

**ORDINANCE NO. 2020-015**

**AN EMERGENCY ORDINANCE OF THE  
CITY COUNCIL OF THE CITY OF SAN  
BUENAVENTURA, CALIFORNIA,  
AMENDING CHAPTER 8.1000,  
“TEMPORARY PARK AND BEACH  
CLOSURE,” OF THE SAN  
BUENAVENTURA MUNICIPAL CODE TO  
TRANSITION TO A LIMITED CLOSURE OF  
PARKS AND BEACHES 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 others 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 was 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**, On April 7, 2020, the City Council, pursuant to Section 2.370.050 of the San Buenaventura Municipal Code, confirmed the action of the Director of Disaster Services and found that an Emergency Ordinance was necessary to protect the public peace, health and safety of the City during the emergency caused by the spread of COVID-19 which closed the parks and beaches, by adopting Ordinance No. 2020-011; and,

**WHEREAS**, On April 18, 2020, the Ventura County Health Officer extended the public health emergency and issued an additional order relating thereto.

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

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

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

**Sections:**

**Sec. 8.1000.010. – Definitions.**

**Sec. 8.1000.020. – Limited Closure of  
Parks.**

**Sec. 8.1000.030. – Limited Closure of  
Beaches.**

**Sec. 8.1000.040. – Notification of Limited Closure.**

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

**Sec. 8.1000.060. – 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.

‘Order of the Ventura County Health Officer’ means the order issued by the Ventura County Health Officer in effect at the time this Chapter is adopted and as the same may be amended or superseded from time to time.

**Sec. 8.1000.020. -- Limited Closure of Parks.**

a. 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, parking areas, restrooms, pools, and sports and/or recreational fields and courts, 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. Walking, hiking, jogging, running,

or biking is permitted so long as those engaging in these activities do not linger in any location.

b. Sidewalks, walking paths, trails, and tracks within all public parks are open for use by the public so long as no gathering occurs in excess of that permitted by the most recent Order of the Ventura County Health Officer and social distancing practices as set forth in the most recent Order of the Ventura County Health Officer are observed. It is a violation of this Chapter for any person to gather in excess of the number of people allowed as set forth in the most recent Order of the Ventura County Health Officer or to violate the social distancing practices as defined in the most recent Order of the Ventura County Health Officer. Sitting, standing, or laying down is prohibited.

c. In the event any park becomes overcrowded where it is difficult for safe social distancing practices to be observed or where the public is ignoring safe social distancing practices, the on-duty watch commander of the Police Department may order that said park be vacated by all persons and temporarily closed. The park shall be closed for a period of 24 hours under the first order to vacate and close. If a second order to vacate and close is issued at the same location, the park shall be closed for a period of 48 hours. Should said park be ordered closed for a third time, such closure shall remain in effect for the remainder of the Local Emergency. The Director of Parks, Recreation, and Community Partnerships, or his/her designee, shall post notice explaining the reasons for the park

closure at the primary entrance of the closed park. Should any person remain in that park after the order to vacate is given or enter said park before it is re-opened, such conduct shall be considered a violation of this Chapter subject to punishment as set forth in Section 8.1000.050 hereof.

**Sec. 8.1000.030. -- Limited Closure of Beaches.**

a. During the period of the Local Emergency, all public beach parking lots, restrooms, as well as all playgrounds and picnic areas within the jurisdiction of the City of San Buena-ventura 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. Walking, hiking, jogging, running, or biking is permitted so long as those engaging in these activities do not linger in any location. Sitting, standing, or laying down is prohibited.

b. The Promenade, pier, sidewalks, walking paths, trails, and tracks within all City beaches are open for use by the public so long as no gathering occurs in excess of that permitted by the most recent Order of the Ventura County Health Officer and social distancing practices as set forth in the most recent Order of the Ventura County Health Officer are observed. It is a violation of this Chapter for any person to gather in excess of the number of people allowed as set forth in the most recent Order of the Ventura County Health Officer or to violate the social distancing practices as defined in the most

recent Order of the Ventura County Health Officer.

c. In the event any beach, the Promenade, or pier becomes overcrowded where it is difficult for safe social distancing practices to be observed or where the public is ignoring safe social distancing practices, the on-duty watch commander of the Police Department may order that said beach, the Promenade, or pier be vacated by all persons and temporarily closed. Said beach, the Promenade, or pier shall be closed for a period of 24 hours under the first order to vacate and close. If a second order to vacate and close is issued at the same location, that beach, the Promenade, or pier shall be closed for a period of 48 hours. Should said beach, the Promenade, or pier be ordered closed for a third time, such closure shall remain in effect for the remainder of the Local Emergency. The Parks, Recreation, and Community Partnerships Director, or his/her designee, shall post notice explaining the reasons for the park closure at the primary access points for the closed location. Should any person remain at said beach, the Promenade, or pier after the order to vacate is given or enter said beach, the Promenade, or pier before it is re-opened, such conduct shall be considered a violation of this Chapter subject to punishment as set forth in Section 8.1000.050 hereof.

**Sec. 8.1000.040. -- Notification of the Limited Closure.**

Notice of the limited 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 have limited closure until further notice. Walking, hiking, jogging, running, or biking on sidewalks, pathways, and trails is permitted subject to social distancing requirements set forth in the Orders of the Ventura County Health Officer. Playgrounds, parking areas, restrooms, and sports or recreational fields or courts are closed. Gatherings are prohibited which violate the Order of the Ventura County Health Officer. Sitting, standing, or laying down is not allowed.

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](http://www.cityofventura.ca.gov/COVID19)’

**Sec. 8.1000.050. -- Violation of the Chapter.**

It shall be unlawful for any person to enter any of 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 upon the termination of the Local Emergency, unless earlier terminated by action of the City Council.”

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 20th day of April 2020.



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MATT LAVERE  
Mayor

ATTEST:

*Antoinette M Mann*

ANTOINETTE M. MANN, MMC, CRM  
CITY CLERK

APPROVED AS TO FORM  
Gregory G. Diaz, City Attorney

By: *Gregory G. Diaz* 4/20/2020  
Gregory G. Diaz Date  
City Attorney

*[Faint signature]*

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. 2020-015 that was introduced and adopted by said City Council at a special meeting held April 20, 2020, by the following vote:

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

NOES: None

ABSENT: None

I further certify that said Ordinance No. 2020-015 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 21, 2020

Date Attested



