

ORDINANCE NO. 2020-011

**AN EMERGENCY ORDINANCE OF THE
CITY COUNCIL OF THE CITY OF SAN
BUENAVENTURA, CALIFORNIA, ADDING
CHAPTER 8.1000, "TEMPORARY PARK
AND BEACH CLOSURE," TO THE SAN
BUENAVENTURA MUNICIPAL CODE AND
DECLARING THE URGENCY THEREOF**

WHEREAS, Section 706(c) of the Charter of the City of San Buenaventura authorizes the City Council to adopt emergency ordinances which become effective immediately upon adoption when the City Council determines the same is necessary to preserve the public peace, health, or safety, and the emergency ordinance contains the reasons for its urgency; and,

WHEREAS, 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 has been named "coronavirus disease 2019," abbreviated COVID-19, ("COVID-19"); and,

WHEREAS, 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 broader spread of COVID-19; and,

WHEREAS, On March 12, 2020, the Ventura County Board of Supervisors and Public Health Department declared a local public health emergency to aid the regional healthcare and governmental community in responding to COVID-19; and,

WHEREAS, 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; and,

WHEREAS, On March 15, 2020, the City Manager, acting as the Director of Disaster Services under Chapter 2.370 of the San Buenaventura Municipal Code, proclaimed the existence of a local emergency to ensure the availability of mutual aid and an effective response to COVID-19 and this declaration was confirmed by resolution of the City Council on March 17, 2020; and,

WHEREAS, On March 19, 2020, the Governor issued Executive Order N-33-20, ordering all individuals in the State of California to stay home or at their place of residence except as needed to maintain continuity of operations of sixteen critical infrastructure sectors; and,

WHEREAS, On March 31, 2020, the Ventura County Health Officer issued a revised Stay Well At Home Order, further expanding restrictions on activities in the County of Ventura and encouraging all individuals to stay home except for essential activities; and,

WHEREAS, Despite the Governor's and County Health Officer's stay at home orders and "social distancing" guidelines, City beaches and parks have continued to see a high volume of users; and,

WHEREAS, The high volume of users has seriously impeded the beach and park users' practice of safe and necessary social distancing measures (avoiding crowds and maintaining distance of six feet from other who are not household members or close contacts); and,

WHEREAS, This use of beaches and parks seriously impedes community efforts to stem the local transmission of COVID-19; and,

WHEREAS, The closure of City beaches and parks is necessary to both enforce social distancing measures and stem the spread of COVID-19 within the community; and,

WHEREAS, Pursuant to Section 2.370.050 of the San Buenaventura Municipal Code, the Director of Disaster Services may promulgate orders and regulations necessary to provide for the protection of life and property; and,

WHEREAS, On April 1, 2020, the City Manager, acting as the Director of Disaster Services, issued an executive order closing the City's parks and beaches; and,

WHEREAS, Pursuant to Section 2.370.050 of the San Buenaventura Municipal Code, the City Council must confirm the action of the Director of Disaster Services at the earliest practicable time; and,

WHEREAS, The City Council confirms the action of the Director of Disaster Services and finds that this Emergency Ordinance is necessary to protect the public peace, health and safety of the City during the emergency caused by the spread of COVID-19.

The Council of the City of San Buenaventura does ordain as follows:

SECTION 1. ADDITION TO CODE. Chapter 8.1000, "Temporary Closure of Parks and Beaches," is hereby added to the San Buenaventura Municipal Code as follows:

**"CHAPTER 8.1000
TEMPORARY CLOSURE OF PARKS AND
BEACHES**

Sections:

Sec. 8.1000.010. – Definitions.

Sec. 8.1000.020. – Closure of Parks.

Sec. 8.1000.030. – Closure of Beaches.

Sec. 8.1000.040. – Notification of Closure.

**Sec. 8.1000.050. – Violations of the
Chapter.**

**Sec. 6.1020.060. – Chapter's Provisions
Sunset.**

Sec. 8.1000.010. Definitions.

