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ORDER OF THE NEVADA COUNTY PUBLIC HEALTH OFFICER

**CLARIFICATION OF STAY-AT-HOME OR PLACE OF RESIDENCE REQUIREMENTS AS THEY
PERTAIN TO INDIVIDUALS AND BUSINESSES IN THE COUNTY**

DATE OF ORDER: April 15, 2020

This Order is in effect until rescinded in writing by the Nevada County Public Health Officer.

SUMMARY OF FINDINGS AND ORDER

COVID-19 ("Coronavirus") has spread throughout the world constituting a global pandemic, resulting in more than 1.9 million confirmed cases and over 118,000 thousand confirmed deaths. In California there are over 22,000 confirmed cases and over 600 deaths. COVID-19 is easily transmitted between individuals who are in close proximity to one another, thereby creating a substantial danger to the health of the public. As of April 10, 2020, 34 COVID-19 cases have been detected in Nevada County, with transmission expected to increase over the coming days and weeks.

On March 4, 2020, the Governor of the State of California proclaimed a State of Emergency to exist in California due to the current and potential impacts caused by COVID-19 and to combat the spread of COVID-19 broadly. On March 5, 2020, the Public Health Officer for the County of Nevada ("Health Officer") issued a Declaration of Local Health Emergency due to the potential introduction of COVID-19 in Nevada County and associated threat to the public health, which was ratified by the Nevada County Board of Supervisors on March 10, 2020, per Resolution 20-062.

On March 19, 2020, in response to the rapid spread of COVID-19 and to preserve the public health and safety through California, the Governor of the State of California issued Executive Order N-33-20, directing all residents heed the current State public health directives, including all individuals living in the State of California to stay at their home or at their place of residence until further notice, except those Californians working in 16 identified critical infrastructure sectors. On March 20, 2020, the State Public Health Officer provided a list of "Essential Critical Infrastructure Workers" to help state, local, tribal, and industry partners to protect communities, while ensuring continuity of functions critical to public health and safety, as well as economic and national security, which is attached hereto and incorporated herein as Exhibit "A".

This Order is issued based on evidence of increasing occurrence of COVID-19 in the surrounding counties and throughout the State of California, scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, and evidence that the age, condition, and health of a significant portion of the population of the County places it at risk for serious health complications, including death, from COVID-19. Due to the outbreak of the COVID-19 virus in the general public, there is a public health emergency throughout the County. Scientific evidence shows that at this stage of the emergency, it is essential to slow virus transmission as much as

possible to protect the most vulnerable and to prevent the health care system from being overwhelmed. One proven way to slow the transmission is to limit interactions among people to the greatest extent practicable.

Accordingly, the intent of this Order is to ensure people stay in their home or place of residence to the maximum extent feasible, while enabling essential services to continue, in order to slow the spread of COVID-19 to the greatest degree possible. Accordingly, this Order is issued to: (1) clarify the Governor's March 19, 2020, stay at home or place of residence order ("Stay-at-Home Order") on behalf of individuals in Nevada County; (2) directing all businesses and governmental agencies to cease non-essential operations at physical locations in Nevada County; (3) prohibit all non-essential gatherings of any number of individuals; and (4) order cessation of all non-essential travel. The Health Officer determines that these measures are necessary and the least restrictive means to further the compelling interest of appropriately protecting the public's health and safety, and to ensure the healthcare system is capable of meeting the healthcare needs of all individuals during the COVID-19 health emergency. Failure to comply with any of the provisions of this Order constitutes an imminent threat to public health

UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040, 101085, & 120175, AND TITLE 17 OF CALIFORNIA CODE OF REGULATIONS SECTION 2501, THE PUBLIC HEALTH OFFICER FOR THE COUNTY OF NEVADA HEREBY ORDERS:

1. STAY AT HOME OR PLACE OF RESIDENCE

- a. All individuals currently living within Nevada County (the "County ") are ordered to shelter at their home or 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.
- b. All persons may leave their residences only for Essential Activities, Essential Governmental Functions, or to operate Essential Businesses, all as defined in Section 5. Individuals experiencing homelessness are directed to seek out available shelter or temporary housing where Social Distancing Requirements are in operation.
 - i. In the event of a question or uncertainty as to whether an individual is considered an "essential worker" or whether a local business is providing an "essential service," a written determination by the Health Officer shall be adequate for such a determination.
- c. 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 comply with Social Distancing Requirements as described in Section 5 below.

2. BUSINESS ACTIVITIES

- a. All businesses with a facility in the County, except Essential Businesses as defined below in Section 5, are required to cease all activities at facilities located within the County except Minimum Basic Operations, as defined in Section 5. 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 in Section 5 below, including, but not limited to, when any customers are standing in line. Businesses that include an Essential Business component at their facility alongside non-essential components must, to the extent feasible, scale down their operations to the Essential Business component only.

- i. In the event of a question or uncertainty as to whether an individual is considered an “essential worker” or whether a local business is providing an “essential service,” a written determination by the Health Officer shall be adequate for such a determination.

