

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
411 West Ocean Boulevard, 9th Floor
Long Beach, CA 90802-4664

ORDINANCE NO. ORD-20-0043

1
2
3 AN ORDINANCE OF THE CITY COUNCIL OF THE
4 CITY OF LONG BEACH AMENDING THE LONG BEACH
5 MUNICIPAL CODE BY ADDING CHAPTER 8.120,
6 TEMPORARY ENFORCEMENT OF LONG BEACH
7 HEALTH ORDERS RELATED TO COVID-19; DECLARING
8 THE URGENCY THEREOF; AND DECLARING THAT THIS
9 ORDINANCE SHALL TAKE EFFECT IMMEDIATELY
10

11 WHEREAS, the Novel Coronavirus (COVID-19), a new communicable
12 disease, was first detected in Wuhan City, Hubei Province, China in December 2019,
13 and has since spread globally; and

14 WHEREAS, symptoms of COVID-19 include fever, cough, and shortness
15 of breath, and infected individuals have experienced a range of outcomes, from mild
16 sickness to severe illness and death; and

17 WHEREAS, on March 11, 2020, the World Health Organization declared
18 the COVID-19 a pandemic; and

19 WHEREAS, on March 13, 2020, the President of the United States of
20 America declared a National Emergency as a result of COVID-19; and

21 WHEREAS, previously, after deep concern by the World Health
22 Organization and the Federal government, and as a result of the need to proactively
23 slow the spread of, and combat, COVID-19 in the City of Long Beach, the City Public
24 Health Officer issued a Declaration of Local Health Emergency and the then Acting City
25 Manager issued a Proclamation of Local Emergency; and

26 WHEREAS, on March 10, 2020, the City Council of the City of Long
27 Beach recognized that an emergency did exist and unanimously passed a Resolution
28 ratifying the City Manager's Proclamation of a Local Emergency and the Public Health

1 Officer's Declaration of Local Health Emergency; and

2 WHEREAS, in order to mitigate the effects of COVID-19 within the City,
3 the Long Beach Health Officer issued the Safer at Home Order for Control of COVID-19
4 ("Health Order"), and thereafter revised said Health Order from time to time as
5 necessary in furtherance of the public health and safety; and

6 WHEREAS, in order to further protect the public health and safety, it is
7 necessary to adopt ordinance provisions that will provide administrative, civil, and
8 criminal enforcement remedies for violations of the lawfully issued Health Orders of the
9 City; and

10 WHEREAS, the proposed Ordinance would require, where practicable, the
11 City Manager to bring City Health Orders related to COVID-19 before the City Council
12 for confirmation prior to promulgating such Orders; and

13 WHEREAS, in the event it is not feasible to do this, the City Manager
14 shall, within a 14-day period from promulgation of said Health Orders, request the City
15 Council to confirm the Health Orders; and

16 WHEREAS, this alternative process recognizes the potential need for the
17 City's Health Officer to quickly amend or update City Health Orders due to the rapid
18 development of COVID-19, while still ensuring the City Council maintains oversight of
19 the COVID-19 local emergency and the City Manager's related orders; and

20 WHEREAS, the City's primary goal is to ensure the public health and
21 safety during the COVID-19 local, state, and federal emergencies through outreach
22 efforts and education of the Long Beach community regarding the City Health Orders
23 and COVID-19; and

24 WHEREAS, where such outreach and education efforts do not on their
25 own gain compliance, the proposed Ordinance allows for civil, administrative, and/or
26 criminal enforcement of City Health Orders related to COVID-19, issued by the Health
27 Officer and promulgated by the City Manager; and

28 WHEREAS, with respect to criminal enforcement of violations of the

1 lawfully issued Health Orders, such violations may be prosecuted as misdemeanors or
2 infractions in the sole discretion of the City Prosecutor; and

3 WHEREAS, it is the City's intent that the authorized enforcement of the
4 City Health Orders as described in the proposed Ordinance shall only occur after a
5 person is provided ample opportunity to comply after being notified of an alleged
6 violation; and

7 WHEREAS, the City efforts shall be in furtherance of the health, safety,
8 and welfare of those residing in, doing business in, or visiting the City of Long Beach
9 during the declared COVID-19 emergency; and

10 NOW, THEREFORE, the City Council of the City of Long Beach ordains as
11 follows:

12 Section 1. Chapter 8.120.010.D of the Long Beach Municipal Code is
13 amended to read as follows:

14 D. This Chapter is intended to be temporary and shall expire on
15 January 20, 2021, unless further extended by the City Council in its
16 discretion by an amendment to this Chapter.

