

**THE CITY COUNCIL  
OF THE CITY OF SONORA**

**ORDINANCE NO. 866**

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SONORA:  
(1) ADOPTING THE GOVERNOR’S EXECUTIVE ORDER N-33-20, DIRECTING ALL  
INDIVIDUALS LIVING IN THE STATE TO STAY AT THEIR PLACE OF  
RESIDENCE; (2) ADOPTING ORDERS THAT THE TUOLUMNE COUNTY HEALTH  
OFFICER OR ANY OFFICIAL OF THE STATE OF CALIFORNIA MAY ISSUE TO  
LIMIT THE SPREAD OF COVID-19 DURING THE DURATION OF THE COVID-19  
STATE OF EMERGENCY; AND (3) ORDERING ALL INDIVIDUALS IN THE CITY  
OF SONORA TO STAY AT THEIR PLACE OF RESIDENCE AND SETTING FORTH  
ENFORCEMENT RULES.**

**WHEREAS**, the Centers for Disease Control and Prevention considers the novel coronavirus (“COVID-19”) to be a very serious public health threat with outcomes ranging from mild sickness to severe illness and death; and

**WHEREAS**, COVID-19 is easily transmissible from person to person and has spread globally to approximately one hundred ninety-nine (199) countries, infected more than five hundred ninety-seven thousand (597,000) people and killed more than twenty-seven thousand (27,000) people worldwide as of March 27, 2020, according to the World Health Organization; and

**WHEREAS**, many individuals who contract the COVID-19 have no symptoms or have mild symptoms, but can still transmit the disease; and

**WHEREAS**, the age, condition, and health of a significant portion of the population of the City of Sonora (the “City”) places it at risk for serious health complications, including death, from COVID-19; and

**WHEREAS**, the scientific evidence shows that at this stage of the emergency, it is essential to slow virus transmission as much as possible to protect the most vulnerable and to prevent the health care system from being overwhelmed; and

**WHEREAS**, on March 4, 2020, the Governor of the State of California (the “Governor”), declared a state of emergency in the State of California (the “State”) due to the number of confirmed cases of COVID-19 in the State; and

**WHEREAS**, on March 13, 2020, the acting Tuolumne County Health Officer proclaimed a local health emergency due to COVID-19, which was ratified by the Board of Supervisors on March 17, 2020; and

**WHEREAS**, on March 13, 2020, the President of the United States declared a national emergency due to COVID-19; and

**WHEREAS**, on March 13, 2020, the City of Sonora (the “City”), pursuant to Chapter 8.30.050 of the Sonora Municipal Code, declared a local emergency due to COVID-19, which was ratified by the City Council on March 16, 2020; and

**WHEREAS**, on March 17, 2020, the County proclaimed a local emergency due to COVID-19; and

**WHEREAS**, on March 19, 2020, to prevent the spread of COVID-19, the Governor issued Executive Order N-33-20 ordering all State residents to stay at their place of residence, except as needed to ensure continuity of operations in essential critical infrastructure sectors and additional sectors as directed by the State Public Health Officer; and

**WHEREAS**, March 22, 2020, the State Public Health Officer has designated a list of “Essential Critical Infrastructure Workers,” which can be found at <https://covid19.ca.gov/img/EssentialCriticalInfrastructureWorkers.pdf>; and

**WHEREAS**, as of April 1, 2020, there are two (2) confirmed cases of COVID-19 in the County of Tuolumne (the “County”); and

**WHEREAS**, Government Code section 8634 authorizes, during a local emergency, the City Council, or officials designated thereby, to promulgate orders and regulations necessary to provide for the protection of life and property; and

**WHEREAS**, Government Code section 53069.4 authorizes the City by ordinance to make any violation of any ordinance enacted by the City subject to an administrative fine or penalty; and

**WHEREAS**, pursuant to Section 36937 of the California Government Code, the City may adopt an urgency ordinance if it is for the immediate preservation of the public peace, health or safety.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SONORA ORDAINS AS FOLLOWS:**

**SECTION 1. GOVERNOR’S EXECUTIVE ORDER N-33-20 ADOPTED IN FULL.**

The City hereby adopts in full the Governor’s Executive Order N-33-20 (the “Executive Order”). A true and correct copy of the Executive Order is attached hereto as **Exhibit “A”** and incorporated herein by this reference.

**SECTION 2. ORDERS OF THE TUOLUMNE COUNTY HEALTH OFFICER ISSUED DURING THE EMERGENCY ARE ADOPTED.**

All orders that will be issued by the Tuolumne County Health Officer during the Term stated in Section 6, shall be deemed automatically adopted by the City as of the date of issuance without any further action required by the City Council or the Director of Emergency Services, and shall be binding on all individuals living within the City, unless the City Council passes an ordinance or resolution, or the Director of Emergency Services issues a rule or regulation abrogating, modifying or otherwise clarifying said order from the Tuolumne County Health Officer or limiting its application with respect to the City.

**SECTION 3. ALL SUBSEQUENT ORDERS OF THE STATE OF CALIFORNIA ISSUED DURING THE EMERGENCY PERIOD ADOPTED.**

All orders that will be issued by any official of the State of California subsequent to the Executive Order (Exhibit A) to limit the spread of COVID-19 during the term stated in Section 6, shall be deemed automatically adopted by the City as of the date of issuance without any further action required by the City Council or the Director of Emergency Services, and shall be binding on all individuals living within the City, unless the City Council passes an ordinance or resolution, or the Director of Emergency Services issues an emergency measure abrogating, modifying or otherwise clarifying said order from any official of the State of California or limiting its application with respect to the City.