3. PUBLIC AND PRIVATE GATHERINGS

- a. All public and private gatherings of any number of people occurring outside a household or living unit are prohibited, except for the limited purposes as expressly permitted in Section 5. Nothing in this Order prohibits the gathering of members of a household or living unit.

4. TRAVEL

- a. All travel, including, but not limited to, travel on foot, bicycle, scooter, motorcycle, automobile, or public transit, except Essential Travel and Essential Activities as defined herein, is prohibited. Travel is authorized for the following purposes:
 - i. Essential Activities or to travel to and from work to operate Essential Businesses or maintain Essential Governmental Functions;
 - ii. Travel to care for any elderly, minors, dependents, or persons with disabilities;
 - iii. Travel required for non-resident to return to place of residence outside the County. Individuals are strongly encouraged to verify their place of residence outside the County remains available and functional prior to commencing such travel;
 - iv. Travel required by law enforcement or court order;
 - v. Travel to avoid domestic violence or abuse;
 - vi. Travel for parental custody arrangements;
 - vii. Travel to a place to temporarily reside in a residence or other facility to avoid potentially exposing others to COVID-19, such as hotel or other facility provided or arranged by a governmental authority for such purposes.
- b. Individuals riding on public transit must comply with Social Distancing Requirements as defined in Section 10 below, to the greatest extent feasible. This Order allows travel into or out of the County to perform Essential Activities, operate Essential Businesses, or maintain Essential Governmental Functions.

5. EXEMPTIONS AND DEFINITIONS

- a. **Essential Activities** - For purposes of this Order, individuals may leave their residence only to perform any of the following "Essential Activities." 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. For purposes of this Order, “people at high risk of severe illness from COVID-19 are people who meet the CDC definition of higher risk (<https://www.cdc.gov/coronavirus/2019-ncov/specific-groups/high-risk-complications.html>).

Essential Activities include:

- i. Engaging in activities or performing tasks essential to one’s 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 facility, or obtaining supplies they need to work from home.
- ii. Obtaining necessary services or supplies for oneself 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.

- iii. Engaging 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, biking, or running. Outdoor recreation activity at parks and other open spaces must be in conformance with any restrictions on access and use established by the Health Officer, government, or other entity that manages such access to reduce crowding and risk of transmission of COVID-19.

Use of shared facilities for recreational activities outside of residences is prohibited. These include, but are not limited to, golf courses, tennis, pickleball, basketball, volleyball courts, climbing walls, pools, spas, shooting and archery ranges, and disc golf. These areas shall be closed for recreational use by signage and/or physical barriers.

Sports activities that involve the use of shared equipment, such as balls, may only be engaged by members of the same household.

- iv. Performing 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.
- v. Caring for a family member or pet in another household.
- vi. Attending a funeral with no more than ten individuals present and maintaining physical distancing, as required in subsection i below.
- vii. Moving from one primary residence to another when not possible to defer a previously planned move or where the move is necessitated by safety, sanitation, habitability reasons, or where the move is necessary to preserve access to shelter. When moving into Nevada County, individuals are strongly urged to quarantine for 14 days and follow Center for Disease Control (CDC) quarantine guidance.

b. **Healthcare Operations** - 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.

c. **Essential Infrastructure** - 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.

d. **Essential Services** – For purposes of this Order, all first responders, emergency management personnel, emergency dispatchers, court personnel, and law enforcement personnel, and others who need to perform essential services are categorically exempt from this Order. Further, nothing in this Order shall prohibit any individual from performing or accessing "Essential Governmental

Functions," as determined by the governmental entity performing those functions. Each governmental entity shall identify and designate appropriate employees or contractors to continue providing and carrying out any Essential Governmental Functions. All Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements as defined in this Section, to the extent possible.

- e. **Covered Businesses** – For 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.

- f. **Essential Businesses** - purposes of this Order, "Essential Businesses" means:
 - i. Healthcare Operations and Essential Infrastructure. This includes licensed Cannabis businesses/dispensaries for medicinal needs only, and only by curbside pickup or delivery;
 - ii. 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. Establishments shall comply with California Department of Public Health (CDPH) Guidance regarding Retail Food, Beverage, and Other Related Service Venues issued March 16, 2020. ;
 - iii. Agriculture, including but not limited to food and beverage cultivation, including farming, ranching, forestry, livestock, and fishing;
 - iv. Businesses that provide food, shelter, and social services, and those that are necessary to supply agriculture or other necessities of life for economically disadvantaged or otherwise needy individuals;
 - v. Newspapers, television, radio, and other media services;
 - vi. Gas stations and auto-supply, auto-repair, and related facilities;
 - vii. Banks and related financial institutions;
 - viii. Short-term lodging facility specified uses, as set forth in the Health Officer's March 24, 2020, Order re "Clarification of Governor's and State Health Officer's "Stay-at-Home" Order as Related to Lodging Facilities," available to the public upon request or accessible at www.mynevadacounty.com/coronavirus);
 - ix. Hardware stores, home improvement stores and nurseries;
 - x. 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;
 - xi. Businesses that address and remove hazardous vegetation for wildfire safety purposes. This includes activities including tree trimming, tree removal, brush mastication, chipping services, green waste hauling and dumping services, and other defensible space related services;
 - xii. Businesses providing mailing and shipping services, including post office boxes;
 - xiii. 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;
 - xiv. Laundromats, drycleaners, and laundry service providers;
 - xv. 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;

