

1 RESOLUTION NO. \_\_\_\_\_

2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
3 RIVERSIDE, CALIFORNIA TO IMPLEMENT LOCAL  
4 ADMINISTRATIVE ENFORCEMENT PROVISIONS FOR  
EMERGENCY MEASURES DESIGNED TO PREVENT THE  
SPREAD OF COVID-19.

5 WHEREAS, the novel Coronavirus (COVID-19) pandemic is an unprecedented global  
6 emergency; and

7 WHEREAS, at a national, state, and local level, the COVID-19 pandemic is a serious public  
8 health crisis. Over 230,000 people have died and millions are infected or recovering from infection;  
9 and

10 WHEREAS, the California Emergency Services Act (Government Code §8550, *et seq.*)  
11 empowers the City Council of the City of Riverside to declare a Local Emergency when there exists  
12 conditions of disaster or of extreme peril to the safety of persons and property within the territorial  
13 limits of the City of Riverside (“City”) which are or are likely to be beyond the control of the services,  
14 personnel, equipment, and facilities of the City; and

15 WHEREAS, on March 4, 2020, the Governor of California (“Governor”) declared a State of  
16 Emergency due to the threat of the novel Coronavirus (COVID-19), which orders in part that “all  
17 residents are to heed the advice of emergency officials with regard to this emergency in order to protect  
18 their safety”; and

19 WHEREAS, on March 8, 2020, the Riverside County Public Health Officer declared a local  
20 health emergency based on the imminent threat to public health from COVID-19 in Riverside County;  
21 and

22 WHEREAS, on March 10, 2020, the County of Riverside proclaimed a local emergency; and

23 WHEREAS, on March 12, 2020, the Governor issued an Executive Order which orders in part  
24 that “[a]ll residents are to heed any orders and guidance of state and local public health officials,  
25 including, but not limited to the imposition of social distancing measures, to control the spread of  
26 COVID-19”; and

27 WHEREAS, on March 13, 2020, the President of the United States of America declared a  
28 national emergency and announced that the federal government would make emergency funding

1 available to assist state and local governments in preventing the spread of and addressing the effects  
2 of COVID-19; and

3 WHEREAS, on March 13, 2020, the Director of Emergency Services of the City proclaimed  
4 a Local Emergency and said proclamation was ratified by the City Council on March 17, 2020; and

5 WHEREAS, On March 19, 2020, the Governor issued Executive Order N-33-20, an Order of  
6 the State Public Health Officer ordering all individuals living in California to stay home or at their  
7 place of residence except as needed to maintain continuity of operations of outlined federal critical  
8 infrastructure sectors; and

9 WHEREAS, as of the date of this Order, the Governor has authorized some reopening  
10 consistent with the County’s roadmap to recovery; and

11 WHEREAS, on June 18, 2020, the California Department of Public Health (“CDPH”) issued  
12 “Guidance for the Use of Face Coverings” mandating the use of cloth face coverings by the general  
13 public under specified circumstances when outside the home including when inside of, or in line to  
14 enter, any indoor space and while outdoors in public spaces when maintaining a physical distance of  
15 6 feet from persons who are not members of the same household or residence is not feasible; and

16 WHEREAS, on July 1, 2020, the CDPH issued “Guidance on Closure of Sectors in Response  
17 to COVID-19” that instructed on the closure of indoor operations for certain sectors which promote  
18 the mixing of populations beyond households and make adherence to physical distancing with face  
19 coverings difficult; and

20 WHEREAS, on August 28, 2020, the Governor released the “Blueprint for a Safer Economy.”  
21 This includes a four-tiered, color-coded system that tracks counties by the number of COVID-19 cases  
22 recorded each day and the percentage of positive cases out of the total number of tests administered,  
23 both averaged over seven days. This went into effect on August 31, 2020 and replaced the previous  
24 “county monitoring list”; and

25 WHEREAS, on September 30, 2020, the CDPH released a new health equity metric that went  
26 into effect on October 6, 2020 that impacts a county’s ability to move between tiers; and

27 WHEREAS, as of November 2, 2020, Riverside County remains in Purple or Widespread Risk  
28 Level tier of the State Blueprint for a Safer Economy; and

1           WHEREAS, the City continues to closely monitor all developments related to COVID-19; and

2           WHEREAS, the City desires to protect the health of all residents, to slow the rate of  
3 transmission of COVID-19, and avoid any debilitating demands placed on our local healthcare  
4 delivery system; and

5           WHEREAS, California Government Code Section 8665 states that any person who violates  
6 any of the provisions of the California Emergency Services Act or who refuses or willfully neglects  
7 to obey any lawful order or regulation promulgated or issued as provided in the California Emergency  
8 Services Act, shall be guilty of a misdemeanor. Furthermore, Health and Safety Code Sections 120275  
9 and 120295, make it a misdemeanor to violate certain sections of the Health and Safety Code,  
10 including those requiring individuals to comply with health orders related to COVID-19; and

