

ORDINANCE NO. 20 - 2017

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, ADDING SECTION 3708.1 (FACE MASKS AND COVERINGS RELATED TO COVID-19) TO CHAPTER 7 (EMERGENCY ORGANIZATION) OF ARTICLE III (PUBLIC SAFETY) OF THE CARSON MUNICIPAL CODE REGARDING MANDATING FACE MASKS AND COVERINGS WITHIN CITY OF CARSON GEOGRAPHICAL BOUNDARIES DURING COVID-19 EMERGENCY PERIOD

WHEREAS, on March 17, 2020, the Carson City Council through Resolution No. 20-053 proclaimed the existence of a local emergency in response to COVID-19; and

WHEREAS, the Governor, the State Public Health Officer, the Los Angeles County Emergency Services Director, the Los Angeles County Board of Supervisors, and the Los Angeles County Health Officer have promulgated and issued, and will reasonably continue to promulgate and issue, various orders, rules and regulations concerning the COVID-19 state of emergency that are applicable within the jurisdiction of the City of Carson ("Orders"), pursuant to State and County law, including but not limited to the California Emergency Services Act (Gov. Code §§ 8550 *et seq.*) and the California Public Health & Safety Code §§ 101029,120155,120275,120295; and

WHEREAS, in a short period of time, COVID-19 has rapidly spread throughout California, the County of Los Angeles, and the City of Carson ("City"), necessitating stringent public health emergency orders as well as guidance from federal, state and local authorities; and

WHEREAS, the COVID-19 pandemic continues to spread rapidly within California, the County of Los Angeles, and the City, continues to present an immediate and significant risk to public health and safety, and can result in serious illness or death, especially to vulnerable populations, including the elderly and those with underlying health conditions; and

WHEREAS, heightened levels of public health and safety planning and preparedness have been necessitated in preparation for and response to confirmed cases of COVID-19 in the County of Los Angeles, and rapid response not lending itself to otherwise applicable notice and approval timelines has been and will be necessary to respond to the rapidly evolving pandemic and to mitigate against the spread of COVID-19 and its resulting public health and safety impacts; and

WHEREAS, in the absence of such actions, County wide health services may become overwhelmed and unable to keep up with medical demand for care and availability of hospital or care facility capacity; and

WHEREAS, the health, safety and welfare of City residents, businesses, visitors and staff are of utmost importance to the City; and

WHEREAS, Government Code § 8634 provides in part: "During a local emergency the governing body of a political subdivision, or officials designated thereby, may promulgate orders and regulations necessary to provide for the protection of life and property, including orders or regulations

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imposing a curfew within designated boundaries where necessary to preserve the public order and safety. Such orders and regulations and amendments and rescissions thereof shall be in writing and shall be given widespread publicity and notice."; and

WHEREAS, CMC § 3705(A)(6) provides, in relevant part: "the Director [of Emergency Preparedness], or in the Director's absence, the Assistant Director or other person so designated ... is hereby empowered: (i) To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the City Council." Pursuant to CMC §3702, the Director of Emergency Preparedness is a member of the Carson Disaster Council; and

WHEREAS, on April 2, 2020, after consideration of all facts reasonably available, the Carson Disaster Council issued an order to expressly mandate the use of face masks or coverings by residents and those who visit within the jurisdiction of the City, make the same enforceable within City jurisdiction, and impose a \$1,000 fine for each violation; and

WHEREAS, at the City Council meeting of April 7, 2020, the City Council reviewed the order of the Carson Disaster Council and entertained comments on the same from interested stakeholders, and as a consequence of such review, through Resolution No. 20-067, the City Council ratified in part, amended in part, and rescinded in part, the aforementioned order of the Carson Disaster Council. Specifically, without limitation, the City Council approved an amended version of the Disaster Council's mandate for the use of face masks or coverings by residents and those who visit within the jurisdiction of the City, and rescinded the part of the Disaster Council order pertaining to imposition of a \$1,000 fine for violation of the face mask or coverings mandate; and

WHEREAS, now, based on the foregoing and in order to protect public health and safety, the City Council seeks to ordain and codify the face mask or coverings mandate that it approved by resolution during its April 7, 2020, meeting and, in connection therewith, to also ordain (and codify) that violations of said mandate shall constitute infractions subject to fines in accordance with Section 1200(b) of the Carson Municipal Code.