- xvi. Businesses that supply products needed for people to work from home including internet services;
- xvii. Businesses that supply other essential businesses with the support or supplies necessary to operate;
- xviii. Firearm and ammunition sales;
- xix. Businesses that ship or deliver groceries, food, goods or services directly to residences;
- xx. Airlines, taxis, and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order;
- xxi. Home-based care for seniors, adults, or children;
- xxii. Cemetery and funeral service providers.
- xxiii. Residential facilities and shelters for seniors, adults, and children;
- xxiv. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities;
- xxv. 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. Childcare must be carried out in stable groups of 12 or fewer ("stable " means that the same 12 or fewer children are in the same group each day).
 - 2. Children shall not change from one group to another.
 - 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.
 - 4. Childcare providers shall remain solely with one group of children.
- xxvi. Hazardous materials handling, operations/management and clean up, including nuclear, medical pharmaceutical manufacturing waste.
- xxvii. Defense industries required to meet U.S. Military requirements.
- xxviii. Essential services required to meet national security commitments to the federal government and U.S. Military.

g. Minimum Basic Operations – For 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:

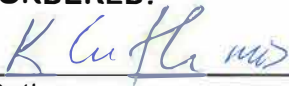
- i. The minimum necessary activities to maintain the value of the business' inventory, ensure security, process payroll and employee benefits, or for related functions.
- ii. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.

h. Home or Place of Residence – For purposes of this order, "Home or Place of Residence" includes single family residence, home, residential dwelling, apartment, duplex, hotel/motel or other temporary lodging, including shelters, for stay-at-home, quarantine or isolation purposes, shared rental units and similar facilities.

i. Social Distancing – 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.

6. This Order shall be effective immediately and will remain in effect until further Order of the Health Officer.
7. This Order is issued based on evidence of increasing transmission of COVID-19 both within the County of Nevada and worldwide, substantial guidance from the Centers for Disease Control and Prevention, the California Department of Public Health, and other public health officials throughout the United States and around the world regarding the most effective approach and best practices to slow transmission of communicable diseases generally and COVID-19 specifically.
8. This Order is issued in accordance with, and incorporates by reference, the (1) March 4, 2020 Proclamation of a State Emergency issued by Governor Gavin Newsom; (2) the March 5, 2020, Declaration of Local Health Emergency in Nevada County based on an imminent and proximate threat to public health from due to the potential introduction of novel COVID-19, as ratified by the Nevada County Board of Supervisors on March 10, 2020 per Resolution 20-062; (3) the March 10, 2020, Resolution of the Board of Supervisors of the County of Nevada proclaiming the existence of a Local Emergency due to the potential introduction of COVID-19; (4) Governor Gavin Newsom's March 12, 2020, Executive Order N-25-20 preparing the State to commandeer hotels and other places of temporary residence, medical facilities, and other facilities that are suitable as places of temporary residence or medical facilities as necessary for quarantining, isolating or treating individuals who test positive for COVID-19 or who have had a high-risk exposure and are thought to be in the incubation period; (5) Governor Newsom's March 19, 2020, Executive Order N-33-20 ordering all persons to stay at home to protect the health and well-being of all Californians and to establish consistency across the state in order to slow the spread of COVID-19; and (6) the Health Officer's April 7, 2020, Orders requiring (i) the self-isolation of individuals who test positive for COVID-19, or who have had a high-risk exposure and are likely to have contracted COVID-19, and (ii) the self-quarantine of individuals exposed to a person diagnosed with or likely to have COVID-19 to prevent further spread of the virus.
9. This Order is made in accordance with all applicable State and Federal laws, including but not limited to: Health and Safety Code sections 101030, et seq.; Health and Safety Code sections 120100, et seq.; and Title 17 of the California Code of Regulations section 2501.
10. To the extent necessary, pursuant to Government Code sections 26602, 41601 and California Health and Safety Code 101029, the Health Officer requests that the Sheriff and all Chiefs of Police in the County ensure compliance with and enforcement of this Order.
11. Copies of this Order shall promptly be: (1) made available at the County Government Center at 950 Maidu Avenue, Nevada City, CA 95959; (2) posted on the County website (available at www.mynevadacounty.com/coronavirus); and (3) provided to any member of the public requesting a copy of this Order.
12. If any provision of this Order to the application thereof to any person or circumstance is held to be invalid, 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.

IT IS SO ORDERED:



Dr. Ken Cutler
Public Health Officer
County of Nevada

Dated: April 15, 2020

