



**William D. Gore, Sheriff**

(858) 974-2259

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**San Diego County Sheriff's Department – Media Relations**

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Lt. Amber Baggs, Media Relations Director

[www.SDSheriff.net](http://www.SDSheriff.net)

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## Enforcement of Public Health Orders Related to COVID-19

Individuals in San Diego County are currently required to follow Governor Gavin Newsom's Executive Orders, the Orders of the State Public Health Officer, and the County of San Diego Order of the Health Officer and Emergency Regulations. Individuals in San Diego County may also be subject to additional orders issued by incorporated cities within San Diego County if they are located within that city's jurisdiction.

### California State Orders

All individuals living in the State of California are currently ordered to stay home or at their place of residence, except for permitted work or other activity authorized by the state guidance. Under the Blueprint for a Safer Economy, each county may open industries in accordance with its assigned tier. San Diego County is classified in Tier 3, the orange "Moderate" tier. The state website contains a comprehensive list of the guidelines that apply to each industry.

The following new industries may open *indoors* with modifications, including capacity limitations:

- Museums, Zoos, and Aquariums
- Places of Worship and Cultural Ceremonies
- Movie Theaters
- Gyms and Fitness Centers, including climbing walls and indoor pools
- Restaurants
- Breweries, Distilleries, and Wineries
- Family Entertainment Centers
- Cardrooms, Satellite Wagering
- Offices
- Amusement Parks

The following new industries may re-open *outdoor* or take-out with modifications:

- Bars that don't serve food
- Outdoor Live Events

**Gatherings:** The California Department of Public Health Guidance for Gatherings applies to private gatherings. It defines gatherings as social situations that bring together people from different households at the same time in a single space or place. Gatherings that include more than 3 households, are prohibited. Gatherings are allowed outdoors and indoors with modifications.



***Effective April 15, 2021, the above gathering guidance will be replaced by the following guidelines:***

- **Gatherings (social, informal gatherings):**
  - Outdoor: Gatherings of 50 people
  - Indoor: Gatherings are strongly discouraged, but allowed with modifications. Maximum 25% capacity in settings where capacity limits exist or 25 people or whichever is fewer.
- **Private Events (meetings/receptions/conferences):** Required to implement mitigation measures, including purchased tickets or a defined guest list, and assigned seating.
  - Outdoor: Maximum of 100 people, or maximum of 300 people if all guests are tested or show proof of full vaccination.
  - Indoor: Maximum of 150 people if all guests are tested or show proof of full vaccination.
- **Indoor Seated Live Events and Performances:** Required to implement mitigation measures.
  - Venue capacity 0 – 1,500: Maximum 15% or 200 people, or 35% if all guests are tested or show proof of full vaccination.
  - Venue capacity 1,501 and above: 10% capacity or 2000, whichever is fewer, or 35% if all guests are tested or show proof of full vaccination.

**Face coverings:** Pursuant to the California Department of Public Health Face Covering Guidance, individuals, except for exempted individuals, are *required* to wear masks in the following situations:

People in California must wear face coverings when they are outside of the home, unless one of the exemptions below applies.

**Individuals are exempt from wearing face coverings in the following specific settings:**

- Persons in a car alone or solely with members of their own household.
- Persons who are working in an office or in a room alone.
- Persons who are actively eating or drinking provided that they are able to maintain a distance of at least six feet away from persons who are not members of the same household or residence.
- Persons who are outdoors and maintaining at least 6 feet of social distancing from others not in their household. Such persons must have a face covering with them at all times and must put it on if they are within 6 feet of others who are not in their household.
- Persons who are obtaining a service involving the nose or face for which temporary removal of the face covering is necessary to perform the service.
- Workers who are required to wear respiratory protection.
- Persons who are specifically exempted from wearing face coverings by other CDPH guidance.

**The following individuals are exempt from wearing face coverings at all times:**

- Persons younger than two years old. These very young children must not wear a face covering because of the risk of suffocation.
- Persons with a medical condition, mental health condition, or disability that prevents wearing a face covering. This includes persons with a medical condition for whom wearing a face covering could obstruct breathing or who are unconscious, incapacitated, or otherwise unable to remove a face covering without assistance. Such conditions are rare.
- Persons who are hearing impaired, or communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication.
- Persons for whom wearing a face covering would create a risk to the person related to their work, as determined by local, state, or federal regulators or workplace safety guidelines.

Note: Persons exempted from wearing a face covering due to a medical condition who are employed in a job involving regular contact with others must wear a non-restrictive alternative,



such as a face shield with a drape on the bottom edge, as long as their condition permits it.

