are taking actions to slow the spread of COVID-19 in order to “flatten the curve” of infection and reduce the numbers of individuals infected at any one time by minimizing situations where the virus can spread; and

WHEREAS, in furtherance of this effort, on March 19, 2020, Governor Newsom issued Executive Order N-33-20 requiring all persons residing in the State to remain in their homes or places of residence, except as needed to maintain the continuity of operations for critical infrastructure (the “State Stay-at-Home Order”); and

WHEREAS, on July 1, 2020, and July 13, 2020, the CDPH instructed counties which had been on State's County Monitoring list for more than three consecutive days to immediately close indoor operations of Businesses for specified industries and sectors and mandated that all CDPH industry or sector guidance issued to date must be followed including all infectious control measures, and the use of face coverings both indoors and outdoors in certain settings; and

WHEREAS this Order is issued in response to the County of Santa Barbara, not meeting the threshold criteria for Elevated Disease Transmission, and as of August 21, 2020, being on the State's County Monitoring list for 67 days as noted by the California Monitoring Metrics: <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/COVID19CountyDataTable.aspx>; and

WHEREAS, the Health Officer finds that temporary restrictions of all beaches in Santa Barbara County is necessary to prevent crowding that results in the spread of COVID-19 and due to the anticipated high volume of use at beaches from September 4th through September 7th, which will impede the practice of safe and necessary social distancing to slow the spread of COVID-19 in Santa Barbara County; and

WHEREAS, the intent of this Order is to slow the spread of COVID-19 to the maximum extent possible. All provisions of this Order should be interpreted to effectuate this intent.

ACCORDINGLY, UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040, 101085, AND 120175, TITLE 17 CALIFORNIA CODE OF REGULATIONS SECTION 2501, THE HEALTH OFFICER OF THE COUNTY OF SANTA BARBARA ORDERS:

1. This Order 2020-13.1 is effective 12:01 a.m. (PDT) September 4, 2020 and continuing until 11:59 p.m. (PDT), on September 7, 2020 or until it is extended, rescinded, superseded, or amended in writing by the County of Santa Barbara Health Officer ("Health Officer"). This Order applies in the incorporated and unincorporated areas of Santa Barbara County ("County").
2. **Public Beaches Temporarily Restricted:** All public beaches in the County shall be restricted temporarily for Labor Day weekend.
 - a. Ocean water sports are not restricted (e.g., surfing, boogie-boarding, swimming, paddle-boarding, kayaking, boating, etc.) and individuals may be present on and cross beaches in order to immediately access and leave the ocean.
 - b. Beaches may be used for running, walking, cycling, or other forms of active physical activity.
 - c. Piers are not restricted, subject to the discretion of individual facility managers to address over-use, and all individuals shall use face coverings and maintain physical distance in accordance with State and Local orders.
3. **Restrictions.** The following restrictions apply for the duration of this Health Officer Order:
 - a. Sitting, lying, standing, sunbathing, sight-seeing, picnicking, and all other non-exercise, passive, or stationary activities at beaches are prohibited.
 - b. Items for sitting or lying on the beach are prohibited for use or possession on

- beaches such as umbrellas, shade structures, tents, barbeques and grills, sand or beach toys, coolers, and beach chairs.
- c. Only persons with reservations at County and State beach campgrounds will be allowed to enter and utilize those campground beach areas in accordance with this Order. Walk-up or day use of these campground beaches and campground areas are not allowed.
 - d. Subject to the discretion of individual facility managers to address over-use, beach parkways (defined as streets, sidewalks, esplanades, or parks immediately adjacent to or abutting beaches or shoreline areas) may remain available for public use, but are restricted to active forms of physical activity such as running, walking, cycling, or other forms of active physical activity.

This Order is issued as a result of the worldwide pandemic of COVID-19 which has infected at least 24,279,576 individuals worldwide, in 213 countries and territories, including 7,869 cases, and 89 deaths in the County, and is implicated in over 827,810 worldwide deaths.

This Order is issued based on evidence of continued community-based transmission of COVID-19 both within the County and worldwide, scientific evidence regarding the most effective approach to slow transmission of communicable diseases generally and COVID-19 specifically, as well as best practices as currently known and available to protect the public from the risk of spread of or exposure to COVID-19.

