

ORDER NO. 2020-06-04
OF THE DIRECTOR OF EMERGENCY SERVICES
FOR THE CITY OF SAN FERNANDO AMENDING
SAN FERNANDO ORDER NO. 2020-06-03
(Govt. Code Section 8634 and SFMC 26-62 and 26-63)

WHEREAS, pursuant to Sections 2.36.060 and 2.36.070 of the San Fernando Municipal Code, the City Manager of the City of San Fernando is designated the “Director of Emergency Services” (hereinafter, the “Director”) and as such is empowered to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by any proclamation of local emergency or by the proclamation of a “state of emergency by the Governor or the Director of the State Office of Emergency Services; and

WHEREAS, per Section 2.36.120 of the San Fernando Municipal Code, the Director is empowered upon the declaration of a local emergency or a declaration of a state of emergency to establish and enforce a curfew subject to the terms and conditions set forth under Section 2.36.120 of the San Fernando Municipal Code; and

WHEREAS, on May 31, 2020, the City Manager, as the Director of Emergency Services, proclaimed the existence of a local emergency as the City of San Fernando is potentially subject to violent protests in reaction to the tragic death of George Floyd on May 25, 2020 (For purposes of this Order No. 2020-06-04, the May 31, 2020 Proclamation of the Director of Emergency Services is hereinafter referred to as the “Director’s Proclamation”); and

WHEREAS, the City Council of the City of San Fernando, at its Regular meeting of June 1, 2020 pursuant to Government Code Section 54954(b)(2), added unpublished business Item 8 to its Regular Meeting agenda for the purpose ratifying the Director’s Proclamation as required by Section 2.36.070(A)(1) of the San Fernando Municipal Code and subsequently approved its ratification, subject to modification by unanimous vote of those present.

WHEREAS, Government Code Section 8634 provides in relevant part:

“During a local emergency the governing body of a political subdivision, or officials designated thereby, may promulgate orders and regulations necessary to provide for the protection of life and property, including orders or regulations imposing a curfew within designated boundaries where necessary to preserve the public order and safety. Such orders and regulations and amendments and rescissions thereof shall be in writing and shall be given widespread publicity and notice. The authorization granted by this chapter to impose a curfew shall not be construed as restricting in any manner the existing authority of counties and cities and any city and county to impose pursuant to the police power a curfew for any other lawful purpose.”

WHEREAS, on June 2, 2020, the Director issued Order No. 2020-06-02 that, among

other actions, ordered that a curfew shall extend for an additional period of time commencing at 6:00PM on June 3, 2020 and extended to 6:00AM on June 4, 2020, unless otherwise determined by the Director.

WHEREAS, on June 3, 2020, the Director issued Order No. 2020-06-03 that, among other actions, amended Order No. 2020-06-02 to declare a curfew commencing at 9:00PM on June 3, 2020 and extended to 5:00AM on June 4, 2020.

WHEREAS, on June 3, 2020, Amendment No. 3 to Executive Order of the Chair of the County of Los Angeles Board of Supervisors Following Proclamation of Existence of a Local Emergency Due to Civil Unrest (the “June 3, 2020 County Curfew Order”) was issued which declares and orders the following:

1. A Countywide curfew, inclusive of incorporated areas of the County commencing at 9:00PM on June 3, 2020 and ending on June 4, 2020 at 5:00AM.
2. No person, except as set forth in the County Curfew Order shall be upon a public street, avenue, boulevard, place, walkway, alley, park or any public area or unimproved private realty within the County between 9:00PM and 5:00AM of the following day.
3. The County Curfew Order shall not apply to peace officers, fire fighters and National Guard or other military personnel deployed to the area, individuals traveling to and from work, people experiencing homelessness and without access to a viable shelter, and individuals seeking medical treatment.
4. Any violation of the County Curfew Order is a misdemeanor, punishable by a fine not to exceed \$1,000 or by imprisonment for a period not to exceed six months or both, as provided by Los Angeles County Code Section 2.68.320 or any applicable state or municipal law.
5. To the extent the terms of the County Curfew Order are more stringent (e.g., that the start time is earlier or the end time is later), than any city’s curfew order, the County’s curfew Order would apply within such city to that extent.
6. The County Curfew Order may be renewed in accordance with Government Code Section 8634 and Los Angeles County Code Section 2.68.150.

WHEREAS, under conditions of the emergency, it is deemed necessary in the interest of public safety to restrict the use of certain public areas of the City; and

WHEREAS, life and property are deemed to be in peril and speed is of the essence; and

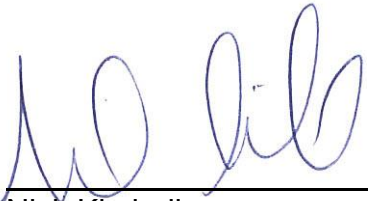
WHEREAS, the Chief of Police has determined that the safety of the public, and public and private property, requires the imposition of a curfew; and

WHEREAS, it is imminently necessary to use extraordinary measures to protect public peace, safety and welfare.

NOW, THEREFORE, IT IS HEREBY ORDERED by the Director of Emergency Services:

1. The findings the Director's Proclamation are incorporated herein by reference.
2. The Directs the San Fernando Police Department to enforce this Curfew Order in the City of San Fernando as follows:
 - a. Commencing at 9:00PM on June 4, 2020 and ending on June 5, 2020 at 5:00AM;
 - b. Commencing at 10:00PM on June 5, 2020 and ending on June 6, 2020 at 5:00AM;
 - c. Commencing at 10:00PM on June 6, 2020 and ending on June 7, 2020 at 5:00AM;
 - d. Commencing at 10:00PM on June 7, 2020 and ending on June 8, 2020 at 5:00AM.
3. No person, except as set forth in this Order shall be upon a public street, avenue, boulevard, place, walkway, alley, park or any public area or unimproved private realty within the City of San Fernando during the times identified in this Order.
4. The Curfew Order shall not apply to peace officers, fire fighters and National Guard or other military personnel deployed to the area, individuals traveling to and from work, people experiencing homelessness and without access to a viable shelter, and individuals seeking medical treatment.
5. Any violation of the Curfew Order is a misdemeanor, punishable by a fine not to exceed \$1,000 or by imprisonment for a period not to exceed six months or both, as provided by Los Angeles County Code Section 2.68.320 or any applicable state or municipal law.
6. To the extent the terms of a County Curfew Order are more stringent (e.g., that the start time is earlier or the end time is later), than the City's curfew order, the County's curfew Order will apply.

Date: June 4, 2020



Nick Kimball
Emergency Services Director/
City Manager