The following definitions apply to the administration and enforcement of this Chapter:

'Local Emergency' means the local emergency proclaimed in response to COVID-19 by the City Manager on March 15, 2020 and confirmed by resolution of the City Council on March 17, 2020.

Sec. 8.1000.020. Closure of Parks.

During the period of the Local Emergency, all public parks within the jurisdiction of the City of San Buenaventura, including, but not limited to, playgrounds, picnic areas, public trails and trailheads, and the Ventura Wastewater Treatment Plant wildlife ponds, are to be temporarily closed to the public, in order to limit the gathering of crowds of people in these public areas to further stem the spread of COVID-19 among the Ventura community.

Sec. 8.1000.030. Closure of Beaches.

During the period of the Local Emergency, the Promenade and all public beaches, piers, public beach parking lots, beach bike and walking paths, and beach access points within the jurisdiction of the City of San Buenaventura are to be temporarily closed to the public in order to limit the gathering of crowds of people on public beaches to further stem the spread of COVID-19 among the Ventura community.

Sec. 8.1000.040. Notification of Closure.

Notice of the closures shall be provided at the primary entrance of each City park and all City beach access points and shall contain the following language in both English and Spanish:

'To reduce the spread of COVID-19 City of Ventura Parks and Beaches are CLOSED until further notice. This includes the Promenade, Pier & Wastewater Treatment Plant wildlife ponds.

The efforts and sacrifices you make now will save the lives of people you know and love in the future.

Thank you and Stay Ventura Strong!
www.cityofventura.ca.gov/COVID19'

Sec. 8.1000.050. Violation of the Chapter.

It shall be unlawful for any person to enter any the locations closed pursuant to this Chapter. Each and every violation of this Chapter by any person shall constitute a misdemeanor and may be subject to criminal penalties pursuant to Chapter 1.150 of this Code. The City may also seek redress through the City's administrative penalty process for civil penalties pursuant to Section 2.370.056 of this Code.

**Sec. 8.1000.060. Chapter's Provisions
Sunset.**

The provisions of this Chapter shall sunset after the termination of the Local Emergency.”

SECTION 2. EFFECTIVE DATE. This Ordinance is an Emergency Ordinance pursuant to City Charter Section 706(c) shall be in full force and effect immediately upon its adoption.

SECTION 3. SEVERABILITY. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Emergency 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 Emergency Ordinance. The City Council hereby declares that it would have adopted this Emergency Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

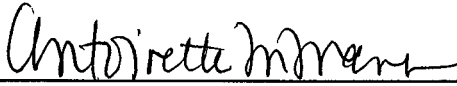
SECTION 4. PUBLICATION. The City Clerk is directed to cause a summary of this Emergency Ordinance to be published in the official newspaper at least once within fifteen (15) days after its adoption showing the vote thereon.

PASSED and ADOPTED this 7th day of April, 2020.



MATT LAVERÉ
Mayor

ATTEST:



ANTOINETTE M. MANN, MMC, CRM
CITY CLERK

APPROVED AS TO FORM
Gregory G. Diaz, City Attorney

By: 

Megan Lorenzen
Assistant City Attorney

4/5/20
Date

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF VENTURA) SS.
CITY OF SAN BUENAVENTURA)

I, ANTOINETTE M. MANN, City Clerk of the City of San Buenaventura, DO HEREBY CERTIFY that the foregoing is a full, true, and correct copy of Ordinance No. 2020-011 that was introduced and adopted by said City Council at a special meeting held April 7, 2020, by the following vote:

AYES: Councilmembers Brown, Friedman, Weir, Heitmann, Deputy Mayor Rubalcava and Mayor LaVere

NOES: None

ABSENT: Councilmember Nasarenko

I further certify that said Ordinance No. 2020-011 was published as required by law in the VENTURA COUNTY STAR, a newspaper of general circulation printed and published in said City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Buenaventura, California.

Antoinette M. Mann
Antoinette M. Mann, MMC, CRM
City Clerk
City of San Buenaventura, California

April 7, 2020
Date Attested