This Order is issued because of the propensity of the virus to spread person to person and also because the virus physically is causing property loss or damage due to its proclivity to attach to surfaces for prolonged periods of time.

This Order is intended to reduce the likelihood of exposure to COVID-19, thereby slowing the spread of COVID-19 in communities worldwide. As the presence of individuals increases, the difficulty and magnitude of tracing individuals who may have been exposed to a case rises exponentially.

This Order is issued in accordance with, and incorporates by reference: the March 4, 2020 Proclamation of a State Emergency issued by Governor Gavin Newsom; the March 12, 2020 Declaration of Local Health Emergency and Proclamation of Emergency based on an imminent and proximate threat to public health from the introduction of novel COVID-19 in the County; the March 17, 2020 Resolution of the Board of Supervisors ratifying the County Declaration of Local Health Emergency and Proclamation of Emergency regarding COVID-19; the guidance issued on March 11, 2020 by the California Department of Public Health regarding large gatherings of 250 people or more; Governor Gavin Newsom's Executive Order N-25-20 of March 12, 2020 preparing the State to commandeer hotels and other places of temporary residence, medical facilities, and other facilities that are suitable as places of temporary residence or medical facilities as necessary for quarantining, isolating or treating individuals who test positive for COVID-19 or who have had a high-risk exposure and are thought to be in the incubation period; the March 13, 2020 Presidential Declaration of a National Emergency due to the national impacts of COVID-19; the guidance issued on March 15, 2020 by the Centers for Disease Control and Prevention, the California Department of Public Health, and other public health officials through the United States and around the world recommending the cancellation of gatherings involving more than fifty (50) or more persons in a single space at the same time; the March 16, 2020 order of the State Public Health Officer prohibiting all

gatherings with expected presence above ten (10) individuals; Governor Newsom's Executive Order N-33-20 of March 19, 2020 ordering all persons to stay at home to protect the health and well-being of all Californians and to establish consistency across the state in order to slow the spread of COVID-19; the March 22, 2020, Presidential Declaration of a Major Disaster in California beginning on January 20, 2020 under Federal Emergency Management Agency (FEMA) Incident DR-4482-CA; Governor Newsom's Executive Order N-60-20 of May 4, 2020 to allow reopening of lower-risk businesses and spaces ("Stage Two"), and then to allow reopening of higher-risk businesses and spaces ("Stage Three"), and directing the Public Health Officer to establish criteria and procedures to determine whether and how particular local jurisdictions may implement public health measures that depart from the statewide directives of the State Public Health Officer; the May 7, 2020, State Public Health Officer Order; and, the July 13, 2020 State Public Health Officer Order.

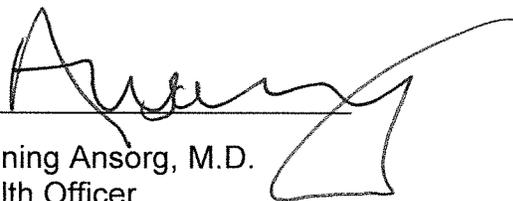
This Order is made in accordance with all applicable State and Federal laws, including but not limited to: Health and Safety Code sections 101040 and 120175; Health and Safety Code sections 101030 et seq., 120100 et seq.; and Title 17 of the California Code of Regulations section 2501.

If any provision of this Order or the application thereof to any person or circumstance is held to be invalid by a court of competent jurisdiction, 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.

The violation of any provision of this Order constitutes a threat to public health. Pursuant to Government Code sections 26602 and 41601 and Health and Safety Code sections 101029 and 120295, the Health Officer requests that the Sheriff and all chiefs of police in the County ensure compliance with and enforce this Order. Per Health and Safety Code section 101029, "the sheriff of each county, or city and county, may enforce within the county, or the city and county, all orders of the local health officer issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease. Every peace officer of every political subdivision of the county, or city and county, may enforce within the area subject to his or her jurisdiction all orders of the local health officer issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease. This section is not a limitation on the authority of peace officers or public officers to enforce orders of the local health officer."

Copies of this Order shall promptly be: (1) made available at the County Public Health Department; (2) posted on the County Public Health Department's website (publichealthsb.org); and (3) provided to any member of the public requesting a copy of this Order.

IT IS SO ORDERED:



Henning Ansorg, M.D.
Health Officer

Santa Barbara County Public Health Department