

AN EXECUTIVE ORDER, “EO 2020-03”, OF THE DIRECTOR OF EMERGENCY SERVICES IMPOSING REGULATIONS TO PROTECT ESSENTIAL WORKERS AND CONSUMERS THROUGH THE USE OF FACE COVERINGS TO PREVENT THE SPREAD OF THE NOVEL CORONAVIRUS (COVID-19)

WHEREAS, international, national, state and local health and governmental authorities are responding on an urgent, emergency basis to an unprecedented outbreak of respiratory disease caused by as a novel coronavirus that emerged in 2019 (“COVID-19”); and

WHEREAS, on March 10, 2020, the County of Alameda (“County”) declared a public health emergency as a result of COVID-19; and

WHEREAS, on March 11, 2020, the World Health Organization declared the COVID-19 outbreak a pandemic; and

WHEREAS, on March 16, 2020, the County of Alameda joined Contra Costa, Marin, San Francisco, San Mateo, Santa Clara counties and the City of Berkeley on a legal order directing their respective residents to shelter at home for three weeks beginning March 17, 2020 (“Shelter-in-Place Order”). The Shelter-in-Place Order also requires all businesses except essential businesses as described in the Order to cease all activities at facilities located within the County except minimum basic operations and prohibits all public and private gatherings of any number of people except for limited purposes as well as all non-essential travel; and

WHEREAS, on March 17, 2020, the Fremont City Council proclaimed the existence of a local emergency in response to the COVID-19 pandemic; and

WHEREAS, on March 31, 2020, the Shelter-in-Place was extended through May 3, 2020; and

WHEREAS, the Centers for Disease Control is now advising that individuals use simple cloth face coverings in public in addition to social distancing and good hygiene to help slow the spread of the virus; and

WHEREAS, workers continue to provide essential services during this emergency, and some of these critical workers face an outsized risk of exposure. It is imperative that medical workers and first responders continue to follow the advice of health officials and wear hospital grade masks, such as surgical masks or N95 respirators. Other essential workers who come into frequent contact with the public must also be protected from infection. There is a worldwide shortage of medical grade masks, and health officials are increasingly urging non-medical workers to wear non-medical grade cloth face coverings to help curb the spread of COVID-19, by preventing the transmission of respiratory droplets that contain the virus; and

WHEREAS, in the interest of public peace, health, and safety as affected by the emergency caused by the spread of COVID-19, it is necessary to issue these regulations related to the protection of the public peace, health and safety.



NOW, THEREFORE, I HEREBY PROCLAIM AND ORDER, in my capacity as the City's Director of Emergency Services, the following rules and regulations, which shall apply to persons and places within the City of Fremont:

SECTION 1. All workers who work at businesses or perform services under Paragraph 13(f) of the Shelter-in-Place Order, in the following subparagraphs:

- ii. Grocery stores, certified farmers' markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of unprepared food, canned food, dry goods, non-alcoholic beverages, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, as well as hygienic products and household consumer products necessary for personal hygiene or the habitability, sanitation, or operation of residences. The businesses included in this subparagraph (ii) include establishments that sell multiple categories of products provided that they sell a significant amount of essential products identified in this subparagraph, such as liquor stores that also sell a significant amount of food.
- vii. Gas stations and auto-supply, auto-repair (including, but not limited to, for cars, trucks, motorcycles and motorized scooters), and automotive dealerships, but only for the purpose of providing auto-supply and auto-repair services (and not, by way of example, car sales or car washes).
- viii. Bicycle repair and supply shops;
- xi. Hardware stores;
- xii. Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the habitability, sanitation, and operation of occupied residences and Essential Businesses, but not for cosmetic or other purposes;
- xvi. Laundromats, drycleaners, and laundry service providers;
- xvii. Restaurants and other facilities that prepare and serve food, but only for delivery or carry out.
- xviii. Funeral home providers, mortuaries, cemeteries, and crematoriums, to the extent necessary for the transport, preparation, or processing of bodies or remains;
- xx. Businesses that have the primary function of shipping or delivering groceries, food, or other goods directly to residences or businesses.
- xxi. Taxis, rental car companies, rideshare services (including shared bicycles and scooters), and other private transportation providers; and
- xxiv. Professional services, such as legal, notary, or accounting services, when necessary to assist in compliance with non-elective, legally required activities;

shall wear face coverings over their noses and mouths ("Face Coverings") while performing their work. Face Coverings need not be medical-grade masks or N95 respirators, but rather include cloth

coverings, such as scarves and bandanas, that cover the nose and mouth. All essential, non-medical workers required to wear Face Coverings must frequently (at least once a day) wash any reusable face coverings, for the health and safety of themselves and others. Single-use Face Coverings must be properly discarded into trash receptacles.

SECTION 2. Employers of all workers who work at businesses or perform services described in Section 1 of this Order must permit their employees to wash their hands or use hand sanitizer at least every 30 minutes. All such employers must provide, at their expense, non-medical grade Face Coverings for their employees. All such employers must ensure that their employees have access to clean, sanitary restrooms, stocked with all necessary cleansing products; or sanitizing agents required to observe hand sanitation protocols recommended by the Alameda County Public Health Department, provided at the employer's expense.

SECTION 3. All customers and visitors of businesses and organizations described in Section 1 of this Order must wear Face Coverings to provide additional protection for employees and customers.

SECTION 4. A business owner or operator described in Section 1 of this Order may refuse admission or service to any individual who fails to wear a Face Covering as required by this Order provided that such business or operator has posted in a conspicuous location, which is visible to any customer or visitor, a notice of the Face Covering requirement imposed by this Order.

SECTION 5. Violation of this Order shall be punishable as set forth in Fremont Municipal Code chapter 1.20.

SECTION 6. This Order shall remain in effect for the duration of the local emergency proclaimed in response to the COVID-19 crisis.

SECTION 7. Under Title 14 of the California Code of Regulations, Section 15061(b)(3) and Section 15378(b), each as a separate and independent basis this Order is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment.

SECTION 8. If any section, subsection, sentence, clause or phrase of this Order is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this Order. The Director of Emergency Services hereby declares that he would have issued this Executive Order and each section or subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 9. The City Clerk shall certify to the issuance of this Order and shall cause notice of it to be widely disseminated to the public.

APPROVED and ISSUED this 15th day of April 2020.



Mark Danaj
City Manager/Director of Emergency Services