

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

ORDINANCE NO. ORD-21-0029

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

15 WHEREAS, in order to mitigate the effects of COVID-19, and any variants  
16 of COVID-19 within the City, the Long Beach Health Officer issued Health Orders for  
17 Control of COVID-19 ("Health Order"), and thereafter revised said Health Order from  
18 time to time as necessary in furtherance of the public health and safety; and

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

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

26 WHEREAS, in the event it is not feasible to do this, the City Manager  
27 shall, within a 14-day period from promulgation of said Health Orders, request the City  
28 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 a  
18 person is provided ample opportunity to comply after being notified of an alleged  
19 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 and  
25 on January 19, 2021; and

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

27           WHEREAS, this Ordinance is necessary to further protect the public  
28 health and safety by providing enforcement remedies for violations of the lawfully issued

1 Health Orders of the City due to the increased case rate, hospitalizations, and deaths  
2 resulting from COVID-19 and variants of COVID-19;

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

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

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

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

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

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

26  
27 Section 2. Subsection 8.120.040 of the Long Beach Municipal Code is  
28 amended to read as follows:

1           8.120.040   Expiration.

2                   This Chapter shall expire one hundred eighty (180) days from the effective  
3 date of the last amendment to this Chapter, unless further extended by the City Council in  
4 its discretion by an amendment to this Chapter.

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6                   Section 3.   This ordinance is urgently required to control the spread and  
7 mitigate the effects of the Novel Coronavirus (COVID-19), including any variants of  
8 COVID-19, within the City of Long Beach through authorized actions, such as the  
9 enforcement of the Health Order For Control of COVID-19 and any additional COVID-19  
10 Health Orders that may be issued by the City Health Officer and promulgated by the City  
11 Manager.

12

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

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20                   Section 5.   This ordinance shall also be adopted by the City Council as a  
21 regular ordinance, to the end that in the event of any defect or invalidity in connection  
22 with the adoption of this ordinance as an emergency ordinance, the same shall,  
23 nevertheless, be and become effective on the thirty-first (31st) day after it is approved by  
24 the Mayor. The City Clerk shall certify to the passage of this ordinance by the City  
25 Council of the City of Long Beach and shall cause the same to be posted in three (3)  
26 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 August 17, 2021, the ordinance was declared to be an emergency by the following vote:

Ayes:	Councilmembers:	<u>Zendejas, Allen, Price, Supernaw,</u> <u>Mungo, Saro, Austin.</u>
Noes:	Councilmembers:	<u>None.</u>
Absent:	Councilmembers:	<u>Uranga, Richardson.</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, Allen, Price, Supernaw,</u> <u>Mungo, Saro, Austin.</u>
Noes:	Councilmembers:	<u>None.</u>
Absent:	Councilmembers:	<u>Uranga, Richardson.</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 August 24, 2021, by the following vote:

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

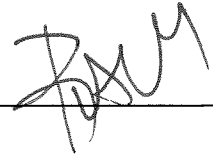
Noes: Councilmembers: None.

Absent: Councilmembers: Mungo.

Recusal(s): Councilmembers: None.

  
Clerk

Approved: 8/19/21  
(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 18<sup>th</sup> 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 18<sup>th</sup> day of August 2021.

  
\_\_\_\_\_  
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 26<sup>th</sup> day of August, 2021, I posted three true and correct copies of Final 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 26<sup>th</sup> day of August 2021.

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