

ORDINANCE NO. 22-1178U

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, RESCINDING URGENCY ORDINANCE NO. 20-1124U, REQUIRING MULTIFAMILY RESIDENCES, HOTELS, LODGING AND HOME SHARING RENTALS TO POST COVID-19 NOTICES IN COMMON AREAS AND ENTRANCES, AND URGENCY ORDINANCE NO. 20-1129U REQUIRING GROCERY STORES TO POST A DEDICATED PERSON AT ENTRANCES TO ENFORCE PUBLIC HEALTH ORDER REQUIREMENTS DURING THE COVID-19 PANDEMIC, AND SETTING FORTH THE FACTS CONSTITUTING SUCH URGENCY

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

SECTION 1. Findings.

1. The new coronavirus 19 (“COVID-19”) is a disease caused by a virus that spreads easily from person to person and may result in serious illness or death.
2. On March 16, 2020, the City Council of the City of West Hollywood proclaimed the existence of a local emergency in response to new cases of COVID-19, authorizing the City Manager to exercise the emergency powers necessary to take extraordinary measures to prevent death or injury of persons and to protect the public peace, safety and welfare, and alleviate damage, loss, hardship or suffering.
3. The public health community’s response to mitigating the spread of COVID-19 has changed over time in response to the fluctuating presence of the disease. Fortunately, the State and County are currently experiencing a consistent decline in confirmed cases, test positivity rates, and related hospitalizations. Additionally, COVID-19 vaccines and boosters are now widely available, and vaccination rates are increasing. As a result, many of the City’s COVID-19 orders, resolutions and ordinances are no longer necessary to mitigate the spread of COVID-19.
4. On October 19, 2020, the City Council of the City of West Hollywood adopted Urgency Ordinance No. 20-1124AU. The urgency ordinance requires multifamily residences, hotels, lodging and home sharing rentals to post notices in common areas and entrances informing resident of the current Los Angeles County Health Officer Order that prohibits gathering and requires face coverings and social distancing during the COVID-19

crisis. Moreover, on December 21, 2020, the City Council of the City of West Hollywood adopted Urgency Ordinance No. 20-1129U. The urgency ordinance requires grocery stores to post a dedicated person at entrances to enforce public health order requirements applicable to grocery store operations during the COVID-19 Pandemic.

5. In light of the State and County's consistent decline in confirmed COVID-19 cases and hospitalizations and increasing vaccination rates, Urgency Ordinances Nos. Ordinance No. 20-1124UA and 20-1129U are no longer necessary and staff is recommending they be rescinded.
6. 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. The West Hollywood City Council finds that this ordinance is necessary to rescind City urgency ordinances implementing COVID-19 emergency measures that are outdated and no longer necessary to mitigate the spread of COVID-19 as the State and County are currently experiencing a consistent decline in confirmed cases, test positivity rates, and related hospitalizations. The urgency ordinance is needed to prevent confusion among business and residents associated with having outdated COVID 19 ordinances on the books and effective when the circumstances no longer warrant such measures, and they no longer reflect the current Health Orders or state of pandemic.

SECTION 2. For the reasons set forth above and the accompanying staff report, Urgency Ordinance No. 20-1124UA, requiring multifamily residences, hotels, lodging and home sharing rentals to post COVID-19 notices in common areas and entrances and Urgency Ordinance No. 20-1129U, requiring grocery stores to post a dedicated person at entrances to enforce public health order requirements during the COVID-19 pandemic are hereby rescinded.

SECTION 3. The City Council finds and declares that the adoption and implementation of this urgency ordinance is necessary for the immediate preservation and protection of the public peace, health and safety as detailed above. 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 and as the county and state guidance continues to evolve and to prevent confusion as health orders continue to rapidly change and evolve. 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 4. The City Council finds that adoption and implementation of this ordinance is not a “project” for purposes of the California Environmental Quality Act (CEQA), as that term is defined by CEQA guidelines (Guidelines) sections 15061(b)(3), and 15378(b)(5). The effect of the proposed amendment will be to rescind COVID-19 emergency measures that are no longer necessary to mitigate the spread of COVID-19. No new development will result from the proposed action and the activity is temporary. No impact to the physical environment will result. The City Council also alternatively finds that the adoption and implementation of this urgency ordinance is exempt from the provisions of CEQA as an administrative activity by the City of West Hollywood, in furtherance of its police power, that will not result in any direct or indirect physical change in the environment, per sections 15061(b)(3), and 15378(b)(5) of the CEQA Guidelines, as well as CEQA Guidelines section 15064(e) (economic regulations).

SECTION 5. Severability. If any section or provision of this Urgency Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, or contravened by reason of any preemptive legislation, the remaining sections and/or provisions of this Urgency Ordinance shall remain valid. The City Council hereby declares that it would have adopted this Urgency Ordinance, and each section or provision thereof, regardless of the fact that any one or more section(s) or provision(s) may be declared invalid or unconstitutional or contravened via legislation.

SECTION 6. 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 21<sup>st</sup> day of March, 2022 by the following vote:

AYES:	Councilmember:	D’Amico, Erickson, Horvath, Mayor Pro Tempore Shyne, and Mayor Meister.
NOES:	Councilmember:	None.
ABSENT:	Councilmember:	None.
ABSTAIN:	Councilmember:	None.

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LAUREN MEISTER, MAYOR

ATTEST:

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MELISSA CROWDER, CITY CLERK

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

I, MELISSA CROWDER, City Clerk of the City of West Hollywood, do hereby certify that the foregoing Ordinance No. 22-1178U was duly passed, approved, and adopted by the City Council of the City of West Hollywood at a regular meeting held on the 21<sup>st</sup> day of March 2022.

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

WITNESS MY HAND AND OFFICIAL SEAL THIS 22<sup>nd</sup> DAY OF MARCH 2022.

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MELISSA CROWDER, CITY CLERK

AFFIDAVIT OF POSTING

State of California )  
County of Los Angeles )  
City of West Hollywood )

I declare under penalty of perjury that I am employed by the City of West Hollywood in the Office of the City Clerk, and that this document was posted on:

Date: March 23, 2022  
Signature: \\Kimberle English\  
Office of the City Clerk