

ORDINANCE NO. 2020\_\_\_\_\_

AN URGENCY ORDINANCE OF THE CITY OF CULVER CITY, CALIFORNIA, CONFIRMING THE MARCH 16, 2020 PUBLIC ORDER ISSUED BY THE CITY MANAGER, AS THE DIRECTOR OF EMERGENCY SERVICES, UNDER CITY OF CULVER CITY EMERGENCY AUTHORITY, ORDERING VARIOUS PRECAUTIONARY MEASURES TO BE TAKEN ACROSS THE CITY TO PROTECT MEMBERS OF THE PUBLIC AND CITY WORKERS FROM UNDUE RISK OF COVID-19, AND ENFORCEMENT THEREOF.

NOW, THEREFORE, the City Council of the City of Culver City, California,  
DOES HEREBY ORDAIN as follows:

**SECTION 1. FINDINGS.** The City Council of the City of Culver City hereby finds, determines and declares that:

A. Since February 2020, the City of Culver City has been part of a coordinated response involving the federal Centers for Disease Control and Prevention, the California Department of Public Health, and the Los Angeles County Department of Public Health. The City of Culver City has supported this effort in response to the rapidly evolving multinational outbreak of respiratory disease caused by a novel (new) coronavirus (COVID-19); and

B. As of March 15, 2020, the World Health Organization reports 153,517 confirmed COVID-19 cases globally and 5,735 deaths. As of March 14, 2020, the California Department of Public Health announced 369 confirmed cases and five deaths. The Los Angeles County Department of Public Health reports over 90 cases and one death. As there are two known cases of COVID-19 in Culver City at this time, and there is an ongoing risk of

1 infection in Los Angeles County, the federal Centers for Disease Control and Prevention and  
2 California Department of Public Health are recommending that the U.S. and State continue to  
3 address COVID-19 pandemic; and

4 C. All known COVID-19 cases in the US are in isolation, until they no longer  
5 have any sign of the infection on follow-up tests. COVID-19 tests are currently controlled by  
6 the CDC and have become available to some Public Health labs in California. It is expected  
7 that the COVID-19 tests will continue to become more readily available in the coming days;  
8 and  
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10 D. Pursuant to the authority granted by Culver City Municipal Code (CCMC)  
11 Section 3.09.020, on March 14, 2020, the City Manager, as the Director of Emergency  
12 Services, issued a Proclamation of Local Emergency due to the outbreak and spread of  
13 Coronavirus (COVID-19), which was ratified by the City Council on March 18, 2020. Such  
14 action followed the Los Angeles County Department of Public Health's and the Chair of the  
15 Board of Supervisor's declarations of a local health emergency and the State of California's  
16 declaration of a State of Emergency on March 4, 2020, and the President's declaration of a  
17 National Emergency on March 13, 2020; and  
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19 E. On March 16, 2020, the City Manager, under the authority of CCMC  
20 section 3.09.020, as the Director of Emergency Services, issued a Public Order enacting new  
21 City measures to protect members of the public and City workers from undue risk of COVID-  
22 19 (Public Order). This Public Order was enacted after the City of Los Angeles issued a  
23 similar public order, and in conjunction with the other Westside Cities (Beverly Hills, Malibu,  
24 Santa Monica and West Hollywood), who issued similar orders. This Public Order addresses  
25 closing bars, lounges and nightclubs that do not serve food, prohibits dine-in food service for  
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1 local restaurants (but permits delivery and take-out), and closes movie theaters, live  
2 performance venues, gyms, fitness studios and the like, and other indoor recreational facilities;  
3 and

4 F. Unless this Ordinance takes effect immediately, as provided herein, there  
5 is a high likelihood that the continuation of business as usual, would result in a threat to the  
6 public health, safety or welfare, absent implementation of the restrictions contained in the  
7 Public Order.  
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9 **SECTION 2. PUBLIC ORDER.** Pursuant to CCMC Section 3.09.020.B.1.h(2),  
10 the City Council hereby confirms the Public Order issued by the Director of Emergency  
11 Services on March 16, 2020, attached hereto as Exhibit A and incorporated herein as though  
12 fully set forth.  
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14 **SECTION 3. EVICTION MORATORIUM.**

15 A. The eviction moratorium set forth in the Public Order shall apply to any  
16 eviction notice and unlawful detainer action described in the Public Order, regardless of the  
17 date it is served or filed, if the tenant has not vacated the rental unit as of the effective date of  
18 this Urgency Ordinance.

