



**CITY OF PALM SPRINGS
LOCAL EMERGENCY
SUPPLEMENTARY ORDER
PROTECTION OF EMPLOYEES AND CUSTOMERS
OF GROCERY STORES, DRUG STORES
AND OTHER IN-PERSON SHOPPING ESTABLISHMENTS**

May 9, 2020

WHEREAS, on March 14, 2020, pursuant to the City of Palm Springs Municipal Code section 2.20.050(a)(1), the City Manager, acting as the Director of Emergency Services, declared the existence of a local emergency within the City of Palm Springs, due to the threat presented by the COVID-19 pandemic, which declaration was subsequently ratified by the Palm Springs City Council on March 19, 2020; and

WHEREAS, on March 19, 2020, the State of California imposed a “shelter in place” order, which required all persons in California to stay at home, unless they are essential workers; and

WHEREAS, pursuant to Palm Springs Municipal Code section 2.20.050(a)(6), the Director of Emergency Services is empowered to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the City Council; and

WHEREAS, on April 25, 2020, the City Manager/Director of Emergency Services issued an emergency order providing for the protection of workers and employees of grocery and drug stores; and

WHEREAS, the Director of Emergency Services is authorized to revise his emergency declaration and related orders, as the situation evolves.

NOW, THEREFORE, IT IS HEREBY DECLARED AND ORDERED, that:

- 1.** In order to ensure worker and customer safety, the following protective measures shall be implemented in all **in-person shopping establishments** within the City of Palm Springs. For purposes of this order, “**in-person shopping**

establishments” or “establishment” shall include grocery stores, drug stores and any other retail store in which in-person shopping (as opposed to curbside pickup or delivery) is practiced. “Grocery stores” include any retail operations that include a significant portion of floor area to groceries. In addition, “drug retail stores” shall include licensed cannabis dispensaries.

- (A) Limit the number of consumers in a store at any given time to 40 percent of the establishment's occupancy limit. The remainder of this order is effective immediately, provided however, that the occupancy limit provided in this subparagraph (A) shall be effective upon confirmation by the City Fire Department of the existing occupancy limit for each location and notification of such occupancy limit to each location.
- (B) For establishments with two (2) public entrances, designate one entrance and one exit for such establishment, in order to help with crowd control.
- (C) One employee must be assigned to the entrance and exit of an establishment, to help mitigate the amount of customers inside the establishment at any given time.
- (D) Maintain personnel onsite to enforce social distancing measures and to safeguard employees from unruly customers. In the event that the Emergency Services Director finds that establishment's personnel cannot, or are not, adequately enforcing such rules, the Emergency Services Director may, on a case by case basis or on a City-wide basis, require establishments to engage licensed security guards to perform such functions.
- (E) Establishments should allow for sufficient amount of time overnight to allow for establishments to be properly sanitized and restocked.
- (F) Install Plexiglas shields at all points of sale whenever possible.
- (G) Follow all Cal-OSHA guidelines.
- (H) Inform all employees, in writing, of what precautions will be taken when an employee tests positive for COVID-19 and, to the best of its ability, inform affected employees without violating HIPPA when a coworker within a establishment tests positive for COVID-19.
- (I) Provide non-medical face covering, hand sanitizer and gloves for employees, at the expense of the employer.
- (J) Allow paid time for employees to wash hands as specified by Cal-OSHA guidelines.

- (K) **Establishments** shall adhere to a policy of not serving any person who is not wearing a face covering.
- (L) Placing tape or other markings at least six feet apart in customer line areas, whether inside or outside of the building (including on any sidewalks at the public entrance of the **establishment**), with signs directing customers to use the markings to maintain distance.

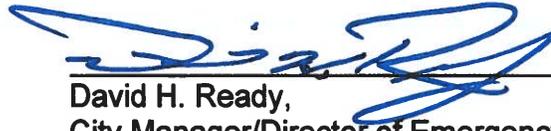
2. IT IS FURTHER DECLARED AND ORDERED, that all **establishments** covered by this order shall clearly post signs outside of the **establishment**, and in the **establishment**, to remind people to:

- (A) Recommend having one household member shop at a time.
- (B) Adhere to social distancing throughout the **establishment** — not just at check out.
- (C) Properly discard their own PPE. Do not leave it in the **establishment** or shopping carts.
- (D) Adhere to limits of people in **establishments**.
- (E) Adhere to special shopping times for seniors.
- (F) Treat employees with respect. If a customer is concerned with an item being out of stock, please visit the service desk.
- (G) Remind customers that they must wear face coverings.

IT IS FURTHER DECLARED AND ORDERED, that the City's code enforcement or peace officers shall be authorized to enforce this order. Such enforcement shall begin with informing **establishment** of the requirements of this order. It shall be the responsibility of every owner and operator of any **establishment** to comply with this order. In the event an **establishment** is found in violation of this order, after previously being informed of the requirements of this order, the City may impose administrative fines, pursuant to Palm Springs Municipal Code sections 1.06.040 and 2.20.100 and City Council Resolution 24738, dated March 19, 2020. The citing officer shall be entitled to exercise his/her discretion in determining the amount of any such fine, having taken into consideration the severity of the violation. In addition, continued violations of this order may result in the closure of any **establishment** that violates this order.

IT IS FURTHER DECLARED AND ORDERED, this order is a temporary emergency measure, which is effective immediately and shall remain in effect unless and until modified or superseded by the Director of Emergency Services, City Council or any county, state or federal order or declaration.

May 9, 2020



David H. Ready,
City Manager/Director of Emergency Services

APPROVED AS TO LEGAL FORM:



Jeffrey S. Ballinger, City Attorney