

## URGENCY ORDINANCE NO. 1681

### URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, REQUIRING THE WEARING OF FACE COVERINGS IN PUBLIC DURING THE COVID-19 LOCAL EMERGENCY

#### A. Recitals.

(i) On March 4, 2020, California Governor Gavin Newsom proclaimed a “state of emergency” in response to the COVID-19 pandemic, and has since issued several Executive Orders that include extraordinary measures directed at slowing the spread of COVID-19 and reducing impacts to residents and businesses;

(ii) On March 17, 2020, the City Council for the City of Buena Park adopted a Resolution proclaiming a “local emergency” in response to COVID-19, thereby formalizing the City’s initiation of its Emergency Operations Plan, allowing prompt response to emergency conditions at the local level, and providing the City access to federal, state, and local resources during the crisis, and said “local emergency” is scheduled to remain in effect until at least May 23, 2020;

(iii) On March 19, 2020, Governor Newsom issued a “Stay at Home” order (Executive Order N-33-20) requiring all individuals living in the state of California to stay at their place of residence, except as needed to access or maintain continuity of operations of essential services sectors, as updated by the State Public Health Officer, with the order to remain in effect for an undetermined period of time;

(iv) Despite these actions, as well as the “social distancing” guidelines issued by the Centers for Disease Control and Prevention (“CDC”), COVID-19 has continued to spread throughout the community, and continues to overburden the healthcare system and posing a threat to the public health and safety;

(v) In continued efforts to “slow the spread” of COVID-19, which is an airborne illness, on April 1, 2020, the California Department of Public Health (“CDPH”) issued guidance recommending the use of non-medical face coverings while in public, and similar guidance was issued by the Orange County Health Officer on April 2, 2020, and by the Centers for Disease Control and Prevention on April 4, 2020;

(vi) Consistent with this guidance, several cities in the State of California have enacted local ordinances or orders requiring members of the public wear non-medical grade face coverings while in public for purposes of frequenting or operating essential services;

(vii) In conformance with guidance from the CDC, CDPH, and the Orange County Health Officer, the City Council finds and declares that, in light of evidence showing an increased transmission of COVID-19 both within the City and the broader community, as well as scientific evidence showing that wearing face coverings in public is effective at slowing transmission of communicable diseases generally, and COVID-19 specifically, especially from those persons who are asymptomatic, an ordinance requiring face coverings while in a public setting is necessary and appropriate to reduce or slow the transmission of COVID-19 within the bounds of the City of Buena Park;

(viii) The City Council finds and declares that, based upon the foregoing recitals and findings, in addition to those made by the City Council in initially proclaiming a local emergency on March 17, 2020, and then extending the local emergency for another sixty (60) days as of March 24, 2020, it is necessary and appropriate to adopt this Urgency Ordinance as an urgency measure, pursuant to Article XI, Section 5, of the California Constitution and Government Code section 36937, to address the imminent threat to public health and safety caused by the COVID-19 pandemic; and

(ix) All legal prerequisites to the adoption of this Urgency Ordinance have occurred, and the City Council has duly considered all evidence presented in connection with its consideration of this Urgency Ordinance.

B. Ordinance.

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

SECTION 1. RECITALS. The facts set forth in the Recitals, Part A, of this Urgency Ordinance are true and correct, and incorporated into this Urgency Ordinance as substantive findings.

SECTION 2. URGENCY DECLARATION. This Ordinance is adopted as an urgency measure pursuant to Government Code Section 36937 for the immediate preservation of the public health, safety, and welfare, and is adopted and justified based on the findings of the City Council in Recitals, Part A, of this Ordinance; which are supported by substantial evidence in the record associated with the City Council's consideration hereof, together with the facts and findings set forth in the City Council's proclamations of a local emergency in response to COVID-19, which remain true and are expressly incorporated by this reference.

SECTION 3. FACE COVERING REQUIRED. Each resident of, or visitor to, the City of Buena Park shall wear a face covering while outside of their home or personal vehicle for purposes of performing or accessing an essential service, except as may be required to perform an essential service.

SECTION 4. PROTECTION FOR ESSENTIAL WORKERS. Employers of all workers who work at businesses or perform essential services must permit their employees to wash their hands or use hand sanitizer at least every 30 minutes. All such employers must provide, at their expense, non-medical grade face coverings for their employees, and ensure their employees have access to clean, sanitary restrooms that are stocked with all necessary cleansing products, or sanitizing agents required to observe the hand sanitation protocols recommended by the Orange County Department of Public Health. All such employers must implement social distancing measures for customers, visitors, and employees that provides a six-foot buffer, to the extent possible, between individuals.

SECTION 5. DEFINITIONS. For purposes of this ordinance:

"Essential service" shall mean and refer to a business, facility, or activity that is included on the State Public Health Officer's list of "Essential Critical Infrastructure Workers," as the same may be modified from time to time, and include, without limitation: banking services, government services, grocery stores, pharmacies, home improvement stores, gas stations,

convenience stores, restaurants providing take-out or delivery services, banks, savings and loans, and credit unions.

“Face covering” shall mean and refer to scarves (dense fabric, without holes), bandanas, neck gaiter, cloth mask, or other fabric that covers the nose and mouth of the wearer so as to assure the inhale or exhale of air through the mask or covering. Due to the scarcity of critical medical supplies, for purposes of this ordinance face coverings does not include medical grade face coverings, such as N95 masks, and the public is discouraged from using medical grade personal protective equipment for non-medical reasons.

SECTION 6. PENALTY AND ENFORCEMENT. This Ordinance shall be enforceable within the geographic boundaries of the City of Buena Park, and each individual violation of this Ordinance will be cited as an infraction or an administrative fine under Chapter 1.04 of the Buena Park Municipal Code.

SECTION 7. EFFECTIVENESS AND TERM. This Urgency Ordinance shall take effect immediately as an urgency measure, but shall be enforceable pursuant to Section 5 above as of 12:01 a.m. on Friday, April 17, 2020, and shall remain in full force and effect until the end of the local emergency declared by the City Council, unless earlier repealed or terminated.

SECTION 8. SEVERABILITY. The City Council declares that, should any provision, section; paragraph, sentence or word of this Urgency Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences and words of this Ordinance shall remain in full force and effect.

SECTION 9. This Ordinance is adopted as an urgency ordinance and shall take effect immediately upon a 4/5 vote of the City Council.

SECTION 10. The City Clerk of the City of Buena Park shall certify to the passage of the Ordinance and shall cause the same to be posted in the manner required by law.

PASSED AND ADOPTED this 14th day of April 2020, by the following called vote:

AYES: COUNCILMEMBERS: Brown, Park, Traut, Smith

NOES: COUNCILMEMBERS: Swift

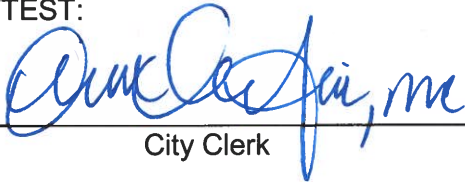
ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

  
\_\_\_\_\_  
Mayor



ATTEST:

  
\_\_\_\_\_  
City Clerk

I, Adria Jimenez, City Clerk of the City of Buena Park, California, do hereby certify that the foregoing ordinance was introduced and passed at a regular meeting of the City Council of the City of Buena Park held on the 14th day of April 2020.

  
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City Clerk