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

SECTION 1. RECITALS. The foregoing recitals are true and correct, and are incorporated herein as findings of fact.

SECTION 2. AMENDMENT. Section 3708.1 (Face Masks and Coverings Related to Covid-19) is hereby added to Chapter 7 (Emergency Organization) of Article III (Public Safety) of the Carson Municipal Code to read in its entirety as follows:

"3708.1 (Face Masks and Coverings Related to Covid-19).

(a) The City Council hereby declares and deems to be an infraction under this Code any violation of the face mask or face coverings mandate approved by the Council during its April 7, 2020 meeting through Resolution No. 20-067, until such time that Resolution No. 20-053, which

proclaimed the existence of a local emergency in response to COVID-19, is rescinded and the local emergency in response to COVID-19 no longer exists. Upon such rescission, this Section 3708.1 shall sunset automatically and without any Council or other actions taken. The Council mandate provisions regarding face masks and coverings as adopted under Resolution No. 20-067, are set forth below:

"All customers and visitors of grocery stores, water retailers, farm and produce stands, supermarkets, convenience stores, warehouse stores, food banks, certified farmers' markets, laundromats, dry cleaners, and laundry service providers, restaurants and retail food facilities that prepare and offer food to customers, hotels, motels and shared rental units, churches or places of worship, or visiting within the geographic boundaries of the City of Carson must wear face coverings which shall be of sufficient size to cover the nose and mouth of the wearer. Such face coverings need not be medical-grade masks or N95 respirators, but can be fabric coverings, such as scarves and bandanas. All reusable face coverings must be washed frequently (at least daily). Single-use face coverings must be properly discarded into trash receptacles.

All persons who work at businesses or perform services within the geographic boundaries of the City of Carson must wear face coverings which shall be of sufficient size to cover the nose and mouth of the wearer while performing their work. Such face coverings need not be medical-grade masks or N95 respirators, but can be fabric coverings, such as scarves and bandanas. All reusable face coverings must be washed frequently (at least daily). Single-use face coverings must be properly discarded into trash receptacles.

Each resident of, or visitor within, the geographic boundaries of the City of Carson shall, upon either entering the geographic boundaries of the City or upon leaving their domicile or place of residence and continuing until their return to the place of domicile or residence or the exiting the geographic boundaries of the City shall wear a face mask or covering which shall be of sufficient size to cover the nose and mouth of the wearer. Such face coverings need not be medical-grade masks or N95 respirators, but can be fabric coverings, such as scarves and bandanas. All reusable face coverings must be washed frequently (at least daily). Single-use face coverings must be properly discarded into trash receptacles."

(b) Notwithstanding Section 3709 of this Code, each and every violation of Subsection (a) constitutes an infraction and a separate and distinct offense, and fines shall be imposed in accordance with Section 1200(b) of this Code, the amounts for which are set forth below:

- (i) A fine not exceeding \$100.00 for a first violation;
- (ii) A fine not exceeding \$200.00 for a second violation within one (1) year from the date of the first violation; and
- (iii) A fine not exceeding \$500.00 for each additional violation within one (1) year from the date of the first violation."

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days after its adoption.

SECTION 5. CERTIFICATION. The City Clerk shall certify to the adoption of this ordinance, and shall cause the same to be posted and codified in the manner required by law.

PASSED, APPROVED and ADOPTED at a regular meeting of the City Council on this 20th day of October, 2020.

ATTEST:

Albert Robles, Mayor

Donesia Gause-Aldana, City Clerk

APPROVED AS TO FORM:

Sunny K. Soltani, City Attorney