**SECTION 4. STAY IN PLACE.**

All individuals currently living within the City are ordered to stay at their place of residence in accordance with all terms and conditions imposed by the Executive Order (Exhibit A). To the extent individuals must use shared or outdoor spaces, they must at all times as reasonably possible maintain social distancing of at least six feet from any other person when they are outside their residence. Individuals experiencing homelessness are exempt from this Section, but are strongly urged to obtain shelter, and governmental and other entities are strongly urged to make such shelter available as soon as possible and to the maximum extent practicable and to utilize social distancing requirements in their operation.

**SECTION 5. ENFORCEMENT.**

A. The City Administrator, or his or her designee, the Chief of Police, or his or her designee and all peace officers, are authorized to enforce and ensure compliance with this Ordinance. The violation of any provision of this Ordinance constitutes an imminent threat to the public health and is hereby declared to be a public nuisance in accordance with the Sonoma Municipal Code (the “SMC”). It is unlawful to violate any of the provisions of this Ordinance, or to do any act prohibited by this Ordinance, or to omit or fail to do any act required by this Ordinance.

B. The purpose of this Section is to provide remedies to address acts or omissions set forth in this Ordinance. Violations may be corrected or addressed in a number of ways and it is the

intent of this Ordinance to provide the City with an administrative process for correcting violations and to penalize violators for failure to comply with this Ordinance.

C. This Section provides for administrative citations which are in addition to all other legal and equitable remedies and provides an alternative to any criminal prosecutions which may be pursued by the City to address any violation of this Ordinance, or of any regulations adopted under the authority of the SMC.

D. Use of the remedies and procedures of this Section shall be at the sole discretion of the enforcement officer authorized to proceed under this Ordinance and shall not limit or preclude the use of criminal or civil injunctive code enforcement proceedings.

E. For purposes of this Section, the following words and phrases shall have the meanings respectively ascribed to them:

1. “Enforcement officer” means the City Administrator, the Chief of Police, or any City employee, or agent of the City, designated by the City Administrator or the Chief of Police with the authority to enforce any provision of this Ordinance.

2. “Responsible party” means the owner, agent, manager, lessee, tenant or any other person having control or possession of a property where a violation of this Ordinance occurs and any individual who violates any provision of this Ordinance. In the event that the responsible person who is in violation of this Ordinance is a minor, then the minor and the parents, or guardians of that minor, will be jointly and severally liable for any fine imposed.

F. Whenever an enforcement officer determines that a violation of any provision of this Ordinance has occurred, the enforcement officer, in his or her sole discretion, may issue a warning to any person responsible for the violation. The warning shall serve as a written or verbal warning of responsibility. The warning requires immediate action by the person responsible for the violation to correct or cease the violation.

G. Whenever an enforcement officer charged with the enforcement of this Ordinance determines that a violation of this Ordinance has occurred, the enforcement officer shall have the authority to issue an administrative citation to the person or entity responsible for the violation pursuant to the procedures in Chapter 1.20, Administrative Citations, of the SMC, as amended by Ordinance No. 852 ; provided, that:

1. A first violation of this Ordinance shall result in an administrative citation with two hundred fifty dollar (\$250.00) fine;

2. A second violation of this Ordinance shall result in an administrative citation with a five hundred dollar (\$500.00) fine; and

3. A third, and subsequent violation of this Ordinance shall result in an administrative citation with a one thousand dollar (\$1000.00) fine.

H. The remedies, fines, penalties and fees provided for under this Ordinance or in the SMC are cumulative and shall not restrict the City from any other remedy to which it is entitled under law or equity. Nothing in this Ordinance shall be deemed to preclude the imposition of any criminal penalty under State law or this Ordinance, nor shall anything in this Ordinance be deemed to conflict with any penalty or provision under State law, or to prohibit any conduct authorized by the California and United States Constitution. This Ordinance shall not be interpreted in any manner that conflicts with the laws or Constitutions of the United States or California.

I. Notwithstanding any other provision of this Ordinance, whenever the enforcement official determines real property or any building, structure or condition thereon is dangerous or constitutes an immediate threat to life, public health or safety, the enforcement official may immediately and forthwith abate such public nuisance. Actions taken to abate immediately or potentially dangerous nuisances may include, but are not limited to, removal of the condition creating the danger and/or the restriction from use or occupancy of the property on which the condition exists, or any other abatement action determined by the enforcement official to be necessary. Notice of the emergency abatement shall be provided to the owner and/or responsible party as provided for in this Ordinance the same day or as soon as practical.

**SECTION 6. TERM.** This Ordinance remains in full force and effect until the Governor ends the state of emergency in response to the COVID-19 outbreak or until the Ordinance is rescinded by the City Council, whichever occurs first.

**SECTION 7. SEVERABILITY.** If any section, subdivision, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof and shall continue to be in full force and effect.

**SECTION 8. URGENCY FINDING.** The City hereby finds, determines and declares that this Ordinance is necessary to the immediate preservation of the public peace, health or safety, because there is an urgent need to slow COVID-19 transmission as much as possible to protect the most vulnerable and to prevent the health care system from being overwhelmed. Therefore, the City further finds, determines and declares that this Ordinance takes effect immediately upon adoption pursuant to the authority conferred upon the City Council by California Government Code section 36937.

The foregoing Ordinance was introduced, adopted, approved and ordered published in full by a four-fifths vote at a meeting of the City Council of the City of Sonora held on the \_\_\_ day of \_\_\_\_\_ 2020, and said Ordinance was thereupon adopted by the following roll call vote.

AYES:

NOES:

EXCUSED:

ABSTAIN:

ATTEST:

APPROVED:

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**[Name]**  
City Clerk

Jim Garaventa  
Mayor