

ORDINANCE NO. 20-1107U

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD AMENDING THE MASTER FEE RESOLUTION FOR FISCAL YEAR 2019-20 TO ADD VIOLATIONS OF EMERGENCY ORDERS AND IMPLEMENTING ENFORCEMENT PROVISIONS FOR EMERGENCY MEASURES TO PREVENT THE SPREAD OF COVID-19 AND ADD THOSE OFFENSES TO SCHEDULE D OF THE ADMINISTRATIVE CITATION FEE SCHEDULE.

THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Recitals.

- A. 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 which has been named "coronavirus disease 2019," abbreviated COVID-19 ("COVID-19").
- B. On March 4, 2020, the Los Angeles County Board of Supervisors and Department of Public Health declared a local emergency and local public health emergency to aid the regional healthcare and governmental community in responding to COVID-19.
- C. 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 a broader spread of COVID-19.
- D. On March 13, 2020, the President of the United States of America declared a national emergency and announced that the federal government would make emergency funding available to assist state and local governments in preventing the spread of and addressing the effects of COVID-19.
- E. On March 16, 2020, the City Council declared a local emergency to ensure an effective City response to COVID-19.
- F. On March 16, 2020, the Los Angeles County Public Health Officer issued an order countywide that (1) prohibited gatherings where at least 50 or more people are expected to attend, (2) puts limits and regulations on gatherings of 10-49 people, (3) limits restaurants to drive-through/takeout/delivery only, and (4) closes bars (that don't serve food), gyms, movie theaters, etc.

- G. The Centers for Disease Control and Prevention, the California Department of Health, and the Los Angeles County Department of Public Health have all issued recommendations including but not limited to strict adherence to social distancing guidelines, canceling or postponing group events, working from home, and other precautions to protect public health and prevent transmission of this communicable virus. Other counties throughout the state have similar directives.
- H. On March 19, 2020, the Governor of the State of California also issued Executive Order N-33-20, an Order of the State Public Health Officer ordering all individuals living in California to stay home or at their place of residence except as needed to maintain continuity of operations of outlined federal critical infrastructure sectors.
- I. On March 19, 2020, the Los Angeles County Public Health Officer issued a second countywide order, the 'Safer at Home' Order, which was further clarified on March 21, 2020. This public health order prohibits all public and private group gatherings and events and requires people to stay in their homes with limited exceptions; and requires closure of all non-essential retail businesses, shopping centers, playgrounds for children, bars, nightclubs, movie theaters and all similar gathering places. The purpose of the order is to further restrict, and limit gathering of persons and require closures of non-essential retail businesses in an effort to stem or slow the spread of the virus.
- J. On March 19, 2020, the Governor of the State of California also issued Executive Order N-33-20, an Order of the State Public Health Officer ordering all individuals living in California to stay home or at their place of residence except as needed to maintain continuity of operations of outlined federal critical infrastructure sectors.
- K. On May 13, 2020, the Los Angeles County Public Health Officer issued a Revised Order entitled "Continuation of Safer at Home Order That Begins To Move the County of Los Angeles Into Stage 2 of the County's Roadmap to Recovery" ("May 13 Revised Order") that (i) allows specified "Lower Risk Retail Businesses" to reopen for curbside, doorside, outdoor or outside pick-up, (ii) partially and conditionally re-opens public beaches for certain types of active recreation, and (iii) re-opens additional recreational opportunities. The Order was further revised as recently as May 26, 2020 and May 29, 2020 and is now referred to as Reopening Safer at Work and In the Community for Control of Covid-19, Moving the County of Los Angeles Through Stage 2 of California's Pandemic Resilience Roadmap. The Order continues closure of high-risk business and recreation sites and commercial properties and activities, and

authorizes opening of low-risk businesses and certain other activities.

- L. Failure to abide by public health directives is unsafe and dangerous in this unprecedented time of a worldwide health pandemic. Since many of the applicable requirements are found in the County Orders, and not city orders, the city must adopt the attached resolution to ensure that local code enforcement staff can cite for violating the orders under the administrative citations process. This process typically involves outreach and notice before issuance of a citation and has an appeal process for someone to challenge the citation. This is a faster, more effective and appropriate code enforcement tool to achieve compliance, as opposed to criminal misdemeanor citations.
- M. This Order is adopted pursuant to the City's police powers and powers afforded to the City in time of National, State, County and local emergency during an unprecedented health pandemic, such powers being afforded by the State Constitution, State law, and the Chapter 2.80 of the West Hollywood Municipal Code to protect the peace, health, and safety of the public, and to protect life and property as affected by the emergency.

