

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 Councilmember Norvell 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: Councilmembers Albin-Smith, Morsell-Haye, Norvell, Peters and Mayor Lee.
NOES: None.
ABSENT: None.
ABSTAIN: None.
RECUSE: None.



William V. Lee,
Mayor

ATTEST:



June Lemos, CMC
City Clerk

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

STATE OF CALIFORNIA)
COUNTY OF MENDOCINO) ss.
CITY OF FORT BRAGG)

I, JUNE LEMOS, CMC, City Clerk of the City of Fort Bragg, California, do hereby certify the attached to be a true and correct copy of Urgency Ordinance No. 962-2020, duly adopted by the City Council on May 26, 2020, and that it was published in the Fort Bragg Advocate News on June 4, 2020, pursuant to State Law (G.C. §40806).

Dated: 6.8.2020



June Lemos, CMC
City Clerk

Fort Bragg Advocate-News

690 S. Main Street
Fort Bragg, California 95437
707-964-5642

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CITY OF FORT BRAGG
416 N FRANKLIN STREET
FORT BRAGG, CA 95437

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JUN 08 2020

CITY OF FORT BRAGG
CITY CLERK

Legal No. 0006489165

**PROOF OF PUBLICATION
(2015.5 C.C.P.)**

**STATE OF CALIFORNIA
COUNTY OF MENDOCINO**

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the Office Clerk of the Fort Bragg Advocate-News, a newspaper of general circulation by the Superior Court of the County of Mendocino, State of California under the date of May 9, 1952 - Case Number 9151, that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been printed in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates:

06/04/2020

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Dated at Fort Bragg, California,
June 4th, 2020



LEGAL CLERK

Invoice Text: **BEFORE THE CITY COUNCIL OF THE CITY OF FORT BRAGG**
URGENCY
ORDINANCE
NO. 962-2020

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

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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(5) is hereby added to the Fort Bragg Municipal Code to read as follows:

2.24.070 POWERS AND DUTIES OF DIRECTOR DURING EMERGENCY.

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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:

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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 Councilmember Norvell 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:

Councilmembers Albin-Smith, Morsell-Hays, Norvell, Peters and Mayor Lee.

NOES: None.

ABSENT: None.

ABSTAIN: None.

RECUSE: None.

Dated: 5/26/20

s/June Lemos,

CMC City Clerk

Publish:

06/04/2020