

URGENCY ORDINANCE NO. 1159

AN URGENCY ORDINANCE OF THE CITY OF COACHELLA, CALIFORNIA, PROHIBITING VIOLATION OF ANY EMERGENCY ORDER ISSUED BY THE STATE OR COUNTY OF RIVERSIDE

WHEREAS, international, national, state, and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus named “SARS-CoV-2,” and the disease it causes has been named “coronavirus disease 2019,” abbreviated COVID-19 (“COVID-19”); and

WHEREAS, on March 4, 2020, the Governor of the State of California declared a state of emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for broader spread of COVID-19, and on March 8, 2020, the Riverside County Public Health Officer declared a local health emergency, and on March 13, 2020, the President of the United States declared a state of national emergency; and

WHEREAS, pursuant to Chapter 2.56 of the Coachella Municipal Code, the City Manager in his capacity as the Director of Emergency Services proclaimed the existence of a local state of emergency on March 19, 2020, due to the COVID-19 outbreak, to enhance the City’s ability to protect public health and safety; and

WHEREAS, the Coachella City Council ratified the proclamation of a local state of emergency by Resolution dated March 25, 2020; and

WHEREAS, the Governor’s May 19, 2020 Executive Order N-33-20 ordered closure of all non-essential retail businesses (subject to certain exceptions), indoor malls and shopping centers, playgrounds for children, and prohibits all public and private group events and gatherings and requires people to stay home (except for essential activities like buying groceries and obtaining medication) in an effort to stem or slow the spread of this communicable virus; and

WHEREAS, the Governor’s May 19, 2020 Executive Order N-33-20 is made in two capacities, in the Governor’s emergency authority under the California Emergency Services Act (Government Code sections 8550–8669.7) and in his authority as State Public Health Officer; and

WHEREAS, the City’s only means to enforce an order of the Governor made under the Emergency Services Act or an order of the State Department of Public Health or Riverside County Health Officer is criminal enforcement by local peace officers and the District Attorney, pursuant to Government Code section 8665 and Health and Safety Code sections 101029 and 120155.

WHEREAS, the City desires to supplement its ability to enforce State and County emergency orders by adopting local regulations necessary to allow the City to utilize code

enforcement procedures and remedies related to civil, administrative, or criminal available for enforcing Municipal Code violations; and

WHEREAS, Section 36937 of the Government Code provides that an ordinance takes effect immediately if it is for the preservation of the public peace, health or safety, containing a declaration of the facts constituting the urgency, and is passed by a four-fifths vote of the city council; and

WHEREAS, the Coachella City Council finds that this Ordinance is necessary for the preservation of the public peace, health, and safety of residents living within the City of Coachella and find an urgency to approve said Ordinance immediately based on the facts described above.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COACHELLA DOES ORDAIN AS FOLLOWS:

SECTION 1. Incorporation of Preamble. The City Council finds that all the facts, findings, and conclusions set forth above in this Ordinance are true and correct.

SECTION 2. Urgency Findings. The City Council finds and declares that the adoption of this Ordinance is necessary for the immediate preservation of the public peace, health, and safety. Currently, the City is severely limited in its ability to address violations of emergency orders issued by the State or County. The proposed Ordinance addresses this gap and creates a framework for local enforcement. COVID-19 has prompted the declaration of a statewide state of emergency by the Governor of California. Therefore, the City Council finds and determines that the immediate preservation of the public peace, health, and safety requires that this Ordinance be enacted as an urgency ordinance pursuant to Government Code section 36937 and take effect immediately upon adoption. Based on the foregoing, the City Council declares this Ordinance is necessary for the immediate preservation of the public peace, health, and safety.

SECTION 3. Municipal Code Amendment. The City Council of Coachella hereby adds Section 1.08.030 of the Coachella Municipal Code, to read as follows:

“1.08.030 - Emergency Order Enforcement

- A. Violation Unlawful. It is unlawful and declared a public nuisance for any person to violate any emergency order made by the Governor of the State of California under the Emergency Services Act or any order of the State Department of Public Health or Riverside County Health Officer issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease.
- B. Remedies. The City may enforce this Ordinance using any remedy available under the law, including:
 - 1. Issuance of an administrative citation under Chapter 3.20 of this Code.
 - 2. Denial, nonrenewal, suspension, or revocation of a business license under Chapter 5.04 of this Code.

3. Suspension or revocation of any conditional use permit under Section 17.74.050 of this Code, revocation of legal nonconforming status under Section 17.78.040 of this Code, or suspension or revocation of other land use approval under Title 17 of this Code.
 4. Misdemeanor criminal prosecution by the city prosecutor under Section 1.08.010 of this Code.
 5. Punishable as provided under Section 2.56.100 of this Code.
 6. Filing of a civil or equitable action to seek abatement of any violation.
- C. Violations Ongoing. Each and every day a violation is maintained, caused, aided, abetted, concealed, suffered, or permitted is a separate offense.
- D. Remedies Cumulative. The remedies, procedures, and penalties provided by this Section are cumulative to each other and to any other available under City, State, or federal law.

SECTION 4. Severability. Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable. The City Council of the City of Coachella declares that it would have adopted all the provisions of this ordinance that remain valid if any provisions of this ordinance are declared invalid.

SECTION 5. Effective Date. This Ordinance shall take effect immediately upon its adoption.

SECTION 6. Certification. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted in the manner required by law.

PASSED, APPROVED and ADOPTED this 27th day of March 2020.

Steven A. Hernandez
Mayor

ATTEST:

Angela M. Zepeda
City Clerk

APPROVED AS TO FORM:

Carlos Campos
City Attorney

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF COACHELLA)

I, Andrea J. Carranza, Deputy City Clerk of the City of Coachella, California, do hereby certify that Ordinance No. 1159 is a full, true, and correct copy, and was adopted at a special meeting of the Coachella City Council on March 27, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Coachella, California, this 27th day of March 2020.

Andrea J. Carranza, MMC
Deputy City Clerk