



Legislation Text

File #: 21-0826, **Version:** 2

Recommendation to declare ordinance amending the Long Beach Municipal Code by adding Chapter 8.120, temporary enforcement of Long Beach Health Orders related COVID-19, and declaring the urgency thereof, and declaring that this ordinance shall take effect immediately, read and adopted as read. (Citywide) (Emergency Ordinance No. ORD-21-0029)

In an effort to mitigate the effects of COVID-19 within the City, the Long Beach Health Officer issued Health Orders for Control of COVID-19 (“Health Order”) and has revised the Health Order from time to time as necessary for the public health and safety during this ongoing emergency.

The Ordinance initially adopted by Council was set to expire was extended twice by the City Council. The Ordinance expired by its own terms on July 18, 2021. The proposed 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. If passed as an urgency ordinance, the proposed Ordinance will extend the expiration of LBMC Ch. 8.120 until February 13, 2022, unless further extended by the City Council in its discretion by an amendment to the Ordinance.

This Ordinance requires, where practicable, the City Manager to bring City Health Orders related to COVID-19 before the City Council for confirmation prior to promulgating such Health Orders. In the event it is not feasible to do this, the City Manager is required to, within 14 days of promulgation of said Health Orders, or at the next duly noticed public meeting of the City Council, request the City Council to confirm the Health Orders. This process recognizes a potential need for the City’s Health Officer to quickly amend or update, and the City Manager to promulgate, City Health Orders due to the rapid development of COVID-19, including variants of COVID-19, while still ensuring that the City Council maintains oversight of the COVID-19 local emergency and the City Manager’s related orders.

Although it is vital that the City is able to effectively enforce City Health Orders during the COVID-19 emergency, the City’s primary goal is to ensure the public health and safety is achieved through outreach efforts and education of the Long Beach community. However, where such education and outreach efforts are unsuccessful in compelling compliance, the proposed Ordinance allows for civil, administrative, and/or criminal enforcement of City Health Orders related to COVID-19, as may be necessary. In the case of a criminal prosecution, the City Prosecutor would have the discretion to charge the offense as either an infraction or a misdemeanor.

Approve recommendation.

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

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