

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

ORDINANCE NO. ORD-22-0003

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 continue 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

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

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

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

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

16           WHEREAS, it is the City's intent that the authorized enforcement of the  
17 City Health Orders as described in the proposed Ordinance shall only occur after an  
18 individual and/or business is provided ample opportunity to comply after being notified  
19 of an alleged violation; and

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

23           WHEREAS, the City Council previously adopted this Ordinance on May  
24 12, 2020, and extended the effective date of this Ordinance on November 2, 2020,  
25 January 19, 2021, and August 17, 202; and

26           WHEREAS, without an amendment extending this Ordinance, it will expire  
27 by its own terms on February 13, 2022; and

28           WHEREAS, if adopted as an urgency ordinance, this Ordinance will

1 extend the effective date of this Ordinance until August 7, 2022; and

2 WHEREAS, this Ordinance is necessary to further protect the public  
3 health and safety by providing enforcement remedies for violations of the lawfully issued  
4 Health Orders of the City due to the sharp increase in the COVID-19 case rate which  
5 can be expected to lead to an increase in hospitalizations, which may overwhelm the  
6 healthcare system, and deaths, especially for those who are older and who have  
7 underlying health conditions;

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

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

12 D. This Chapter is intended to be temporary and shall expire  
13 one-hundred eighty (180) days from the effective date of the last  
14 amendment to this Chapter, unless further extended by the City Council in  
15 its discretion by an amendment to this Chapter.

16  
17 Section 2. Subsection 8.120.040 of the Long Beach Municipal Code is  
18 amended to read as follows:

19 8.120.040 Expiration.

20 This Chapter shall expire one hundred eighty (180) days from the effective  
21 date of the last amendment to this Chapter, unless further extended by the City Council in  
22 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), including any variants of  
26 COVID-19, within the City of Long Beach through authorized actions, such as the  
27 enforcement of the Health Order For Control of COVID-19 and any additional COVID-19  
28 Health Orders that may be issued by the City Health Officer and promulgated by the City

1 Manager.

2

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

9

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

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 I hereby certify that on a separate roll call and vote which was taken by the  
2 City Council of the City of Long Beach upon the question of emergency of this ordinance  
3 at its meeting of February 8, 2022, the ordinance was declared to be an  
4 emergency by the following vote:

5  
6 Ayes: Councilmembers: Zendejas, Allen, Price, Supernaw,  
7 Saro, Uranga, Austin, Richardson.

8  
9 Noes: Councilmembers: None.

10  
11 Absent: Councilmembers: Mungo.

12  
13 Recusal(s): Councilmembers: None.

14  
15  
16 I further certify that thereafter, at the same meeting, upon a roll call and vote on  
17 adoption of the ordinance, it was adopted by the City Council of the City of Long Beach  
18 by the following vote:

19  
20 Ayes: Councilmembers: Zendejas, Allen, Price, Supernaw,  
21 Saro, Uranga, Austin, Richardson.

22  
23 Noes: Councilmembers: None.

24  
25 Absent: Councilmembers: Mungo.

26  
27 Recusal(s): Councilmembers: None.

28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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 February 15, 2022, by the following vote:

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

Noes: Councilmembers: None.

Absent: Councilmembers: None.

Recusal(s): Councilmembers: None.

  
Clerk

  
Mayor


Approved: 2/10/22  
(Date)

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

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 10<sup>th</sup> day of February, 2022, I posted three true and correct copies of Emergency Ordinance No. ORD-22-0003 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 10<sup>th</sup> day of February 2022.

  
\_\_\_\_\_  
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 17<sup>th</sup> day of February, 2022, I posted three true and correct copies of Final Ordinance No. ORD-22-0003 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 17<sup>th</sup> day of February, 2022.

  
\_\_\_\_\_  
CITY CLERK