## **San Diego County Local Health Order**

The San Diego County Public Health Order, effective on April 7, 2021, and continuing until further notice, specifies and orders as follows:

**Stay at Home:** All persons are to remain in their homes or at their place of residence, except for employees or customers traveling to and from essential business or a State authorized sector, or to participate in individual or family outdoor activity as allowed by the Order.

**Gatherings:** All gatherings that do not comply with the requirements of the California Department of Public Health Guidance for Gatherings, are prohibited. All other gatherings not covered by existing sector guidance are prohibited.

**Businesses:** All businesses not meeting the definition of essential business or State authorized sector are “non-essential businesses” and shall be and remain closed for the duration of the Order. All essential businesses and entities in State authorized sectors must comply with the requirements of the Order.

1. **Essential Business:** A business or activity (or a business/activity that employs/utilizes workers) designated by the State Public Health Officer in the "Essential Critical Infrastructure Workers" list and referenced in Executive Order N-33-20.
2. **State Authorized Sectors:** A type of business or activity that is not an essential business, and is operating in conformance with the State of California’s Plan for Reducing COVID-19 and Adjusting Permitted Sector Activities to Keep Californians Healthy and Safe and the Blueprint for a Safer Economy framework.

**Mandatory Face Covering:** Face coverings shall be worn in accordance with the California Department of Public Health Face Covering Guidance issued on November 16, 2020 (set forth above).

**Essential Business Social Distancing and Sanitation Protocol:** All essential businesses that allow members of the public to enter a facility must prepare and post a “Social Distancing and Sanitation Protocol” form, or a form required by another governmental entity requiring substantially similar information, for each facility open to the public in the county. The Protocol must be posted at or near the entrance of the facility, and shall be easily viewable by the public and employees. A copy of the Protocol must also be provided to each employee working at the facility. All essential businesses shall implement the Protocol and provide evidence of its implementation to any authority enforcing the Order upon demand. Any business that fails to prepare and successfully implement the Protocol shall immediately close.

**Industry Guidance:** When the State issues industry guidance, or any subsequent amendments, with mandatory or suggested restrictions or measures to be implemented by a particular sector of essential business or State authorized sector, every business or entity in that sector must comply with the guidance and shall all measures as part of its Plan or Protocol. Any mandatory measures required by the Order must also be included in the Plan or Protocol.

**State Authorized Sector Safe Reopening Plan:** All State authorized sectors, with the exception of restaurants, bars, wineries, distilleries and breweries which do not limit services to take-out or delivery, must prepare and post a "Safe Reopening Plan" form for each facility. Restaurants bars, wineries, distilleries and breweries which do not limit services to take-out or delivery, must prepare and post a “COVID-19 Restaurant Operating



Protocol” for each restaurant. The Plan or Protocol must be posted at or near the entrance of the facility, and shall be easily viewable by the public and employees. A copy of the Plan must also be provided to each employee working at the facility. All businesses or entities in a State authorized sector shall implement the Plan or Protocol and provide evidence of its implementation to any authority enforcing the Order upon demand. Any business that fails to prepare and comply with its Plan or Protocol shall immediately close.

**Outdoor Recreation:** Each public park and recreation area or facility, shall operate in compliance with the state guidance. The operator of the park shall prepare a "Safe Reopening Plan". Any park or recreation area/facility at which the Plan requirements cannot be effectively implemented may be required to close.

**Isolation or Quarantine:** Persons who have been diagnosed with COVID-19, or who are likely to have COVID-19, are required to comply with the Order of the Health Officer titled: "Isolation of All Persons with or Likely to have COVID-19." Persons who have a close contact with a person who either has COVID-19, or is likely to have COVID-19, is required to comply with the Order of the Health Officer titled: "Quarantine of Persons Exposed to COVID-19." Both orders are available on the County website. If a more specific isolation or quarantine order is issued to a person, that order shall be followed.

**Social Distancing:** "Social distancing" is maintaining a six-foot separation from all persons except for household members, first responders, and medical providers or employees conducting temperature screenings.

#### **Law Enforcement Authority:**

All individuals must follow the Governor's Executive order to stay home, except as needed to obtain or perform the authorized essential activities. The local health order includes additional prohibitions that must be followed on top of the state requirement. The local order may be enforced when someone is engaging in an activity that is authorized by the state order, but they are not acting in compliance with the local order.

**Violations of either order are enforceable under Government Code Section 8665.** Government Code Section 8665 provides that any person who violates any of the provisions of the California Emergency Services Act or who refuses or willfully neglects to obey any lawful order or regulation promulgated or issued as provided in the Act, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not to exceed one thousand dollars (\$1,000) or by imprisonment for not to exceed six months or by both such fine and imprisonment.

