ORDINANCE NO. ORD-21-0029

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, 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, and any variants
of COVID-19 within the City, the Long Beach Health Officer issued Health Orders 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

WHEREAS, the City Council previously adopted this Ordinance on May 12, 2020, and extended the effective date of this Ordinance on November 2, 2020 and on January 19, 2021; and

WHEREAS, this Ordinance expired by its own terms on July 18, 2021; and

WHEREAS, this Ordinance is necessary to further protect the public health and safety by providing enforcement remedies for violations of the lawfully issued
Health Orders of the City due to the increased case rate, hospitalizations, and deaths resulting from COVID-19 and variants of COVID-19;

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

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

A. In order to protect the public health, safety, and general welfare, and to mitigate the impacts of the novel coronavirus (COVID-19), and any variants of COVID-19, this Chapter shall temporarily allow for civil, administrative, and/or criminal enforcement of Health Orders issued by the Long Beach Health Officer and promulgated by the City Manager as more particularly described herein.

B. The primary intent of the City, in its efforts to mitigate the impacts of COVID-19, and any variants thereof, shall remain focusing on public outreach and education, and enforcement actions will only be undertaken where such outreach and education, alone, are unsuccessful in compelling compliance with City Health Orders related to COVID-19.

C. Nothing in this Chapter is intended or shall be interpreted to invalidate Chapter 2.69, "Civil Defense", of this Code, which shall still apply to the COVID-19 local emergency except to the extent it conflicts with the provisions of this Chapter.

D. This Chapter is intended to be temporary and shall expire one-hundred eighty (180) days from the effective date of the last amendment to this Chapter, 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 one hundred eighty (180) days from the effective
date of the last amendment to this Chapter, 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), including any variants of
COVID-19, within the City of Long Beach through authorized actions, such as the
enforcement of the Health 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.

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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 __________, 2021, the ordinance was declared to be an emergency by the following vote:

Ayes: Councilmembers: Zendejas, Allen, Price, Supernaw, Mungo, Saro, Austin.

Noes: Councilmembers: None.

Absent: Councilmembers: Uranga, Richardson.

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, Allen, Price, Supernaw, Mungo, Saro, Austin.

Noes: Councilmembers: None.

Absent: Councilmembers: Uranga, Richardson.

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 _______________, 2021, by the following vote:

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<th>Ayes: Councilmembers:</th>
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<td>Noes: Councilmembers:</td>
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<td>Recusal(s): Councilmembers:</td>
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Approved: __/19/21__  
(Date)  

Mayor

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 August, 2021, I posted three true and
correct copies of Emergency Ordinance No. ORD-21-0029 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 18th day of August 2021.

______________________________
CITY CLERK