17
18 Section 2. Subsection 8.120.040 of the Long Beach Municipal Code is
19 amended to read as follows:

20 8.120.040 Expiration.

21 This Chapter shall expire on January 20, 2021, unless further extended by
22 the City Council in its discretion by an amendment to this Chapter.

23
24 Section 3. This ordinance is urgently required to control the spread and
25 mitigate the effects of the Novel Coronavirus (COVID-19) within the City of Long Beach
26 through authorized actions, such as the enforcement of the Safer at Home Order For
27 Control of COVID-19 and any additional COVID-19 Health Orders that may be issued by
28 the City Health Officer and promulgated by the City Manager.

1 Section 4. This ordinance is an emergency ordinance duly adopted by
2 the City Council by a vote of five of its members and shall take effect immediately. The
3 City Clerk shall certify to a separate roll call and vote on the question of the emergency of
4 this ordinance and to its passage by the vote of five members of the City Council of the
5 City of Long Beach, and cause the same to be posted in three conspicuous places in the
6 City of Long Beach, and it shall thereupon take effect and shall be operative immediately.

7
8 Section 5. This ordinance shall also be adopted by the City Council as a
9 regular ordinance, to the end that in the event of any defect or invalidity in connection
10 with the adoption of this ordinance as an emergency ordinance, the same shall,
11 nevertheless, be and become effective on the thirty-first (31st) day after it is approved by
12 the Mayor. The City Clerk shall certify to the passage of this ordinance by the City
13 Council of the City of Long Beach and shall cause the same to be posted in three (3)
14 conspicuous places in the City of Long Beach.

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I hereby certify that on a separate roll call and vote which was taken by the City Council of the City of Long Beach upon the question of emergency of this ordinance at its meeting of November 2, 2020, the ordinance was declared to be an emergency by the following vote:

| | | |
|-------------|-----------------|-----------------------------------|
| Ayes: | Councilmembers: | <u>Zendejas, Pearce, Andrews,</u> |
| | | <u>Uranga, Richardson.</u> |
| | | _____ |
| Noes: | Councilmembers: | <u>None.</u> |
| | | _____ |
| Absent: | Councilmembers: | <u>Price, Supernaw, Mungo,</u> |
| | | <u>Austin.</u> |
| | | _____ |
| Recusal(s): | Councilmembers: | <u>None.</u> |
| | | _____ |

I further certify that thereafter, at the same meeting, upon a roll call and vote on adoption of the ordinance, it was adopted by the City Council of the City of Long Beach by the following vote:

| | | |
|-------------|-----------------|-----------------------------------|
| Ayes: | Councilmembers: | <u>Zendejas, Pearce, Andrews,</u> |
| | | <u>Uranga, Richardson.</u> |
| | | _____ |
| Noes: | Councilmembers: | <u>None.</u> |
| | | _____ |
| Absent: | Councilmembers: | <u>Price, Supernaw, Mungo,</u> |
| | | <u>Austin.</u> |
| | | _____ |
| Recusal(s): | Councilmembers: | <u>None.</u> |
| | | _____ |

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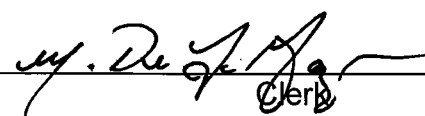
I further certify that the foregoing ordinance was thereafter adopted on final reading by the City Council of the City of Long Beach at its meeting of _____, 2020, by the following vote:

Ayes: Councilmembers: _____

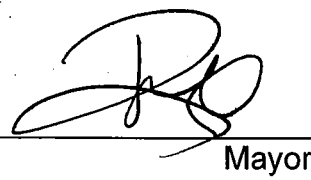
Noes: Councilmembers: _____

Absent: Councilmembers: _____

Recusal(s): Councilmembers: _____


Clerk


Approved: 11/4/20
(Date)


Mayor

AFFIDAVIT OF POSTING

STATE OF CALIFORNIA) ss
COUNTY OF LOS ANGELES)
CITY OF LONG BEACH)

Tamela Austin being duly sworn says: That I am employed in the Office of the City Clerk of the City of Long Beach; that on the 2nd day of November, 2020, I posted three true and correct copies of Emergency Ordinance No. ORD-20-0043 in three conspicuous places in the City of Long Beach, to wit: One of said copies in the lobby of Civic Chambers; one of said copies in the Main Library; and one of said copies on the front counter of the Office of the City Clerk.



Subscribed and sworn to before me
This 2nd day of November 2020.



CITY CLERK