SECTION 2. The following emergency orders are issued effective as of the date set forth below and shall supersede any previous emergency orders inconsistent herewith:

A. In addition to enforcement remedies available to the City as provided in the West Hollywood Municipal Code, Emergency Executive Orders issued by the City Manager/Director of Emergency Services under WHMC Chapter 2.80 and resolutions adopted by the City Council in response to the local state of emergency shall also be enforceable by way of:

- 1. Imposing an administrative citation pursuant to West Hollywood Municipal Code Chapter 1.08, subject to Schedule D as reflected in the Administrative Citation Fee Schedule.
 - a. \$50 administrative fees
 - b. \$250 for first offense
 - c. \$1,000 for second offense
 - d. \$2,000 for third offense
 - e. \$5,000 for fourth offense

B. Violation of the following provisions of the following Los Angeles County Health Officer Orders referenced in the recitals above (references below are to the May 29, 2020 Order) are hereby adopted as orders of the City for purposes of enforcement through the above enforcement methods in Section 2.A:

1. Failure to comply with Paragraph 7 on Page 4, regarding the continued closure of non-essential higher-risk businesses.
2. Failure to comply with Paragraph 9, and subsections (a) (c) (d) (e) on Pages 4-5, regarding the operation of lower-risk businesses, including the implementation, posting, and compliance with protocols for Retail Establishments (Appendix B of County Health Officer Order), Office –Based Worksites (Appendix D of County Health Officer Order), Shopping Center Operators (Appendix E of County Health Officer Order), Hair Salons and Barber Shops (Appendix H of County Health Officer Order) attached hereto and incorporated by reference.
3. Failure to comply with Paragraph 18 (l) on Page 10 regarding the operation of restaurants and other food facilities, including the implementation, posting, and compliance with protocols for Restaurant Opening for On-Site Dining Protocols (Appendix I of the County Health Officer Order) attached hereto and incorporated by reference.
4. Failure to comply with Paragraph 20 on Page 11-12, regarding the Social (Physical) Distancing Protocol (Appendix A of County Health Officer Order), attached hereto and incorporated by reference.
5. Failure to implement, post, and comply with the Protocols for Reopening of Swimming Pools in Shared Residential Facilities in the County of Los Angeles Department of Public Health Order of the Health Officer, attached hereto and incorporated by reference.
6. Failure to comply with the terms of the Notice of Regulatory Relief Issued by the California Department of Alcoholic Beverage Control issued on March 19, 2020, authorized locally through West Hollywood Executive Order 2020-01 including the following:
 - a. Licensees with on-sale privileges may sell alcohol for off-site consumption in manufacturer pre-packaged containers as to which their license permits on-sale consumption.
 - b. In addition to selling manufacturer pre-packaged containers as provided above, bona fide eating places (i.e. restaurants) selling beer, wine and pre-mixed drinks or cocktails for consumption may sell those products off the licensed premises when sold in conjunction with meals

prepared for pick-up (to-go) or delivery and packaged in a container with a secure lid or cap and in a manner designed to prevent consumption without removal of the lid or cap (e.g., no lids with sipping holes or openings for straws).

- c. Further, any licensee selling such beverages for off-sale consumption shall prominently post the following warning in a manner that puts consumers on notice of limitations regarding open container laws:
 - i. Alcoholic beverages that are packaged by this establishment are open containers and may not be transported in a motor vehicle except in the vehicle's trunk; or, if there is no trunk, the container may be kept in some other area of the vehicle that is not normally occupied by the driver or passengers (which does not include a utility compartment or glove compartment (Vehicle Code Section 23225)). Further, such beverages may not be consumed in public or in any other area where open containers are prohibited by law.
 - ii. "Post" means to prominently display on the premises, post online, or present in whatever manner is necessary to ensure that the consumer purchasing, or delivery person transporting, such beverages is given notice of this warning.

SECTION 3. Severability. If any section, subsection, sentence, clause, phrase or word of this Order is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the remaining provisions of this Order.

SECTION 4. Resolution 19-5166 establishes fees and charges for certain services provided by the City of West Hollywood for fiscal year 2019-2020.

