

A PROCLAMATION BY THE DIRECTOR OF
EMERGENCY SERVICES ORDERING THE
WEARING OF FACE COVERING IN CERTAIN PUBLIC
PLACES TO PREVENT THE SPREAD OF COVID-19

The Director of Emergency Services of the City of Burbank does hereby find:

A. On March 13, 2020, a local emergency was declared in the City of Burbank due to the COVID-19 pandemic. On March 17, 2020, the City Council, by Resolution No. 20-29,135, confirmed the existence of the local emergency and has continued to reconfirm its existence pursuant to state law.

B. On March 19, 2020, Los Angeles County Public Health issued an Order entitled Safer at Home for Control of COVID-19 (Order including all updates). This Order encompassed rules for events and gatherings, social distancing and closure of non-essential businesses and areas, as well as listing categories of essential businesses allowed to stay open under the Order. The City of Burbank is subject to this Order. Also, on March 19, 2020, the Governor issued an executive order like the Safer at Home Order.

C. Since March 19, 2020, the Stay at Home Order has been revised on numerous occasions adding to the list of prohibited and allowed activities. The County Public Health Order is now known as Reopening Safer at Work and in the Community for Control of COVID-19 and is continually being updated. During the past few months, many more businesses have been allowed to open often on a limited basis, some businesses have been closed after reopening and are starting to reopen again, and some businesses considered high risk activities are not allowed to reopen at all.

D. The Order's intent is to protect the public from the avoidable risk of serious illness and death resulting from the spread of COVID-19. The Order finds sustained Social (Physical) Distancing and infection control measures will continue slowing the spread of COVID-19 and diminishing its impact on the delivery of critical healthcare services.

E. The Order provides the following relating to face coverings: “[r]equires all persons wear a cloth face covering over both the nose and mouth whenever they leave their place of residence and are or can be in contact with or walking near or past others who are non-household members in both public and private places, whether indoors or outdoors. This includes wearing a cloth face covering when patronizing a business. Wearing a cloth face covering reduces the risk of transmission to others from people who do not have symptoms and do not know they are infected. The use of face coverings is commonly referred to as "source control.””

F. In a July 14, 2020 press release, the CDC affirmed that cloth face coverings are a critical tool in the fight against COVID-19 that could reduce the spread of the disease, particularly when used universally within communities. According to the CDC, there is increasing evidence that cloth face coverings help prevent people who have COVID-19 from spreading the virus to others. CDC Director Dr. Robert R. Redfield stated:

“We are not defenseless against COVID-19. Cloth face coverings are one of the most powerful weapons we have to slow and stop the spread of the virus – particularly when used universally within a community setting. All Americans have a responsibility to protect themselves, their families, and their communities.”

G. Since the Public Health Order on the wearing of face coverings was issued, the City of Burbank has enforced the requirements in public places through an educational program. City staff and ambassadors have handed out literature on the use of face coverings, provided masks to those without and respectfully reminded through signs, social media posts and in-person encounters about the importance of wearing face coverings to combat COVID-19.

H. Even with all the public education efforts, there are still those who don't understand their obligation to wear a face covering or just refuse to do so. The City has received ongoing complaints about the lack of face coverings on Chandler Bikeway, in downtown Burbank and in City parks.

I. To help further remedy this situation, the City Council unanimously directed staff to increase enforcement efforts by issuing administrative citations with accompanying fines to those who still do not wear a face covering where required, even after reminders. The Council, however, reiterated their goal is voluntary compliance through education, but in certain circumstances fining non-compliant people is necessary.

J. The Order allows local public entities, like the City, to issue stricter limitations. This proclamation is being issued to facilitate a better understanding and enforcement of when face coverings need to be worn in public in Burbank. This proclamation provides stricter limitations. Except as to the provisions herein, the County Order as to wearing face coverings otherwise applies in the City of Burbank.

K. Burbank Municipal Code (BMC) Section 1-108.1 provides authority for the issuance of administrative citations for persons in violation of City code(s). The fine schedule is \$100 for a first citation, \$200 for a second citation, and \$500 for any subsequent citations issued for violations of the same ordinance within a 12-month period.

L. The rules and regulations contained in this proclamation are being issued pursuant to the authority vested in the Director of Emergency Services under Burbank Municipal Code Section 5-2-106; and are reasonably related and necessary to the protection of life by assisting in stopping the spread of COVID-19.

The Director of Emergency Services of the City of Burbank does hereby proclaim the following rules and regulations are instituted within the City of Burbank concerning the wearing of face coverings in certain places.

1. Face Coverings, which cover the mouth and nose, shall be worn under the following conditions:

A. Persons who are outside on San Fernando Boulevard between Angeleno Avenue and Magnolia Boulevard except when seated at an outdoor dining table and they are eating or drinking.

B. Persons queuing in a line outdoors whether on public or private property; regardless if with members of their own household;

C. Persons on Chandler Bikeway while stopped at any intersection whether a pedestrian or cyclist;

D. Persons on Chandler Bikeway or in a City Park including hiking trails who may be in contact with or walking near or past others who are non-household members; meaning a face covering must be visible and ready to be immediately put on whenever a pedestrian approaches within 10 feet of a non-household member;

E. Persons patronizing public transit including waiting or sitting at a bus stop or shelter;

2. Face covering requirements shall not apply to the following:

A. Persons younger than two years old;

B. Persons who have been instructed by a medical provider not to wear a face covering due to a medical condition, mental health condition, or disability that prevents wearing a face covering;

C. 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;

D. Persons in a City Park while engaging in a permitted activity and following the published protocols on the wearing of face coverings for the activity;

E. Persons who are (i) outdoors alone or with household members; (ii) stationary; and (iii) maintaining at least ten feet between the edge of the area they are in and the edge of the next closest person's area.


3. For purposes of this proclamation "face covering" means fabric coverings, such as cloth masks, scarves, bandanas, tightly woven fabric such as cotton t-shirt, and some types of towels that cover the nose and mouth. Medical-grade masks and N-95 respirators are not required.

4. Pursuant to BMC Section 5-2-301 it is unlawful to commit any act forbidden by this Proclamation. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Code including violating this Proclamation may be guilty of a misdemeanor pursuant to Burbank Municipal Code Section 1-1-105. Notwithstanding the foregoing, a violation of this Proclamation shall be enforced through issuance of an administrative citation pursuant to BMC Section 1-108.1. In issuing an administrative citation to enforce the orders herein, the citation should reference a violation of BMC § 5-2-301 (B).

5. This Proclamation is effective immediately and shall remain in effect until terminated by further order of the Director of Emergency Services or the City Council.

6. If any section, subsection, sentence, clause or phrase of this Proclamation is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Proclamation.

DATED this ___ day of October 2020.



Justin Hess, City Manager and
Director of Emergency Services