ORDER OF THE DIRECTOR OF EMERGENCY SERVICES (MONTEREY CITY MANAGER)
DIRECTING LIMITED BEACH AND PARK CLOSURES TO PREVENT THE SPREAD OF
COVID-19

WHEREAS, Section 11-4(b) of the Monterey City Code empowers the Director of
Emergency Services to proclaim the existence or threatened existence of a local emergency
when the City is affected or likely to be affected by a public calamity and the City Council is not
in session;

WHEREAS, MCC 11-4(b)(9) states that the Director of Emergency Services shall have
the power during a proclaimed emergency to make and issue rules and regulations on matters
reasonably related to the protection of life and property which are or may be affected by the
emergency, including the temporary suspension of local ordinances and regulations, provided
that such actions shall be confirmed at the earliest practical time by the City Council;

WHEREAS, on March 13, 2020, the City Manager as the Director of Emergency
Services of the City of Monterey, proclaimed the existence of a local emergency based on the
following: (1) on January 30, 2020, the World Health Organization declared the COVID-19
outbreak a public health emergency of international concern; (2) on January 31, 2020, the U.S.
Department of Health and Human Services declared a Public Health Emergency in the United
States; (3) the State of California proclaimed a state of emergency on March 4, 2020; and (4)
the County of Monterey declared a local emergency on March 10, 2020;

WHEREAS, on March 17, 2020, the City Council adopted Resolution No. 20-033 and
ratified said Proclamation;

WHEREAS, on March 19, 2020, the Governor of the State of California issued Executive
Order N-33-20, ordering all individuals in the State of California to stay home or at their place of
residence, except as outlined by the California Department of Public Health, during the COVID-
19 pandemic for the preservation of public health and safety throughout California and to ensure
that the healthcare delivery systems is capable of serving all, including those at higher risk and
the most vulnerable;

WHEREAS, the County of Monterey Health Officer, on March 17, 2020 ordered a shelter
in place order, which was amended on April 3, 2020;

WHEREAS, Section 13(a)(iii) of the Order of the Monterey County Health Officer to
Shelter in Place dated April 4, 2020 allows outdoor recreation activity, including without
limitation, walking, hiking, bicycling, and running, so long as such activity is in compliance with
Social Distancing Requirements;

WHEREAS, Section 13(a)(iii)(1) of the Order of the Monterey County Health Officer to
Shelter in Place dated April 4, 2020 recognizes that there may be a need for local government
to restrict outdoor recreation activity at parks and beaches, including closing areas to vehicular
access and parking, and closing all public access, to comply with the County Health Officer’s
Order;

WHEREAS, the Los Angeles Times reported that “Governor Gavin Newsom ...criticized
Californians who defied the statewide stay-at-home order and flocked to beaches over the
weekend, saying that ignoring restrictions could prolong the spread of the coronavirus in the
state.” (Phil Willon, Newsom chastises beachgoers, warning that defying order could delay
newsom-reopening-california-beachgoers-stay-home-order.)
WHEREAS, recent good weather has drawn a high volume of users, particularly to the beaches, where gatherings of multiple people outside a single household were observed sunbathing, picnicking, and playing sports contrary to Sections 6 and 13(a)(iii)(4) of the Order of the Monterey County Health Officer to Shelter in Place dated April 4, 2020;

WHEREAS, this Order is necessary to effectuate Section 13(k) of the Monterey County Health Officer to Shelter in Place dated April 4, 2020, as may be amended or superseded, which requires individuals to maintain at least six-foot social distancing from individuals who are not part of the same household or living unit;

WHEREAS, this Order is necessary to reduce crowding, public gatherings, and the risk of transmission of COVID-19. The high volume of users on the beach seriously impedes community efforts to stem the local transmission of COVID-19;

WHEREAS, California State Parks’ closure of the Houghton M. Roberts Beach parking lot has displaced beachgoer parking to Tide Avenue, Beach Way, and Surf Way in Monterey, causing unsafe crowding on those residential streets;

WHEREAS, the closure of municipal parking lots in the vicinity of parks and beaches may be necessary to discourage travel to those destination parks and beaches and reduce crowding. The City recognizes the benefits of exercise and the importance of maintaining access to the coast and to parks for mental, physical, and emotional health. This order is intended to balance public health requirements while maintaining access to the beach and parks in a manner that maintains social distancing requirements to “flatten the curve;” and

WHEREAS, individuals experiencing homelessness are exempt from the Order of the Monterey County Health Officer to shelter at their place of residence, and they are similarly exempt from this Order.

NOW, THEREFORE, IT IS HEREBY ORDERED:

SECTION 1. The recitals set forth above are incorporated herein as if fully set forth, are true and correct, and are adopted as findings in support of this Order.

SECTION 2. Temporary and Limited Closure of Beaches and Parks.

a. Temporary and Limited Closure of Beaches and Parks.
   1. All beaches and parks are temporarily closed to the public. No person shall sit or lie on the beach.
   2. Exceptions.
      i. Outdoor physical activity including, but not limited to, walking, hiking, jogging, running, biking, and all recreational uses of the ocean, are permitted so long as those engaging in these activities comply with social distancing requirements set forth in the Order of the Monterey County Health Officer dated April 3, 2020, as may be amended or superseded from time to time.
      ii. A person may sit or lie on the beach:
          A. Due to a medical emergency.
          B. On a wheelchair or other device that is needed for mobility.
          C. Who is a child seated in a stroller.
          D. Who is experiencing homelessness.

b. Enforcement. Any person who violates this Section is subject to administrative citations under City Code section 1-9 through 1-9.12. The fine amount for violation of this Section is $1,000.00. This fine amount does not increase for repeat violations of this Section.
SECTION 3. Authority to Close Municipal Parking Lots. The City Manager is authorized to close municipal parking lots when necessary to discourage travel and reduce crowding.

SECTION 4. Limited Closure of Certain Streets in Del Monte Beach Neighborhood.
   a. Parking is prohibited from 7:00 AM to 10:00 PM daily in the following locations:
      1. Tide Avenue
      2. Beach Way between Tide Avenue and Spray
   b. Enforcement. Any person who violates this Section is subject to citation under City Code section 20-66 in the amount of $100.00, increased to $125.00 effective June 1, 2020 per Resolution 20-020.

SECTION 5. Effective Date. This Order shall be effective Friday, May 1, 2020 at 12:01 AM and shall remain in effect until the local emergency proclaimed by the City Manager on March 13, 2020, and confirmed by City Council Resolution 20-033 on March 17, 2020, is terminated.

SECTION 6. Severability. If any section, subsection, clause or phrase of this Order is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion or sections of the Order.

SECTION 7. This order takes precedence over ordinances and resolutions in conflict herewith.

IT IS FURTHER ORDERED that the Director of Emergency Services shall request that the City Council confirm this Order at the earliest practical time.

April 29, 2020
Date and Time

Hans Uslar, City Manager and Director of Emergency Services