

FIFTH AMENDED CURFEW ORDER AND REGULATIONS

(Pursuant to Santee Municipal Code section 2.32.120)

On March 18, 2020, in accordance with Santee Municipal Code Chapter 2.32, the Santee Director of Emergency Services (Director) proclaimed a local emergency regarding the novel coronavirus (COVID-19).

On March 25, 2020, the Santee City Council ratified the Director's proclamation, and declared a local emergency regarding COVID-19.

Pursuant to Santee Municipal Code section 2.32.120, during this local emergency, the Director, or the Director's designee, may promulgate orders and regulations necessary to provide for the protection of life and property, including orders or regulations imposing a curfew within the City of Santee, or portions thereof, where necessary to preserve the public order and safety.

On May 30, 2020, large public gatherings in violation of public health orders and significant rioting and looting occurred in the City of La Mesa and was threatened in other areas of San Diego County.

The rioting and looting has led to large crowds and actions that are inconsistent with existing public health orders related to the current COVID-19 local emergency, have placed the public and law enforcement at an increased health risk, and have also threatened public safety and property. In addition, rioting and looting presents significant risks to public safety and property.

On May 31, 2020, based on these risks to public health and safety, the Director proclaimed a local emergency due to these large public gatherings, and issued a curfew order in accordance with Santee Municipal Code section 2.32.120 related to both the COVID-19 local

emergency and the local emergency created by these large public gatherings. The cities of Poway, La Mesa, El Cajon and Lemon Grove also issued curfew orders, and the County of San Diego issued a curfew order for portions of the unincorporated area of the east County.

During the evening of May 31, 2020, the downtown area of the City of San Diego experienced large public gatherings in violation of public health orders and looting of businesses. Two large gatherings in violation of public health orders also occurred in the Town Center area of the City of Santee, and created threats to public safety and property, but the existence of the curfew assisted in the safe and peaceful response to these large gatherings, which response dispersed large crowds that were not practicing social distancing, threatened public health and safety and were acting in a manner inconsistent with existing public health orders.

During the evening of June 1, 2020, two large gatherings in violation of public health orders occurred again in the Town Center area of the City of Santee, and again created threats to public safety and property. A man and a woman were arrested by law enforcement after it was reported that the woman pointed a gun at members of one of the gathered groups. Some physical altercations were also reported. The existence of the curfew assisted in the safe and peaceful response to these events.

During the evening of June 2, 2020, two large gatherings in violation of public health orders occurred again in the Town Center area of the City of Santee, and again created threats to public safety and property. Three arrests were made. The existence of the curfew assisted in the safe and peaceful response to these events.

During the evening of June 3, 2020, large gatherings in violation of public health orders occurred again in the Town Center area of the City of Santee. Initially, the Director did not issue any curfew order, but after the large gatherings blocked traffic on Mission Gorge Road and would not allow free access to public travel, a limited Curfew Order

was issued for the portion of the City west of Magnolia Avenue. This limited Curfew Order assisted in the peaceful resolution of the issue, although several arrests were made.

On June 4, the Director issued a limited Curfew Order that covered the commercial area of the City of Santee, specifically south of Mast Boulevard, east of Carlton Hills Boulevard, west of Magnolia Avenue and north of Highway 52. The Curfew Order was in effect during the periods of 7 p.m. to 6 a.m. on the evenings of June 4 and June 5, 2020. The Curfew Order assisted in the protection of life and property and protected the public's health and safety, although there were documented reports of the presence of individuals with firearms in the commercial area, including the presence of individuals with firearms on the tops of local businesses. These conditions created an imminent risk to public health, safety and order.

On June 5, 2020, the Santee City Council ratified the Director's proclamation of a local emergency due to the threats to life, property and public safety described in the May 31, 2020 Proclamation and Curfew Order and in the subsequent Curfew Orders and declared a continued local emergency. The Santee City Council also ratified the prior Curfew Orders and authorized the issuance by the Director of additional curfew orders as necessary to address threats to public health and safety.

For June 6, 2020, the Director has determined that, at this time, a curfew order is not required based on current information. The Director may issue a curfew order if the Director subsequently determines that credible evidence of a specific and imminent risk to public health and safety exists. Any curfew issued for June 6, 2020 would be planned to commence at 9:30 p.m. and extend to June 7, 2020 at 6 a.m. At this time, the scope of any such curfew is planned to be for the commercial area described as follows: south of Mast Boulevard, east of Carlton Hills Boulevard, west of Magnolia Avenue, and north of Highway 52. If the Director determines that there is credible evidence to require issuance of a curfew order for June 6, 2020, a

separate Curfew Order will be issued and public notice will be provided.

For June 7, 2020, the Director has credible and specific evidence that multiple large gatherings in violation of public health orders will occur in the City of Santee. The Director has credible evidence, including the past specific examples summarized in this Curfew Order, that people monitoring, reacting to or attending these large gatherings will be in possession of firearms or other weapons that create an imminent risk to public health and safety.

Therefore, in accordance with Santee Municipal Code section 2.32.120, it shall be unlawful for any person to travel or be upon a public street, sidewalk, or public place within the portion of the City of Santee designated in this Curfew Order during the dates and hours designated below, unless exempt for the reasons set forth below. For purposes of this Curfew Order, "travel" includes, without limitation, travel on foot, bicycle, skateboard, scooter, motorcycle, automobile, or public transit.

This Curfew is in effect from June 7, 2020 at 7 p.m. until June 8, 2020 at 6 a.m. This Curfew applies to the portion of the City of Santee located to the west of Magnolia Avenue (including all of Magnolia Avenue itself), extending to the westerly boundary of the City of Santee.

Pursuant to Santee Municipal Code section 7.24.010, no person in the area covered by this Curfew Order is permitted to carry or possess any length of lumber, wood, metal or lath that is more than one-fourth inch in thickness, and more than two inches in width, or, if not generally rectangular in shape, such object may not exceed one-half inch in its thickest dimension. In addition, pursuant to Santee Municipal Code section 2.32.120, it is ordered that to protect the public safety and property, the following items are prohibited in the area covered by this Curfew Order during the period of the curfew: firearms; knives and daggers; clubs; pepper spray and mace; axes and picks; axe and pick handles; explosives; slingshots; bricks; rocks; baseball bats; shields; ice picks; fireworks; Tasers; bear spray; glass bottles or containers; and

any other item that can be used as a weapon, for example, chains or hoses.

Exemptions: All law enforcement, fire, medical personnel, City officials or City personnel on City business, and members of the news media are exempt from this Curfew Order. Individuals traveling directly to and from work, seeking emergency care, fleeing dangerous circumstances, or experiencing homelessness are also exempt.

Date: June 6, 2020
Time: 12:00 noon

Marlene D. Best

Director of Emergency Services
City of Santee

**VIOLATION OF THIS ORDER IS A MISDEMEANOR
PUNISHABLE BY A FINE, OR BY IMPRISONMENT NOT TO
EXCEED SIX MONTHS, OR BOTH, PURSUANT TO SANTEE
MUNICIPAL CODE SECTION 2.32.140**