11           WHEREAS, notwithstanding the availability of criminal remedies and civil actions to obtain  
12 injunctive relief, the purpose of this Resolution is to allow for an alternative (i.e., administrative)  
13 enforcement mechanism to augment the City’s ability to combat the negative effects of the COVID-  
14 19 pandemic; and

15           WHEREAS, this Resolution is designed to address the small but relevant number of businesses  
16 and activities that are conducted partly or entirely in a manner that disregards public health orders  
17 adopted in response to the COVID-19 pandemic. These violations present a serious and immediate  
18 risk to public health and safety, contributing greatly to the likelihood of a crisis that will cause many  
19 preventable illnesses and deaths. These violations also jeopardize local social and economic well-  
20 being, increasing the potential for further or sustained curtailment of business operations, school  
21 closures, and activity restrictions. This Resolution provides for an administrative enforcement strategy  
22 to complement other existing means of ensuring public health orders are followed; and

23           WHEREAS, since many of the applicable requirements are found in the state orders, and not  
24 City orders, it is in the best interest of the public that the City adopts this resolution to ensure that the  
25 City has the option to cite for violating the orders under the administrative citations process. This  
26 process typically involves outreach and notice before issuance of a citation and has an appeal process  
27 for someone to challenge the citation; and

28           WHEREAS, this Resolution is adopted pursuant to the City’s police powers and powers  
afforded to the City in time of national, state, county, and local emergency during an unprecedented

1 health pandemic, such powers being afforded by the California Constitution, State law, the City  
2 Charter, and the Riverside Municipal Code to protect the public peace, health, safety and public  
3 welfare, and

4 WHEREAS, California Government Code Section 8634 empowers the City to promulgate  
5 orders and regulations necessary to provide for the protection of life and property during a local  
6 emergency. Furthermore, Riverside Municipal Code Section 9.20.260 states the following: “During  
7 a local emergency the City Council may promulgate orders and regulations necessary to provide for  
8 the protection of life and property, including orders and regulations imposing curfew within designated  
9 boundaries where necessary to preserve the public order and safety, orders against price fixing, and  
10 all other orders necessary to protect lives and property. Such orders and regulations and amendments  
11 and rescissions thereof shall be in writing and shall be given widespread publicity and notice”; and

12 WHEREAS, in the interest of public health and safety, as affected by the emergency caused  
13 by the spread of COVID-19, it is necessary to issue these orders related to the protection of life and  
14 property.

15 NOW, THEREFORE, pursuant to its authority, including but not limited to California  
16 Government Code 8634 and Riverside Municipal Code Section 9.20.260, the City Council of the City  
17 of Riverside hereby declares and orders as follows:

18 Section 1. In addition to all other enforcement remedies available to the City, Emergency  
19 Executive Orders issued by the City Manager/Director of Emergency Services and Resolutions  
20 adopted by the City Council in response to the local state of emergency shall also be enforceable by  
21 way of Administrative Code Enforcement Remedies in Riverside Municipal Code Chapter 1.17.

22 Section 2. In addition to all other enforcement remedies available to the City, state and  
23 county executive orders and guidance of state and local public health officials to control the spread of  
24 COVID-19 are hereby adopted as orders of the City for purposes of enforcement by way of  
25 Administrative Code Enforcement Remedies in Riverside Municipal Code Chapter 1.17.

26 Section 3. These Orders are intended to cover existing orders as well as those that are  
27 added and/or modified. The intent is to broadly allow enforcement by way of Administrative Code  
28 Enforcement Remedies for all state and local emergency orders and guidance of state and local public

1 health officials to control the spread of COVID-19 currently in place as well as may be adopted from  
2 time to time in the future in light of a constantly unfolding pandemic.

3 Section 4. This Resolution shall go into effect immediately upon adoption and shall  
4 terminate and be of no further force and effect upon the repeal of the Local Emergency.

5 ADOPTED by the City Council this \_\_\_\_ day of November, 2020.

6  
7 \_\_\_\_\_  
Mayor of the City of Riverside

8 Attest:

9  
10 \_\_\_\_\_  
11 City Clerk of the City of Riverside

12 I, Colleen J. Nicol, City Clerk of the City of Riverside, California, hereby certify that the  
13 foregoing resolution was duly and regularly introduced and adopted at a meeting of the City Council  
14 of said City at its meeting held on the \_\_\_\_ day of November, 2020, by the following vote, to wit:

15 Ayes:

16 Noes:

17 Absent:

18 Abstain:

19 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the  
20 City of Riverside, California, this \_\_\_\_ day of November, 2020.

21  
22 \_\_\_\_\_  
23 City Clerk of the City of Riverside  
24  
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