

ATTACHMENT 2

CITY OF COSTA MESA REGULATION NO. 7 PURSUANT TO PROCLAMATION NO. 2020-01

COSTA MESA REGULATION NO. 7 ISSUED PURSUANT TO A PROCLAMATION BY THE CITY MANAGER OF THE CITY OF COSTA MESA, CALIFORNIA, ACTING AS THE DIRECTOR OF EMERGENCY SERVICES, REVISING REGULATION NO. 5 REGARDING TEMPORARY SUSPENSION OF ENFORCEMENT OF CERTAIN PARKING RESTRICTIONS IN RESIDENTIAL NEIGHBORHOODS

WHEREAS, Costa Mesa Municipal Code Section 6-6 empowers the City Manager, as the Director of Emergency Services, to declare the existence or threatened existence of a local emergency when the City is affected or likely to be affected by a public calamity; and

WHEREAS, Government Code Section 8550 *et seq.*, including Section 8558(c), authorize the City Manager to proclaim a local emergency when the City is threatened by conditions of disaster or extreme peril to the safety of persons and property within the City that are likely to be beyond the control of the services, personnel, equipment, and facilities of the City; and

WHEREAS, a novel coronavirus, COVID-19, causes infectious disease and was first detected in Wuhan City, Hubei Province, China in December 2019. Symptoms of COVID-19 include fever, cough, and shortness of breath; outcomes have ranged from mild to severe illness, and, in some cases, death. On January 30, 2020, the World Health Organization (WHO) declared the outbreak a “public health emergency of international concern” and on March 11, 2020, the WHO has elevated the public health emergency to the status of a pandemic. On January 31, 2020, United States Health and Human Services Secretary Alex M. Azar II declared a public health emergency for the United States to aid the nation’s healthcare community in responding to COVID-19. On February 26, 2020 the County of Orange declared a local emergency and a local health emergency. On March 4, 2020, California Governor Gavin Newsom declared a State of Emergency in California; and

WHEREAS, the Governor on March 12, 2020 issued Executive Order N-25-20, ordering, inter alia, that all residents are to heed the orders and guidance of state and local public health officials; and

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WHEREAS, on March 12, pursuant to Proclamation No. 2020-01, the City Manager did proclaim the existence of a local emergency pursuant to Title 6 of the Costa Mesa Municipal Code; and

WHEREAS, on March 13, 2020 the City Council pursuant to Resolution No. 2020-09 did ratify Emergency Proclamation No. 2020-01; and

WHEREAS, on March 13, 2020, the President of the United States of America declared a national emergency; and

WHEREAS, on March 19, 2020, the Governor issued Executive Order N-33-20, including the Order of the State Public Health Officer mandating all individuals living in the State of California to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors, as outlined at <https://www.cisa.gov/identifying-critical-infrastructure-during-covid-19>; and

WHEREAS, on November 19, 2020, the California Department of Public Health issued a Limited Stay at Home Order, which was supplemented on December 22, 2020; and

WHEREAS, on December 3, 2020, the California Department of Public Health issued a Regional Stay at Home Order, which was supplemented on December 6, 2020; and

WHEREAS, the city has been severely impacted by the health crisis of this global pandemic, and the Stay at Home Orders. Many workers have had to stay home for extended periods and many school-aged children remain at home in the care of family and friends; and

WHEREAS, the requirement that residents stay home as much as possible may result in individuals leaving their vehicles on the streets of residential neighborhoods where street sweeping is scheduled to occur during the times scheduled for sweeping or in violation of residential permit parking requirements; and

WHEREAS, during this local emergency, and in the interest of protecting the public health and preventing transmission of COVID-19, enforcement of street sweeping and residential permit parking restrictions in residential neighborhoods was temporarily suspended to avoid unnecessary travel and moving of vehicles, by adoption of Regulation

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No. 5 Pursuant to Proclamation No. 2020-01, ratified by the City Council by means of Resolution No. 2021-01 on January 19, 2021;

WHEREAS, as the City, County and State reopen, with more residents returning to work and more activities resuming, and while the City is in the midst of conducting a parking study throughout the City, the Director of Emergency Services wishes to modify Regulation No. 5 to allow enforcement of parking regulations related to street sweeping and to allow enforcement of street sweeping citywide only when the street sweeper is present..

NOW, THEREFORE, IT IS PROCLAIMED AND ORDERED by the City Manager of the City of Costa Mesa acting as the Director of Emergency Services as follows, to become effective at 11:59 p.m. on September 14, 2021, subject to ratification as soon as practicable by the Costa Mesa City Council:

SECTION 1. The above recitals are true and correct and incorporated herein by this reference. The recitals referenced herein, are adopted as though set forth fully herein as findings in support of this regulation.

SECTION 2. Suspension of enforcement of parking restrictions, related to permit requirements in residential neighborhoods of the City of Costa Mesa will continue. The temporary suspension of enforcement of parking regulations related to street sweeping is repealed and to allow enforcement of street sweeping citywide only when the street sweeper is present.

SECTION 3. This regulation must be confirmed at the earliest practicable time by the City Council.

SECTION 4. If any subsection, sentence, clause, phrase, or word of this regulation or any application of it to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or applications of this regulation.

SECTION 5. Notwithstanding pending review of this regulation by the City Council for confirmation at the earliest practicable time, this regulation shall take effect at 11:59 p.m. on September 14, 2021.

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PROCLAIMED this 24th day of August, 2021.



Lori Ann Farrell Harrison, City Manager



Kimberly Hall Barlow, City Attorney

ATTEST:



Brenda Green, City Clerk