

EMERGENCY ORDER 2020-02

ORDER OF THE CITY MANAGER OF THE CITY OF FRESNO DIRECTING ALL INDIVIDUALS LIVING IN THE CITY TO SHELTER AT THEIR PLACE OF RESIDENCE EXCEPT THAT THEY MAY LEAVE TO PROVIDE OR RECEIVE CERTAIN ESSENTIAL SERVICES OR ENGAGE IN CERTAIN ESSENTIAL ACTIVITIES AND WORK FOR ESSENTIAL BUSINESSES AND GOVERNMENT SERVICES; EXEMPTING INDIVIDUALS EXPERIENCING HOMELESSNESS FROM THE SHELTER IN PLACE ORDER BUT URGING THEM TO FIND SHELTER AND GOVERNMENT AGENCIES TO PROVIDE IT; DIRECTING ALL BUSINESSES AND GOVERNMENTAL AGENCIES TO CEASE NON-ESSENTIAL OPERATIONS AT PHYSICAL LOCATIONS IN THE CITY; AND PROHIBITING ALL NON-ESSENTIAL GATHERINGS OF ANY NUMBER OF INDIVIDUALS

(SHELTER IN PLACE)

Date of Order: March 18, 2020

As the Director of Emergency Services pursuant to Fresno Municipal Code Section 2-505, and by the powers invested in me by Fresno Municipal Code Section 2-506, I hereby issue the following orders, to be effective immediately and for so long as the City's declared emergency is in effect related to COVID-19:

1. Shelter in Place. As of 12:01 a.m. on Thursday, March 19, 2020, and continuing through 11:59 p.m. on Tuesday, March 31, 2020, (but subject to extension), as follows:
 - 1.1. The intent of this Order is to ensure the maximum number of people self-isolate in their places of residence to the maximum extent feasible, while enabling essential services to continue, to slow the spread of COVID-19 to the maximum extent possible. When people need to leave their places of residence, whether to obtain or perform vital services, or to otherwise facilitate authorized activities necessary for continuity of social and commercial life, they should at all times reasonably possible comply with Social Distancing Requirements as defined below. All provisions of this Order should be interpreted to effectuate this intent. Failure to comply with any of the provisions of this Order constitutes an imminent threat and creates an immediate menace to public health.
 - 1.2. All individuals currently residing within the City are called to shelter at their place of residence. To the extent individuals are using shared or outdoor spaces, they must at all times as reasonably possible maintain social distancing of at least six feet from any other person when they are outside their residence. All persons may leave their residences only for Essential Activities, Essential Governmental Functions, or to operate Essential Businesses, all as defined below. Individuals experiencing homelessness are exempt from this Section, but are strongly urged to obtain shelter, and governmental and other entities are strongly urged to make such shelter

available as soon as possible and to the maximum extent practicable (and to use COVID-19 risk mitigation practices in their operation).

- 1.3. All businesses with a facility in the City, except Essential Businesses as defined below, are required to cease all activities at facilities located within the City except Minimum Basic Operations, as defined below. For clarity, businesses may also continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home). All Essential Businesses are strongly encouraged to remain open. To the greatest extent feasible, Essential Businesses shall comply with Social Distancing Requirements as defined below, including by maintaining six-foot social distancing for both employees and members of the public, including, but not limited to, when any customers are standing in line.
- 1.4. All public and private gatherings of any number of people occurring outside a single household or living unit are prohibited, except for the limited purposes as expressly permitted in herein. Nothing in this Order prohibits the gathering of members of a household or living unit.
- 1.5. Definitions and Exemptions.
 - 1.5.1. For purposes of this Order, individuals may leave their residence only to perform any of the following "Essential Activities." But people at high risk of severe illness from COVID-19 and people who are sick are urged to stay in their residence to the extent possible except as necessary to seek medical care.
 - 1.5.2. To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members (including, but not limited to, pets), such as, by way of example only and without limitation, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies they need to work from home.
 - 1.5.3. To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation, canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences.
 - 1.5.4. To engage in outdoor activity, provided the individuals comply with Social Distancing Requirements as defined in this Section, such as, by way of example and without limitation, walking, hiking, or running.

