

ORDINANCE NO. 20-1111U

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD AMENDING ENFORCEMENT PROVISIONS FOR EMERGENCY MEASURES TO PREVENT THE SPREAD OF COVID-19

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

SECTION 1. Recitals.

- A. The recitals from Urgency Ordinance 20-1107U are still applicable and incorporated herein by reference. Since adoption of Urgency Ordinance 20-1107U, the County of Los Angeles' Order, *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*, was revised as recently as June 28, 2020, and authorizes opening of additional low-risk businesses and certain other activities. The purpose of this ordinance is to update the City's enforcement provisions to ensure that local code enforcement staff can cite for violating the orders for these newly opening businesses under the established administrative citations process.
- B. This Ordinance 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. Section 2(B) of Urgency Ordinance 20-1107U is amended to read as follows:

- 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 June 28, 2020 Order), and as may be amended, 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 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 9.5, and sections (a) (c) (d) (h) on Pages 5-7, regarding the operation of certain sectors, businesses, and activities, including the implementation, posting, and compliance with protocols for Music, Television, and Film Production (Appendix J of County Health Officer Order), Gyms and Fitness Establishments (Appendix L of County Health Officer Order), Museums, Galleries, Zoos, and Aquariums (Appendix M of County Health Officer Order), and Personal Care Establishments (Appendix R of County Health Officer Order), , attached hereto and incorporated by reference.
4. Failure to comply with Paragraph 15, and section (i) subsections (i) (ii) (iii) (iv) on Pages 9-10, regarding outdoor activities.
5. Failure to comply with Paragraph 18, and sections (l) and (v) on Pages 12-13 regarding the operation of restaurants and other food facilities and hotels, motels, shared rental units and similar facilities, including the implementation, posting, and compliance with protocols for Restaurant Opening for On-Site Dining (Appendix I of the County Health Officer Order), and Hotels, Lodging, and Short-Term Rentals (Appendix P of the County Health Officer Order) attached hereto and incorporated by reference.
6. Failure to comply with Paragraph 20 on Page 13-14, regarding the Social (Physical) Distancing Protocol (Appendix A of County Health Officer Order), attached hereto and incorporated by reference.
7. Failure to implement, post, and comply with the Protocols for Reopening of Swimming Pools in Shared Residential Facilities and Public Swimming Pools in the County of Los Angeles Department of Public Health Order of the Health Officer, attached hereto and incorporated by reference.

8. 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. Urgency. The City Council finds and declares that the adoption and implementation of this ordinance is necessary for the immediate preservation and protection of the public peace, health and safety as detailed above and as the City and public would suffer from inability to enforce locally the reopening requirements established by the County of Los Angeles Health Officer. Compliance with the reopening protocols is critical to safe reopening and local code enforcement is in the best position to see how businesses and people are complying with health protocols. Since the Health Officer Orders go into effect immediately, this ordinance must also go into effect immediately to ensure that the health and safety protocols are followed and the code enforcement has adequate tools to ensure local compliance. This is imperative to prevent the spread of COVID 19 as more businesses reopen and invite the public into their businesses. Under Government Code Section 8634 and WHMC Chapter 2.80, this ordinance is necessary to provide for the protection of life and property for the reasons set out herein. The Council therefore finds and determines that the immediate preservation of the public peace, health and safety, and protection of life and property, require that this Ordinance be enacted as an urgency ordinance pursuant to Government Code section 36937 and take effect immediately upon adoption by four-fifths of the City Council.

SECTION 5. Certification.

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.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of West Hollywood at a regular meeting held this 6th day of July, 2020 by the following vote:

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

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DocuSigned by:
Lindsey Horvath
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LINDSEY P. HORVATH, MAYOR

ATTEST:
DocuSigned by:
YVONNE QUARKER
634E437A0D184FC
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. 20-1111U was duly passed, approved, and adopted by the City Council of the City of West Hollywood at a regular meeting held on the 6th day of July, 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 7th DAY OF JULY, 2020.

DocuSigned by:
YVONNE QUARKER
634E437A0D184FC
YVONNE QUARKER, CITY CLERK