ORDINANCE NO. 1074

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, ADDING CHAPTER 9.56 TO THE LANCASTER MUNICIPAL CODE REQUIRING THE WEARING OF FACECOVERINGS IN PUBLIC DURING THE COVID-19 EMERGENCY

WHEREAS, coronavirus disease 2019 (“COVID-19”) is a respiratory disease caused by a novel (new) coronavirus now named SARS-CoV-2; and

WHEREAS, according to a “Situation Summary” that was updated by the Centers for Disease Control (“CDC”) on March 14, 2020, [t]he complete clinical picture with regard to COVID-19 is not fully known. Reported illnesses have ranged from very mild (including some with no reported symptoms) to severe, including illness resulting in death. While information so far suggests that most COVID-19 illness is mild, a report out of China suggests serious illness occurs in 16% of cases. Older people and people of all ages with severe chronic medical conditions — like heart disease, lung disease and diabetes, for example — seem to be at higher risk of developing serious COVID-19 illness.

(https://www.cdc.gov/coronavirus/2019-ncov/cases-updates/summary.html); and

WHEREAS, also according to the CDC: (a) SARS-CoV-2, the virus that causes COVID-19, is infecting people and spreading easily from person-to-person; and (b) cases of COVID-19 have been detected in most countries worldwide and community spread is being detected in a growing number of countries; and

WHEREAS, on January 30, 2020, the International Health Regulations Emergency Committee of the World Health Organization (“WHO”) declared the COVID-19 outbreak a public health emergency of international concern; and

WHEREAS, on January 31, 2020, the United States Health and Human Services Secretary declared a public health emergency related to the COVID-19 outbreak; and

WHEREAS, on March 4, 2020, the Governor of California declared a state of emergency related to the COVID-19 outbreak; and

WHEREAS, on March 4, 2020, the Los Angeles County Board of Supervisors and the Los Angeles County Department of Public Health declared a local and public health emergency related to the COVID-19 outbreak; and

WHEREAS, on March 11, 2020, the WHO characterized COVID-19 as a pandemic; and

WHEREAS, on March 13, 2020, the President of the United States declared the COVID-19 outbreak a national emergency; and
WHEREAS, on March 16, 2020, the County of Los Angeles Health Officer issued an order, which was amended on March 19 and 21, 2020 and is now known as the “Safer at Home” order, restricting public gathering and requiring all persons to remain in their homes or at their place of residence except when traveling to or from essential businesses or engaging in essential activities; and

WHEREAS, on March 17, 2020, the City Manager, in his role as Director of Emergency Services, declared the existence of a local emergency within the City and the City Council of the City adopted Resolution No. 20-08 confirming and ratifying the local emergency declaration; and

WHEREAS, on March 19, 2020, the Governor of the State of California issued Executive Order N-33-20, which order required all residents of the State of California to stay at home or at their place of residence except in certain enumerated circumstances; and

WHEREAS, the City of Lancaster desires to promote public peace, health, safety, and public welfare by requiring all residents to take certain protective actions designed to limit the spread of COVID-19 when in public places; and

WHEREAS, subject to the provisions of this Ordinance, the City Council desires to exercise its authority under sections 5 and 7 of Article XI of the California Constitution and section 100 of the Charter of the City of Lancaster to require persons to take certain protective actions when in public places during the COVID-19 pandemic; and

WHEREAS, this ordinance must take effect immediately as an urgency Ordinance to preserve the public peace, health and safety.

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

Section 1. The foregoing recitals and findings are incorporated herein and constitute a substantive part of this Ordinance.

Section 2. Chapter 9.56 is hereby added to the Lancaster Municipal Code to read as set forth in Exhibit “A” attached hereto and incorporated herein by reference.

Section 3. In the implementation of Chapter 9.56, the City Council encourages all essential businesses remaining open to the public during the COVID-19 global pandemic to encourage all patrons, staff and employees to utilize facecoverings while at their business location.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held for any reason 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 Ordinance. The City Council of the City of Lancaster hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

Section 5. This Ordinance is hereby declared an urgency measure pursuant to section 36937(b) of the California Government Code and shall be effective immediately upon adoption by a four-fifth (4/5th) vote of the City Council.
Section 6. The Mayor shall sign and the City Clerk shall certify to the passage of this Ordinance and will see that it is published and posted in the manner required by law.

I, _______________, City Clerk of the City of Lancaster, do hereby certify that the foregoing ordinance was regularly introduced and placed upon its first reading on the _____ day of ________________, 2020, and placed upon its second reading and adopted at a regular meeting of the City Council on the _____ day of ________________, 2020 by the vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:               APPROVED:

ANDREA ALEXANDER      R. REX PARRIS
City Clerk             Mayor
City of Lancaster      City of Lancaster
CERTIFICATION OF ORDINANCE
CITY COUNCIL

I, __________________________, ____________________________________ City of Lancaster, California, do hereby certify that this is a true and correct copy of the original Ordinance No. __________, for which the original is on file in my office.

WITNESS MY HAND AND THE SEAL OF THE CITY OF LANCASTER, on this _________ day of ________________, ________.

____________________________________
(seal)
EXHIBIT “A”
ORDINANCE NO. 1074

CHAPTER 9.56

REQUIREMENT TO WEAR FACECOVERINGS IN PUBLIC DURING COVID-19 EMERGENCY

Sections:

9.56.010 Definitions.
9.56.020 Requirement to Wear Facecoverings in Public.
9.56.030 Scope and Limitations of Chapter.
9.56.040 Severability.

9.56.010 Definitions.

The following words and phrases, wherever used in this chapter, shall be construed as set forth below, unless it is apparent from the context they have a different meaning:

“City” means the City of Lancaster.

“COVID-19 pandemic” means the outbreak upon which (a) the United States Health and Human Services Secretary declared a public health emergency on January 31, 2020, (b) the Governor of California declared a state of emergency on March 4, 2020, (c) the Los Angeles County Board of Supervisors and the Los Angeles County Department of Public Health declared a local and public health emergency on March 4, 2020, (d) the President of the United States declared a national emergency on March 13, 2020; and (e) the City declared a local emergency on March 17, 2020.

“Facecovering” means a device that creates a physical barrier between the mouth and nose of the wearer and potential contaminants in the immediate environment.

“Person” shall mean a natural person.

“Public place” means any and all streets, sidewalks, boulevards, alleys, or other public ways and any and all public parks, squares, spaces, grounds, and buildings.

9.56.020 Requirement to Wear Facecoverings in Public.

From the effective date of the Ordinance adding this section through _________________, no person shall be in a public place without wearing a facecovering.

9.56.030 Scope and Limitations of Chapter.

This chapter shall be construed and applied in a manner consistent with all federal and state laws applicable to the city and shall not apply to any of the following: (a) an employee or official of a department or agency of the federal government in a public place and acting in an official capacity; (b) an employee or official of a department or agency of the State of California in a public place and acting in an official capacity; and/or (c) an employee or official of a local public entity in a public place and acting in an official capacity.
9.56.040 **Severability.**

If any part or provision of this chapter is found to be invalid or unenforceable by a court of law, such invalidity shall not affect any other part or provision hereof, and all remaining provisions of this chapter will be valid and enforceable to the fullest extent permitted by law.