

**APPLE VALLEY
DIRECTOR OF EMERGENCY SERVICES**

EXECUTIVE ORDER NO. 2020-02

**EMERGENCY EXECUTIVE ORDER OF THE TOWN
MANAGER/DIRECTOR OF EMERGENCY SERVICES OF
THE TOWN OF APPLE VALLEY, CALIFORNIA,
IMPLEMENTING RESTRICTIONS ON STORES SELLING
ESSENTIAL PRODUCTS IN LARGE QUANTITIES TO
MEMBERS OF SINGLE HOUSEHOLDS**

WHEREAS, conditions of extreme peril to the safety of persons and property have arisen within the Town of Apple Valley caused by the worldwide spread of respiratory illness due to the novel coronavirus known as COVID-19; and

WHEREAS, the federal government, the State of California, and the County of San Bernardino have declared emergencies as a result of the spread of COVID-19; and

WHEREAS, on March 19, 2020, California Governor Gavin Newsom issued a stay-at-home order to protect the well-being of all Californians and to establish consistency across the state in order to slow the spread of COVID-19; and

WHEREAS, on March 20, 2020, in my capacity as Director of Emergency Services, I proclaimed the existence of a local emergency in the Town of Apple Valley ("Town") in connection with the global pandemic caused by the spread of a novel coronavirus, COVID-19 ("Proclamation 2020-01"); and

WHEREAS, on March 24, 2020, the Town Council ratified Proclamation 2020-01 through the adoption of a resolution proclaiming the existence of a local emergency and expressly authorizing the Town Manager/Director of Emergency Services to establish a temporary moratorium on evictions and enact other protections in accordance with Executive Order N-28-20 issued by the Governor on March 16, 2020 ("Resolution No. 2020-10"); and

WHEREAS, in response to the pandemic, some members of the public are engaging in the panic-buying of large numbers of items of essential goods, including toilet paper, hand sanitizer, and bleach for example, and hoarding these supplies; and

WHEREAS, as a result of hoarding, stores are having a difficult time maintaining essential items stocked and shoppers are responding by purchasing essential products in large quantities resulting in empty shelves and stores unable to maintain these products for the Town's residents including those most vulnerable; and

WHEREAS, in addition, in many communities, including the Town, sewer systems are being negatively impacted as consumers are turning to towels, clothing, napkins, and baby wipes to cope with the lack of toilet paper; and

WHEREAS, on March 23, 2020, in response to an urgent need to ensure sufficient personal protective equipment, sanitizing, and disinfecting products are not hoarded, President Trump issued an executive order designed to address the hoarding of health and medical resources; and

WHEREAS, during the pendency of the local emergency and statewide state of emergency, the Director of Emergency Services is empowered “[t]o make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency . . .” under Section 2.40.060 A.(6)(a) of the Town’s Municipal Code; and

WHEREAS, to address the issues posed by the shortage of supplies, the Town Manager, acting as the Director of Emergency Services, now desires to establish emergency restrictions on the sale of essential products to members of a single households, such items include: toilet paper, hand sanitizer, bleach, and other items deemed essential in order to protect the life and property of Town residents and combat hoarding of essential products; and

WHEREAS, this Order is adopted pursuant to the Town’s police powers under article XI, section 7 of the California Constitution and under any powers afforded to the Town in time of national, state, county and local emergency during an unprecedented health pandemic, such powers being afforded by the State Constitution, State law, and the Chapter 2.40 of the Apple Valley Municipal Code to protect the peace, health, and safety of the public; and

WHEREAS, this Order is necessary for the preservation of the public peace, health, and safety of residents living within the Town and, under Government Code Section 8634, this Order is necessary to provide for the protection of life and property.

BE IT ORDERED BY THE TOWN MANAGER/DIRECTOR OF EMERGENCY SERVICES OF THE TOWN OF APPLE VALLEY AS FOLLOWS:

SECTION 1. The above recitals are true and correct and are incorporated herein by this reference. The recitals and findings in Proclamation 2020-01 and Resolution 2020-10 are also incorporated herein by this reference.

SECTION 2. Restrictions on the Sale of Essential Products to Customers.

A. No retailer shall knowingly sell in any single day to a single customer more essential products than necessary for household use.

B. Definitions.

i. For the purposes of this Executive Order, retailer shall mean any single geographic location of any retail business, company, corporation, person, employee or associate who furnishes, distributes, or sells essential products.

- ii. For the purposes of this Executive Order, essential products shall include toilet paper, hand sanitizer, and bleach.
- iii. For the purposes of this Executive Order, the quantity of essential products necessary for household use is as follows:
 - a. For toilet paper, no more than six rolls unless the product is packaged in greater quantities by the manufacturer or distributor, in which case one single package shall be the limit.
 - b. For hand sanitizer, no more than 12 fl oz unless the product is packaged in greater quantities by the manufacturer or distributor, in which case one single package or single bottle shall be the limit.
 - c. For bleach, no more than 64 fl oz unless the product is packaged in greater quantities by the manufacturer or distributor, in which case one single package or single bottle shall be the limit.

C. Exempt Sales. Sale of essential products to the following customer classes shall not be subject to this Order:

- i. Businesses, both non-profit and for-profit, legally operating during the emergency;
- ii. Customers shopping on behalf of a group living facility such as a homeless shelter, domestic violence shelter, or group home; and
- iii. Government agencies.

SECTION 3. Severability. If any provision of this Proclamation or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications and, to this end, the provisions of this Proclamation are declared to be severable.

SECTION 4. Effective Date and Termination. This Order shall become effective immediately and shall continue until the earlier to occur of: (1) the conclusion of the local emergency; (2) its termination is ordered by the Town Manager/Director of Emergency Services; or (3) it is duly terminated by the Town Council. The Order may also be superseded by a duly enacted ordinance of the Town Council expressly superseding this Order.

ORDERED by the Town Manager/Director of Emergency Services this 27th day of March, 2020.



Douglas B. Robertson, Town Manager
and Director of Emergency Services
Town of Apple Valley