PRESS RELEASE
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BUSINESS COMPLIANCE WITH THE SAN MATEO COUNTY HEALTH ORDER

The City of Pacifica places great value on our business community. Many of our businesses are owned by local residents who run small, family owned businesses. The COVID-19 health crisis has caused the City to enforce restrictions on local businesses as directed by the San Mateo County Health Order that are having a negative effect on our business owners and community as a whole. While this is a difficult, unprecedented time for our community, the City is upholding its responsibility to enforce the Order in a fair and uniform manner in the interest of public health and safety.

Throughout this crisis, businesses that are deemed “non-essential” in the Order throughout the County and region have sought alternative ways to conduct business. This is encouraged and acceptable, provided they are in compliance with the Order. For example, a business that is deemed non-essential in the Order is authorized to sell products in their existing inventory by turning to online or on-demand sales via delivery without violating the Order. A distillery deciding to manufacture and sell hand-sanitizer, an essential product, via delivery would also be acceptable provided the storefront remain closed. Also acceptable is a businesses’ sale of its product to other retail stores that also provide essential products, such as grocery stores.

A distillery is not listed as an essential business in the Order dated April 29, 2020. Section 5 of the order states, “All businesses with a facility in the County, except Essential Businesses and Outdoor Businesses, as defined in Section 16, are required to cease all activities at facilities located within the County except Minimum Basic Operations, as defined in Section 16.g.”

A distillery that has begun selling a new, essential product to first responders, health care providers and retail businesses, falls under section 16.f.xviii. of the Order which states, “Businesses that supply other Essential Businesses with the support or supplies necessary to operate, but only to the extent that they support or supply these Essential Businesses. This exemption shall not be used as a basis for engaging in sales to the general public from retail
storefronts.” Accordingly, they may continue to produce and distribute this new product not normally part of their business, but cannot do so as a storefront.

Inconsistencies in how the Order is enforced from jurisdiction to jurisdiction are likely to occur, given with the complexity of an Order such as this and that each jurisdiction has a myriad of variables and unique circumstances involving their businesses.

Every week during this health crisis, the City receives numerous inquiries about whether or how certain businesses are allowed to operate under the Order. The City is uniform in its methodology of considering whether or not the business is deemed essential by the Order, and if so, what manner they may operate according to the Order. To not uniformly apply the Order would be unfair to businesses that have been forced to close.

While difficult for our community, the Order is in place to slow the spread of COVID-19 to a manageable level.

The City will continue to work with our business community as restrictions are lessened and business operations begin to return in some fashion.

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