

URGENCY ORDINANCE NO. 2020-467

**AN UNCODIFIED URGENCY ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF ARVIN RELATED TO BUSINESSES BEING REQUIRED
TO POST SIGNAGE REQUIRING USE OF FACIAL COVERINGS
AND/OR PERSONAL PROTECTIVE EQUIPMENT, IN RESPONSE TO
THE COVID -19 PANDEMIC**

WHEREAS, pursuant to Government Code Section 36937(b), any ordinance for the immediate 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, shall take effect immediately upon its adoption; and

WHEREAS, on March 4, 2020, Governor Gavin Newsom declared a State of Emergency for the State of California due to the threats of people within the State from COVID-19; and

WHEREAS, on March 13, 2020, President Trump declared a National State of Emergency in response to increased spread of COVID-19; and

WHEREAS, on March 17, 2020, the City of Arvin declared a local emergency due to the COVID-19 pandemic; and

WHEREAS, the City of Arvin has the highest ratio of reported COVID-19 cases per 1000 citizens in Kern County; and

WHEREAS, two weeks ago the Arvin Community was forty-four percent (44%) higher than any other city in Kern County, in response to which the City adopted an urgency ordinance requiring facial coverings to be worn by employers and employees; and

WHEREAS, the Arvin community rate has since increased to fifty-eight percent (58%) last week; and

WHEREAS, there is increasing evidence that individuals who are infected, but not exhibiting symptoms, can spread COVID-19 via respiratory droplets produced when coughing, sneezing, and transfer thereof to surfaces, and in order to limit the spread of COVID-19 within the City, especially by those infected but without clear symptoms, face coverings should be worn by all residents and visitors of the City while in public; and

WHEREAS, the State of California currently requires that certain – but not all - businesses which are most likely to create close contact between employees and others, including retail and hotels businesses, post signage outlining face covering requirements; and

WHEREAS, based on the foregoing, the City Council seeks and intends to protect health, safety, and welfare of the residents and businesses of the City of Arvin by requiring that all businesses post signage requesting facial coverings be worn by the public when inside the business.

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

SECTION 1. **Recitals.** The foregoing recitals are true and correct, and are incorporated herein by reference as findings of fact.

SECTION 2. **Urgency and Emergency Findings.** The City Council finds that there is a current and immediate threat to public health, safety, and welfare posed by COVID-19, and there is an immediate need for the preservation of public peace, health or safety of the residents and community of the City by the use of facial coverings. Individuals who are infected but not exhibiting symptoms can still spread COVID-19 via respiratory droplets produced when coughing, sneezing, and transfer thereof to surfaces. Droplets can land in the mouths or noses of healthy people who are nearby or possibly inhaled into the lungs. The virus can also live on surfaces for varied lengths of time, in some cases for days. It may be possible that a person can get the virus by touching an infected surface or object and then touching their own mouth, nose, or possibly their eyes. Although the use of face coverings will not eliminate the spread of COVID-19, it is an additional tool that will help to slow the disease’s spread by limiting the amount of respiratory droplets spread by individuals who are infected.

SECTION 3. **Posting of Signs to use Face Coverings.** All businesses shall post signage related to customer use of a Face Covering (“Signage”), subject to the following requirements:

a. The Signage shall contain a reminder for all customers to wear a Face Covering. The language used on the Signage shall be considered in compliance with this Ordinance, if, at a minimum, it includes the statement: “Please wear a facial covering at all times while inside of this business.”

b. The Signage shall be at least 8.5” by 11” in size with 28-point font, and shall be posted in a prominent and obvious place visible to customers;

c. The Signage shall be posted at each public entrance to a structure which is utilized by customers of the business such that it is easily visible to person(s) entering the structure;

d. The following exceptions to the Signage requirements shall apply:

- i. A business that is required to post signage related to the use of Face Covering by State requirements shall follow the State requirements to the extent those requirements are inconsistent with this Ordinance. Nothing in this exception relieves a business from the obligation to post signage under either applicable State requirements or this Ordinance; or
- ii. Exceptions to the Signage requirement based on special circumstances may be granted as authorized by the City’s director of civil defense and disaster (City Manager).

Violation of this requirement shall be enforceable within the City limits per Arvin City Municipal Code Title 8, Chapter 8.12 which provides for enforcement of violations as infractions and/or misdemeanors.

SECTION 4. **Adoption and Effective Date.** Pursuant to Government Code Section 36937, this ordinance shall take effect immediately. The City Council finds and determines that the same is necessary to the preservation of the public peace, health or safety, in that adoption of the same will help prevent commercial evictions and control residential rent issues that may arise during declared states of emergency.

SECTION 5 **Severability.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or the application thereof to any person or circumstances, is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the application of any other section, subsection, sentence, clause, phrase, or portion of this Ordinance, and to this end the invalid or unconstitutional section, subsection, sentence, clause, phrase of this ordinance are declared to be severable. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, parts or portions thereof be declared invalid or unconstitutional.

SECTION 6 **Expiration Date.** This Ordinance shall automatically expire upon the sooner of i) June 23, 2020; ii) the termination of the City’s local emergency ratified by the City Council on March 17; or iii) termination of the State emergency by the Governor.

PASSED, APPROVED and ADOPTED by a four-fifths (4/5) vote on this 09th day of June 2020.

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I **HEREBY CERTIFY** that the foregoing Urgency Ordinance No. 2020-467 was duly adopted at its regular meeting held on the 09th day of June 2020, by the following roll call vote:

AYES: CM Martinez, CM Trujillo, MPT Robles, Mayor Gurrola

NOES: CM Franetovich

ABSTAIN: _____

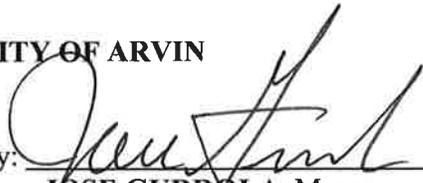
ABSENT: _____

ATTEST



CECILIA VELA, City Clerk

CITY OF ARVIN

By: 
JOSE GURROLA, Mayor

APPROVED AS TO FORM:

By: 
SHANNON L. CHAFFIN, City Attorney
Aleshire & Wynder, LLP

I, _____, City Clerk of the City of Arvin, California, DO **HEREBY CERTIFY** that the foregoing is a true and accurate copy of the Ordinance passed and adopted by the City Council of the City of Arvin on the date and by the vote indicated herein.