- 1.5.5. To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Order, including Minimum Basic Operations.
- 1.5.6. To care for a family member or pet in another household.
- 1.5.7. For purposes of this Order, individuals may leave their residence to work for or obtain services at any "Healthcare Operations" including hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related and/or ancillary healthcare services. "Healthcare Operations" also includes veterinary care and all healthcare services provided to animals. This exemption shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. "Healthcare Operations" does not include fitness and exercise gyms and similar facilities.
- 1.5.8. For purposes of this Order, individuals may leave their residence to provide any services or perform any work necessary to the operations and maintenance of "Essential Infrastructure," including, but not limited to, public works construction, construction of housing (in particular affordable housing or housing for individuals experiencing homelessness), airport operations, water, sewer, gas, electrical, oil refining, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), provided that they carry out those services or that work in compliance with Social Distancing Requirements as defined this Section, to the extent possible.
- 1.5.9. For purposes of this Order, all first responders, emergency management personnel, emergency dispatchers, court personnel, and law enforcement personnel, and others working for or to support Essential Businesses are categorically exempt from this Order. Further, nothing in this Order shall prohibit any individual from performing or accessing "Essential Governmental Functions." Essential Government Functions means all services needed to ensure the continuing operation of the government agencies and provide for the health, safety and welfare of the public. All Essential Governmental Functions shall be performed in

compliance with Social Distancing Requirements as defined this Section, to the extent possible.

- 1.6.10 For the purposes of this Order, covered businesses include any for-profit, non-profit, or educational entities, regardless of the nature of the service, the function they perform, or its corporate or entity structure.

1.6. For the purposes of this Order, “Essential Businesses” means:

- 1.6.1. Healthcare Operations and Essential Infrastructure;
- 1.6.2. Grocery stores, certified farmers’ markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning and personal care products). This includes stores that sell groceries and also sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences;
- 1.6.3. Food cultivation, including farming, livestock, and fishing;
- 1.6.4. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
- 1.6.5. Newspapers, television, radio, and other media services;
- 1.6.6. Gas stations and auto-supply, auto-repair, and related facilities;
- 1.6.7. Banks and related financial institutions;
- 1.6.8. Hardware stores;
- 1.6.9. Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, and Essential Businesses;
- 1.6.10. Businesses providing mailing and shipping services, including post office boxes;
- 1.6.11. Educational institutions—including public and private K-12 schools, colleges, and universities—for purposes of facilitating distance learning or performing essential functions, provided that social distancing of six-feet per person is maintained to the greatest extent possible;
- 1.6.12. Laundromats, dry cleaners, and laundry service providers;

- 1.6.13. Restaurants and other facilities that prepare and serve food, but only for delivery or carry out. Schools and other entities that typically provide free food services to students or members of the public may continue to do so under this Order on the condition that the food is provided to students or members of the public on a pick-up and take-away basis only. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site, with the exception of hospital cafeterias, which may allow for food to be eaten on site;
- 1.6.14. Businesses that supply products needed for people to work from home;
- 1.6.15. Businesses that supply other essential businesses with the support or supplies necessary to operate, including waste disposal, recycling and electronics recycling;
- 1.6.16. Businesses that ship or deliver groceries, food, goods or services directly to residences;
- 1.6.17. Airlines, taxis, and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order;
- 1.6.18. Home-based care for seniors, adults, or children;
- 1.6.19. Residential facilities and shelters for seniors, adults, and children;
- 1.6.20. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities;
- 1.6.21. Childcare facilities providing services that enable employees exempted in this Order to work as permitted. To the extent possible, childcare facilities must operate under the following mandatory conditions:
 - 1.6.21.1. Childcare must be carried out in stable groups of 10 or fewer ("stable" means that the same 10 or fewer children are in the same group each day).
 - 1.6.21.2. Children shall not change from one group to another.
 - 1.6.21.3. If more than one group of children is cared for at one facility, each group shall be in a separate room. Groups shall not mix with each other.

1.6.21.4. Childcare providers shall remain solely with one group of children.

- 1.7. For the purposes of this Order, "Minimum Basic Operations" include the following, provided that employees comply with Social Distancing Requirements as defined this Section, to the extent possible, while carrying out such operations:
 - 1.7.1. The minimum necessary activities to maintain the value of the business's inventory, ensure security, process payroll and employee benefits, or for related functions.
 - 1.7.2. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.
- 1.8. For purposes of this order, residences include hotels, motels, shared rental units, and similar facilities.
- 1.9. For purposes of this order Social Distancing Requirements includes maintaining at least six-foot social distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.
2. The following City owned or controlled facilities shall remain closed to the public: Selland Arena, Saroyan Theater, Exhibit Halls, Convention Center, Fresno Chaffee Zoo, Rotary Playland, Storyland, Veterans Memorial Auditorium, the Meux Home, Shinzen Garden, all community centers (except for any emergency operations), and sports facilities, including Granite Park, Southwest Regional, and others. Park green space shall remain open, but with no gatherings larger than 10 people.
3. The Order shall be subject to amendment or repeal at any time, and shall not be deemed to confer any contractual obligations, property rights, or assume any City liability.
4. If any provision of this Order or its application to any person or circumstance is held to be invalid, then 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.
5. This Order shall be immediately translated into Spanish, Hmong, and Punjabi, and accommodations made for all disabled persons to read its contents; it shall also be distributed to all local media and made prominently available on the City's website.

IT IS SO ORDERED.

Director of Emergency Services