

**ORDER OF THE DIRECTOR OF EMERGENCY SERVICES RELATING TO
DISCHARGE OF FIREWORKS IN OFF-STREET PUBLIC PARKING FACILITIES AND
ON PACIFICA STATE BEACH AND FIREWORKS SALES DURING PERIOD OF
LOCAL EMERGENCY DUE TO COVID-19 (ORDER NO. 2020-01)**

WHEREAS, Government Code section 8630 and section 4-2.01 *et seq.* of the Pacifica Municipal Code (“PMC”) empower the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when the City Council is not in session, subject to confirmation by the City Council at the earliest possible time; and

WHEREAS, on March 16, 2020, the City Manager in his capacity as Director of Emergency Services, issued a Proclamation of Local Emergency due to the global pandemic resulting from the novel coronavirus (“COVID-19”); and

WHEREAS, on March 18, 2020, the Proclamation of Local Emergency was ratified by the City Council through Resolution No. 18-2020; and

WHEREAS, on March 16, 2020, as a result of the widespread community transmission of COVID-19, the Health Officer of the County of San Mateo (“Health Officer”) issued an Order for all County residents to shelter in place except for certain essential activities. This mandate to shelter in place was extended and superceded by Order No. c19-5b dated March 31, 2020, Order No. c19-5c dated April 29, 2020, Order No. c19-5d on May 15, 2020 and Order No. c19-5e (collectively, the “County Health Requirements”); and

WHEREAS, on May 4, 2020, by Executive Order N-60-20, the Governor the State of California directed the public to continue to follow the directives of the State Public Health Officer and county health officers when more restrictive and noting the continued threat of the global COVID-19 pandemic, but allowing reopening of lower risk businesses to reopen pursuant to a framework developed by the State Public Health Officer; and

WHEREAS, the County Health Requirements specifically allow certain public gatherings such as protests, vehicle gatherings and religious activities but generally, public and private gatherings of any size are currently prohibited; and

WHEREAS, the County Health Requirements, specifically Appendix C1 of Order No. c19-5e permits certain limited “Additional Businesses” including Retail Stores, subject to the additional health and safety requirements set forth in the Order; and

WHEREAS, the threat of community spread of COVID-19 remains high and although there have been a number of modifications to the original shelter in place order issued by the County Health Officer, the virus continues to circulate in the community; and

WHEREAS, the City of Pacifica anticipates significant gatherings during the Fourth of July holiday period to purchase and utilize fireworks. The use of fireworks, including the use of prohibited illegal fireworks, is prevalent throughout the City during

the Fourth of July holiday period, and normally generates large gatherings in public spaces and certain public parking lots; and

WHEREAS, large gatherings to purchase and discharge fireworks are likely to result in conditions which are conducive to the spread of COVID-19 and therefore establishing rules and regulations regarding the discharge of fireworks in certain public parking lots is likely to minimize such gatherings and is therefore necessary to protect the public; and

WHEREAS, In light of the existence of the spread of COVID-19 and the ongoing pandemic, it is also necessary to expressly provide additional regulations on the sale of Safe and Sane fireworks within the City of Pacifica pursuant to PMC 4-3.201 et seq., and specifically, PMC section 4-3.211, in order to protect the health of workers, operators and the consuming public, to provide further oversight, and to ensure compliance with any applicable requirements of the State Public Health Officer and the Health Officer of the County of San Mateo; and

WHEREAS, under authority contained in Sections 8610 and 8634 of the Government Code and PMC section 4-2.06(a) the City Manager is empowered, as the Director of Emergency Services, to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by the emergency; however, such rules and regulations must be confirmed by the City Council at the earliest practicable time; and

WHEREAS, the City Manager is empowered, as the Director of Emergency Services to execute all ordinary powers as City Manager, all the special powers conferred upon him by any statute or agreement approved by the City Council or by any other lawful authority, and, in conformity with the provisions of Section 38791 of the Government Code of the State, to exercise complete authority over the City and all police powers vested in the City by Constitution and general laws of the State; and

WHEREAS, under conditions of the local emergency, it is deemed necessary to impose certain rules and regulations relating to the discharge of fireworks in off-street public parking facilities and to expressly provide additional regulations on the sale of Safe and Sane fireworks to discourage the gathering of crowds and ensure social distancing is maintained and are necessary to protect public safety and health.

NOW THEREFORE BE IT RESOLVED, that I, Kevin Woodhouse, as Director of Emergency Services of the City of Pacifica, declare that due to the continuing state of local emergency the following rules and regulations are issued:

1. The discharge of all fireworks, including Safe and Sane fireworks, shall be prohibited at all City public off-street parking facilities and may be closed as necessary on or about July 4, 2020.
2. The discharge of all fireworks, including Safe and Sane fireworks, shall be prohibited on the beach immediately west of the north Pacifica State Beach/Linda Mar Parking Lot located at 5150 Coast Highway and may be closed as necessary on or about July 4, 2020.

3. In addition to those requirements set forth in PMC 4-3.204 et seq. and Administrative Policy No. 68, all Safe and Sane Fireworks Sales Permittees shall operate in compliance with County Health Requirements, including the Social Distancing requirements identified in the County Health Requirements, including those applicable measures identified in Appendix A ("Social Distancing Protocols" dated April 29, 2020), a copy of which shall be provided to the City prior to commencement of operations, and any County Health Orders issued after the execution of this Order. Additionally, all Fireworks Sales Permittees shall ensure compliance with the following:

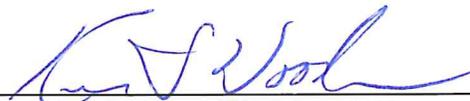
- i. Fireworks booth staff and customers will wear face coverings at all times;
- ii. One member of the fireworks permittee group will remain outside of the sales booth to direct customers to adhere to social distancing requirements
- iii. Signage shall be placed on the exterior of sales booth instructing customers to distance at least 6 feet from one another

4. Fireworks Sales Permittees not operating in compliance with County Health Requirements or this Order shall be subject to enforcement pursuant to PMC 4-3.210, including possible revocation of the Fireworks Sales Permit.

BE IT FURTHER RESOLVED, I hereby order that the foregoing rules and regulations are effective immediately and shall remain in effect until 5:00 a.m. on July 6, 2020, unless this Order is expressly rescinded before that date.

BE IT FURTHER RESOLVED, any violation of this Order shall be subject to enforcement and penalties as provided for in PMC 1-12.01 or may be enforced through any other lawful means, including but not limited to, California Health and Safety Code Sections 101029, 120295, et seq. and 131082; Government Code Section 41601 and Cal. Penal Code Sections 15 and 836.

Date and time: 6/5/20 2:00 pm.

By: 
Kevin Woodhouse, Director of Emergency Services

ATTEST:

Sarah Coffey, City Clerk