

ORDINANCE NO. 1274

AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VERNON ADDING CHAPTER 13, ARTICLE VII, MANDATING WEARING MASKS AND IMPOSING FINES FOR VIOLATIONS OF PUBLIC HEALTH ORDERS RELATED TO COVID-19

SECTION 1. Recitals.

- A. Evidence suggests that use of cloth masks by the public will help reduce COVID-19 transmission by reducing the release of infectious particles into the air when someone speaks, coughs, or sneezes, especially in cases of asymptomatic and pre-symptomatic people, or those with mild symptoms who do not realize that they are infectious and contagious.
- B. Despite the State and County Mask Orders, some non-exempt persons are failing to wear a mask as required, which increases the risk of COVID-19 transmission to others in the community. To protect the health and safety of business owners and operators, their employees, and their customers from the spread of the COVID-19 virus, owners and operators must be empowered to require every patron to wear a face covering when on the premises of a business or when seeking or receiving services.
- C. Pursuant to Government Code Section 8634, during a local emergency, the City Council may promulgate orders and regulations necessary to provide for the protection of life and property; and pursuant to Government Code Sections 36934 and 36937, a city may adopt an urgency ordinance for the immediate preservation of the public peace, health, or safety.
- D. In the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, pursuant to the authority provided in the Vernon Municipal Code, the City Council of the City of Vernon recommends this Ordinance related to the protection of life and property.
- E. To encourage compliance with the State and County Mask Orders and to reduce community spread of COVID-19, this Ordinance authorizes the City to impose fines for violations of the State and County Mask Orders (and any other public health order relating to COVID-19) on a City-wide basis.
- F. The City Council of the City of Vernon finds and declares that it is necessary and appropriate to adopt this Ordinance as an emergency measure, pursuant to Chapter 4.4 of the Charter of the City of Vernon, for the immediate preservation of the public peace, health, or safety.

THE CITY COUNCIL OF THE CITY OF VERNON HEREBY ORDAINS:

SECTION 2. The City Council of the City of Vernon hereby finds and determines that the above recitals are true and correct and are a substantial part of this ordinance.

SECTION 3. Article VII of Chapter 13 of the Municipal Code is hereby added to read as follows:

“Article VII. COVID-19 Mask Order”

- A. City-Wide Enforcement of Mask Orders. Public health orders related to COVID-19 issued by the federal government, the State of California, and the County of Los Angeles are applicable to all people and businesses within the City of Vernon's jurisdiction, and the City Council hereby declares those orders to be enforceable within the City of Vernon as if directly enacted by the City. People and businesses in the City of Vernon must comply with any and all applicable public health orders related to COVID-19, including the State and County Mask Orders, as they are amended from time-to-time. Those orders generally require that, unless exempt under the State or County Mask Order, a person must wear cloth face coverings (i.e., masks) over their nose and mouth when they are: (1) inside indoor public spaces, and (2) outdoors and they cannot maintain physical distance of at least six feet from people who are not members of their household.
- B. Fines & Penalties. The intent of this ordinance is to encourage compliance with the State and County Mask Orders. Fines and penalties are intended for those who are “willfully non-compliant” and resistant to public health efforts. Violations of this Ordinance shall be an infraction. This Ordinance shall be enforceable by any City employee granted authority to issue written administrative citations pursuant to Vernon Municipal Code Chapter 1.

The amount of the fine for a violation of any provision of, or any regulations issued under this Chapter shall be as follows:

1. Individuals will be given a warning and offered a mask before being issued a citation for not wearing a mask;
 2. \$100 for the first violation;
 3. \$200 for a second violation committed within one year of the first violation; and
 4. \$500 for a third violation or subsequent violations committed within one year of the first violation.
- C. Each day or portion of a day that any person violates or continues to violate any provision of, or any regulations issued under, this Ordinance constitutes a separate violation and may be cited and punished separately. All citations issued for violations of this Ordinance shall be subject to the provisions of Vernon Municipal Code Chapter 1, section 1.8 to section 1.8-4.

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- D. **Businesses.** Business operators may refuse admission or service to any person who fails to comply with any public health orders related to COVID-19 issued by the federal government, the State of California, and the County of Los Angeles, including the State or County Mask Orders. Business operators shall take all reasonable steps to ensure that employees, clients, and customers comply with the above stated public health orders.
- E. **Conflicts Between Mask Orders.** Should the directives of the State Mask Order, County COVID-19 Order (which includes the County Mask Order), this Ordinance, or any regulations promulgated thereunder conflict, the strictest Order or regulation shall apply.
- F. **Sunset.** This article shall sunset upon the later of either the Governor of California lifting the State of Emergency he declared on March 4, 2020, or the Mayor of Los Angeles lifting the Declaration of Emergency he declared on March 4, 2020.”

SECTION 4. **Authority.** The City Council of the City of Vernon hereby adopts this Ordinance as an emergency measure pursuant to Chapter 4.4. of the Charter of the City of Vernon for the immediate preservation of the public peace, health, and safety, and is adopted and justified based on the findings of the City Council in Recitals of this Ordinance; which are supported by substantial evidence in the record associated with the City Council’s consideration hereof.

SECTION 5. The City Council of the City of Vernon hereby passes this emergency ordinance by a majority vote of the City Council. Accordingly, this measure shall take effect immediately upon adoption pursuant to City Charter Section 4.4.

SECTION 6. Any provision of the Vernon Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further are repealed or modified to that extent necessary to affect the provisions of this Ordinance.


SECTION 7. If any section, subsection, paragraph, sentence, clause, phrase, or portion thereof, of this Ordinance is declared by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, paragraph, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, paragraphs, sentences, clauses, phrases, or portions thereof, be declared invalid or unconstitutional. To this end, the provisions of this Ordinance are declared to be severable.


SECTION 8. The City Clerk shall certify the adoption and publish this ordinance as required by law.

APPROVED AND ADOPTED this 2nd day of February, 2021.

DocuSigned by:

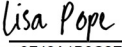
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LETICIA LOPEZ, Mayor

ATTEST:
DocuSigned by:

9E43A1B0C2E44A8
LISA POPE, City Clerk
(seal)

APPROVED AS TO FORM:
DocuSigned by:

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ARNOLD M. ALVAREZ-GLASMAN,
Interim City Attorney

I CERTIFY THAT THE FOREGOING ORDINANCE NO. 1274 was passed and adopted by the City Council of the City of Vernon at the regular meeting on February 2, 2021 by the following vote:

AYES: 5 Council Members: Davis, Gonzales, Menke, Ybarra, Lopez
NOES: 0
ABSENT: 0
ABSTAIN: 0

DocuSigned by:

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LISA POPE, City Clerk
(seal)