ORDINANCE NO. ORD-20-0043

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING THE LONG BEACH
MUNICIPAL CODE BY ADDING CHAPTER 8.120,
TEMPORARY ENFORCEMENT OF LONG BEACH
HEALTH ORDERS RELATED TO COVID-19; DECLARING
THE URGENCY THEREOF; AND DECLARING THAT THIS
ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

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

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, with respect to criminal enforcement of violations of the
lawfully issued Health Orders, such violations may be prosecuted as misdemeanors or
infractions in the sole discretion of the City Prosecutor; and

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

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

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

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

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

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

8.120.040 Expiration.

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

Section 3. This ordinance is urgently required to control the spread and
mitigate the effects of the Novel Coronavirus (COVID-19) within the City of Long Beach
through authorized actions, such as the enforcement of the Safer at Home Order For
Control of COVID-19 and any additional COVID-19 Health Orders that may be issued by
the City Health Officer and promulgated by the City Manager.
Section 4. This ordinance is an emergency ordinance duly adopted by the City Council by a vote of five of its members and shall take effect immediately. The City Clerk shall certify to a separate roll call and vote on the question of the emergency of this ordinance and to its passage by the vote of five members of the City Council of the City of Long Beach, and cause the same to be posted in three conspicuous places in the City of Long Beach, and it shall thereupon take effect and shall be operative immediately.

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

Noes: Councilmembers: None.

Absent: Councilmembers: Price, Supernaw, Mungo, Austin.

Recusal(s): Councilmembers: None.

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: Zendejas, Pearce, Andrews, Uranga, Richardson.

Noes: Councilmembers: None.

Absent: Councilmembers: Price, Supernaw, Mungo, Austin.

Recusal(s): Councilmembers: None.
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 November 17, 2020, by the following vote:

Ayes: Councilmembers: Zendejas, Pearce, Price,
       Supernaw, Mungo, Andrews,
       Uranga, Austin, Richardson.

Noes: Councilmembers: None.

Absent: Councilmembers: None.

Recusal(s): Councilmembers: None.

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.

[Signature]
CITY CLERK
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 18th day of November, 2020, I posted three true and correct copies of Final 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.

[Signature]

Subscribed and sworn to before me
This 18th day of November 2020.

[Signature]
CITY CLERK