19 B. A landlord is further prohibited from charging or collecting late charges or  
20 fees when payment of rent is delayed for the reasons set forth in the Public Order.

21 C. The City Manager is hereby authorized to promulgate rules and  
22 implementation measures consistent with the provisions of the Public Order and this Urgency  
23 Ordinance. Rules and implementation measures promulgated by the City Manager, pursuant  
24 to the authority provided under this Urgency Ordinance, shall have the force and effect of law  
25 and may be relied upon by parties to determine their rights and responsibilities under the  
26 Public Order and this Urgency Ordinance.  
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1           **SECTION 4. ENFORCEMENT AUTHORITY.** A violation of any rule, regulation  
2 or order promulgated by the Director of Emergency Services under the authority of CCMC  
3 Section 3.09.020 pertaining to the COVID-19 Local Emergency shall be enforced as a  
4 violation of the CCMC under Chapters 1.01 and 1.02.

5  
6           **SECTION 5. URGENCY MEASURE.** Based on the findings set forth in Section  
7 1, the City Council finds and declares this Urgency Ordinance to be necessary for the  
8 immediate preservation of the public health, safety and welfare and upon that basis has  
9 determined that an urgency measure, pursuant to Government Code Section 36937(b) and  
10 Culver City Charter Section 614, is warranted and shall take effect immediately upon adoption  
11 by a four-fifths vote of the City Council.

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13           **SECTION 6. ENVIRONMENTAL DETERMINATION.** The City Council finds  
14 that this Urgency Ordinance is not subject to the California Environmental Quality Act  
15 ("CEQA") pursuant to CEQA guidelines, California Code of Regulations, Title 14, Chapter 3,  
16 §15060(c)(2) [the activity will not result in a direct or reasonably foreseeable indirect physical  
17 change in the environment] and §15060(c)(3) [the activity is not a project as defined in  
18 §15378] because it has no potential for resulting in physical change to the environment,  
19 directly or indirectly.

20           **SECTION 7. EFFECTIVE DATE.** Pursuant to Culver City Charter Section 614  
21 and Government Code Section 36937(b), this Urgency Ordinance shall be introduced and  
22 adopted at one and the same meeting and shall become effective immediately. This Urgency  
23 Ordinance shall be of no further force or effect upon the expiration of the Public Order  
24 (including any extensions of the Public Order by the Director of Emergency Services), unless  
25 extended in accordance with Culver City Charter Section 614 and Government Code Section  
26 36937(b).  
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2           **SECTION 8. SEVERABILITY.** The City Council hereby declares that, if any  
3 provision, section, subsection, paragraph, sentence, phrase or word of this Urgency Ordinance  
4 is rendered or declared invalid or unconstitutional by any final action in a court of competent  
5 jurisdiction or by reason of any preemptive legislation, then the City Council would have  
6 independently adopted the remaining provisions, sections, subsections, paragraphs,  
7 sentences, phrases or words of this Urgency Ordinance and as such they shall remain in full  
8 force and effect.  
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10           **SECTION 9. PUBLICATION.** Pursuant to Sections 616 and 621 of the City  
11 Charter, prior to the expiration of fifteen (15) days after the adoption, the City Clerk shall cause  
12 this Urgency Ordinance, or a summary thereof, to be published in the Culver City News and  
13 shall post this Urgency Ordinance or a summary thereof in at least three places within the City.  
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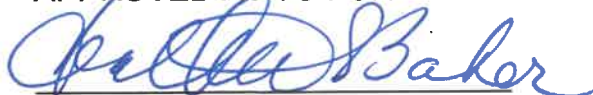
15           APPROVED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 2020.  
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18           \_\_\_\_\_  
19 MEGHAN SAHLI-WELLS, MAYOR  
20 City of Culver City, California

21           ATTEST:  
22 \_\_\_\_\_  
23

24 JEREMY GREEN  
25 City Clerk  
26 A20-00135  
27  
28

APPROVED AS TO FORM:



for CAROL A. SCHWAB  
City Attorney



JOHN M. NACHBAR  
CITY MANAGER

CITY MANAGER'S OFFICE  
CITY OF CULVER CITY

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**Public Order Under City of Culver City Emergency Authority**

**Issue Date: March 16, 2020**

**Subject: New City Measures to Address COVID-19**

On March 14, 2020, I issued a Proclamation of Local Emergency in relation to the arrival of the COVID-19 virus in our community, and over the past week, I have ordered a number of additional measures to be taken across the City to protect members of the public and City workers from an undue risk of contracting the COVID-19 virus. Our precautions over the past weeks and what we do over the next few days and weeks will determine how well we weather this emergency.

