

**BEFORE THE CITY COUNCIL OF THE CITY OF FORT BRAGG**

**AN UNCODIFIED URGENCY  
ORDINANCE AUTHORIZING THE  
DIRECTOR OF EMERGENCY SERVICES  
TO WAIVE ZONING REQUIREMENTS  
AND/OR STANDARDS TO FACILITATE  
BUSINESS OPERATIONS AFFECTED BY  
PUBLIC HEALTH ORDERS**

**URGENCY ORDINANCE  
NO. 962-2020**

**WHEREAS**, on March 4, 2020, the Governor declared a State of Emergency in California due to the threat of Coronavirus Disease 2019 (“COVID-19”); and

**WHEREAS**, on March 17, 2020, the Fort Bragg City Manager, acting as the Director of Emergency Services, declared a local emergency due to COVID-19, which was ratified by the City Council at its March 24, 2020 City Council meeting; and

**WHEREAS**, on March 18, 2020, the Mendocino County Health Officer issued a Shelter-in-Place Order, which was revised on March 24, 2020, May 8, 2020, and May 15, 2020; and

**WHEREAS**, the easing of restrictions to health orders is anticipated and a return to business operations during COVID-19 will occur in a gradual four-stage phased approach following California’s Pandemic Resilience Roadmap; and

**WHEREAS**, on May 4, 2020 Executive Order N-60-20 directed continued compliance with State Public Health Directives, and the May 7, 2020 State Public Health Officer Order allows for all local health jurisdictions to begin gradual movement into Stage 2; and

**WHEREAS**, the Mendocino County Health Officer has filed for attestation with the State of California and anticipates moving through Stage 2 at an increased pace; and

**WHEREAS**, local businesses are an integral part of the community for the jobs, essential services and amenities they provide and the revenues they generate; and

**WHEREAS**, businesses will likely need to modify operations to adapt to Social Distancing requirements, as well as to meet current market demands, and the specific needs of individual businesses are an unknown; and

**WHEREAS**, to facilitate the return to business operations, this Urgency Ordinance would authorize the Director of Emergency Services to waive strict application of zoning standards and/or regulations to the extent that such waivers would not result in an increase in general intensity of use beyond that which is generally allowed; and

**NOW, THEREFORE, the Fort Bragg City Council ordains as follows:**

**Section 1. Findings.** The foregoing recitals are true and correct and are made a part of this ordinance.

**Section 2. Municipal Code Amendment.** Title 2, Chapter 2.24, Section 2.24.070, subdivision A(6) is hereby added to the Fort Bragg Municipal Code to read as follows:

**2.24.070 POWERS AND DUTIES OF DIRECTOR DURING EMERGENCY.**

6. To waive zoning requirements and/or standards to facilitate business operations of established businesses affected by public health orders of federal, state and local government to the extent that such waivers would not result in an increase in general intensity of use beyond what is otherwise allowed, as applicable to zoning district.

**Section 3. Urgency Finding and Declaration.** City Council finds and declares there is an immediate threat to public health, safety and/or welfare and that this Ordinance is hereby declared to be necessary and will take effect immediately upon its adoption by a four-fifths (4/5) vote of the members of the Fort Bragg City Council. The facts constituting the urgency are as follows:

1. On March 4, 2020, the Governor declared a State of Emergency in California due to the threat of Coronavirus Disease 2019 ("COVID-19"). On March 17, 2020, the City's Director of Emergency Services declared a local emergency due to COVID-19, which was ratified by the City Council at its March 24, 2020 Special City Council meeting. Due to directives from federal, state, and local health officers, residents have been advised to avoid public gatherings and stay at home to prevent the spread of this disease.
2. On March 18, 2020, the Mendocino County Health Official issued a Shelter-in-Place Order, which was revised on March 24, 2020, May 8, 2020, and May 15, 2020; and
3. On May 4, 2020 the Governor issued Executive Order N-60-20 directing continued compliance with State Public Health Directives, and on May 7, 2020 the State Public Health Officer issued an order allowing all local health jurisdictions to begin gradual movement into Stage 2; and
4. The City, County and State economies have been significantly impacted by the shutdown of nonessential businesses, as a result of the COVID-19 pandemic. The tourism industry in Fort Bragg is particularly vulnerable to adverse impacts from closure of nonessential businesses and the ban on nonessential travel required by the public health orders; and
5. The specific needs of individual businesses as they return to operations during the COVID-19 pandemic in a gradual phased approach following California's Pandemic Resilience Roadmap are an unknown. Businesses will likely need to modify operations to adapt to Social Distancing requirements, as well as to meet current market demands, and the City desires to be responsive, flexible, and accommodating to requests from our local business community, while maintaining the safety and wellbeing of the public; and

6. It would substantially defeat the purpose of this ordinance, if the effective date were delayed to permit introduction at one City Council meeting, adoption at a second meeting and a referendum period of 30 days following adoption of the Ordinance.

**Section 4. CEQA Compliance.** The City Council finds that the adoption and implementation of this ordinance is exempt from requirements of CEQA pursuant to CEQA Guidelines Section 15301 (Existing Facilities) because it would involve negligible or no expansion of use.

**Section 5. Severability.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council of the City of Fort Bragg hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

**Section 6. Effective Date.** Following adoption by at least a four-fifths vote of City Council, this Ordinance shall take effect and be enforced immediately, and shall remain in effect for six (6) months from the date of adoption or until the expiration of any order of the state or county government to slow the transmission of COVID-19, whichever occurs first.

**The foregoing Urgency Ordinance was introduced by \_\_\_\_\_ and adopted at a regular meeting of the City Council of the City of Fort Bragg held on May 26, 2020 by the following vote:**

- AYES:**
- NOES:**
- ABSENT:**
- ABSTAIN:**
- RECUSE:**

\_\_\_\_\_  
**William V. Lee,**  
**Mayor**

**ATTEST:**

\_\_\_\_\_  
**June Lemos, CMC**  
**City Clerk**

**PUBLISH: June 4, 2020.**  
**EFFECTIVE DATE: May 26, 2020.**