SECTION 5. Section 10 of Resolution 19-5166 incorporates by reference the schedule of fees and charges for the Code Compliance Division Administrative Citation Program.

SECTION 6. The Administrative Citation Fee Schedule adopted by Section 10 of Resolution 19-5166 is hereby amended to add the above mentioned violations of City Emergency orders and resolutions and Los Angeles County Public Health Officer Orders Set in this Urgency Ordinance No. 20-1107U to Schedule D.

DEPARTMENT OF PUBLIC WORKS CODE COMPLIANCE/ADMINISTRATIVE CITATION FEES FEE SCHEDULE FY 2019-2020	BASE FEE FY 18-19	INCREASE DECREASE SAME OR NEW	ADOPTED FEE FY 19-20
MUNICIPAL CODE VIOLATIONS - Schedule D <i>Fee based on payment within 21 Days - For Late Penalties see below</i> <i>Fees and Late Penalties are adopted annually by the City Council at a Public hearing and are charged uniformly to ensure fairness.</i>			
Administrative Fees	\$50	Same	\$50
First Offense	\$1,000	Same	\$1,000
Second Offense	\$2,000	Same	\$2,000
Third Offense	\$5,000	Same	\$5,000
Section 19.54.030(B) Violations Only	Add Permit Cost to Citation Amount		Add Permit Cost to Citation Amount
Schedule D Violations Section 09.08.050(i) PROHIBITED NOISES - SPECIFIC EXAMPLES - Commercial Establishments Adjacent to Residential Properties Chapter 9.60 PUBLIC NUISANCES Chapter 9.64 VACANT PROPERTIES Section 11.44 MOBILE BILLBOARDS Section 15.56.060(d) POLLUTION CONTROL – Non-stormwater Discharges EMERGENCY ORDERS ADOPTED UNDER CHAPTER 2.80 EMERGENCY ORGANIZATION a. \$50 administrative fees b. \$250 for first offense c. \$1,000 for second offense d. \$2,000 for third offense e. \$5,000 for fourth offense		NEW	

SECTION 7. In response to recent changes in the County of Los Angeles Department of Public Health Order of the Health Officer moving the County of Los Angeles through Stage 2 of California’s Pandemic Resilience Roadmap, as may be amended, Section 2.G of Executive Order 2020-01 (ratified by city council on April 6, 2020 under Resolution No. 5266) is revised to read as follows:

Cannabis businesses authorized to operate in compliance with the most recent County of Los Angeles Department of Public Health Order of the Health Officer, may provide curbside sales and delivery, upon submittal of an operations plan to the City demonstrating continued compliance with the applicable state and local laws and the County’s Order of the Health Officer.

SECTION 8. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published or posted in the manner required by law.

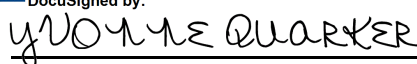
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PASSED, APPROVED, AND ADOPTED by the City Council of the City of West Hollywood at a regular meeting held this 1st day of June, 2020 by the following vote:

AYES:	Councilmember:	Duran, Heilman, Meister, Mayor Pro Tempore Horvath, and Mayor D'Amico.
NOES:	Councilmember:	None.
ABSENT:	Councilmember:	None.
ABSTAIN:	Councilmember:	None.

DocuSigned by:


 DAFB1ADA14687C LINDSEY P. HORVATH, MAYOR

ATTEST:
 DocuSigned by:


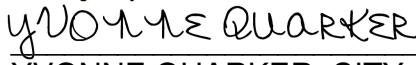
 Y6W448PND182FC YVONNE QUARKER, CITY CLERK

STATE OF CALIFORNIA)
 COUNTY OF LOS ANGELES)
 CITY OF WEST HOLLYWOOD)

I, YVONNE QUARKER, City Clerk of the City of West Hollywood, do hereby certify that the foregoing Ordinance No. 20-1107U was duly passed, approved, and adopted by the City Council of the City of West Hollywood at a regular meeting held on the 1st day of June, 2020.

I further certify that this ordinance was posted in three public places as provided for in Resolution No. 5, adopted the 29th day of November, 1984.

WITNESS MY HAND AND OFFICIAL SEAL THIS 2nd DAY OF JUNE, 2020.

DocuSigned by:


 634749ND142FC YVONNE QUARKER, CITY CLERK