On March 11, 2020, the World Health Organization characterized COVID-19 as a pandemic. The Centers for Disease Control and Prevention advises us that COVID-19 spreads easily from person to person and has issued guidelines recommending that the public adopt policies and routines to enable social distancing wherever possible.

Here in the City of Culver City, we must redouble our efforts to maintain hand hygiene, respiratory etiquette, and social distancing. It is absolutely critical that we as a City do everything we can to slow the pace of community spread and avoid unnecessary strain on our medical system. To aid in our efforts, under the emergency authorities vested in my office, as the Director of Emergency Services, under Culver City Municipal Code Chapter 3.09, today I am ordering that a series of temporary restrictions be placed on certain establishments throughout our City in which large numbers of people tend to gather and remain in close proximity. By virtue of authority vested in me as the Director of Emergency Services pursuant to the provisions of Culver City Municipal Code Section 3.09.020.B.1.h(2), to make and issue rules and regulations on matters reasonably related to the protection of persons, property and the environment as affected by such emergency, I hereby declare the following orders to be necessary for the protection of life and property and I hereby order, effective at 11:59 p.m. tonight, March 16, 2020 until March 31, 2020 at 11:59 p.m., that:

1. All bars, lounges and nightclubs in the City of Culver City that do not serve food shall be closed to the public.
2. Any bars, lounges or nightclubs in the City of Culver City that serve food may remain open only for purposes of continuing to prepare and offer food to customers via delivery service or to be picked up. Dine-in food service is prohibited.

3. All restaurants and retail food facilities in the City of Culver City shall be prohibited from serving food for consumption on premises. Restaurants and retail food facilities may continue to operate for purposes of preparing and offering food to customers via delivery service, to be picked up or for drive-thru. For those establishments offering food pick-up options, proprietors are directed to establish social distancing practices for those patrons in the queue for pick-up.
4. The following are exempt from this Order:
  - A. Cafeterias, commissaries, and restaurants located within hospitals, nursing homes, or similar facilities
  - B. Grocery stores
  - C. Pharmacies
  - D. Food banks
5. Trucks and other vehicles engaged in the delivery of grocery items to grocery stores, when such items are to be made available for sale to the public, are hereby exempt from having to comply with any City rules and regulations that limit the hours for such deliveries.
6. All movie theaters, live performance venues, bowling alleys and arcades shall be closed to the public.
7. All gyms, fitness centers, and art, dance, music studio and the like, cultural venues and facilities, and indoor recreational facilities and uses except as otherwise provided herein, shall be closed to the public.

Any violation of the above prohibitions may be enforced under the Culver City Municipal Code, which provides for fines not to exceed \$1,000 or imprisonment not to exceed six months. Each individual officer should use their discretion in enforcing this order and always keep the intent of the order in mind.

In addition, I hereby issue guidance to the leaders of the City's houses of worship and urge them, in the strongest possible terms, to limit gatherings on their premises and to explore and implement ways to practice their respective faiths while observing social distancing practices.

Finally, I hereby order that no landlord shall evict a residential tenant in the City of Culver City during this local emergency period if the tenant is able to show an inability to pay rent due to circumstances related to the COVID-19 pandemic. These circumstances include loss of income due to a COVID-19 related workplace closure, child care expenditures due to school closures, health care expenses related to being ill with COVID-19 or expenses or loss of income due to caring for a member of the tenant's household who is ill with COVID-19, or reasonable expenditures that stem from government-ordered emergency measures. Nothing in this subsection shall be construed to mean that the tenant will not still be obligated to pay lawfully charged rent as provided below. Tenants will have up to

six months following the expiration of the local emergency period to repay any back due rent. Tenants may use the protections afforded in this subsection as an affirmative defense in an unlawful detainer action. The moratorium on evictions imposed by this subsection shall remain in effect during the pendency of the local emergency period, but will not apply in cases where eviction is necessary to address an imminent and objectively verifiable threat to the health and safety of a member of tenant's household or other residents of the rental property, or to the landlord or landlord's employees.

This order may be extended prior to March 31, 2020.

Date: 3/16/2020

A handwritten signature in blue ink, appearing to read "John", followed by a horizontal line.

John M. Nachbar, City Manager  
Director of Emergency Services  
City of Culver City