

**CITY OF COSTA MESA REGULATION NO. 2 PURSUANT TO
PROCLAMATION NO. 2020-02**

**COSTA MESA REGULATION NO. 2 ISSUED PURSUANT TO A PROCLAMATION BY
THE CITY MANAGER OF THE CITY OF COSTA MESA, CALIFORNIA, ACTING AS
THE DIRECTOR OF EMERGENCY SERVICES, SETTING A CURFEW CITYWIDE**

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, on May 31, 2020, pursuant to Proclamation No. 2020-02, the City Manager did proclaim the existence of a local emergency pursuant to Title 6 of the Costa Mesa Municipal Code; and

WHEREAS, there has been widespread arson, looting, assaults, vandalism, rioting and other civil unrest in the County of Los Angeles, and other nearby cities since May 30, 2020, and continuing to the present, including in the adjacent City of Santa Ana. Peaceful demonstrations are essential to our democratic system. However, some individuals have engaged in dangerous and unlawful activity, threatening the safety of lawful demonstrators, surrounding communities, and first responders; and

WHEREAS, there is an imminent threat of the civil unrest spreading to the City of Costa Mesa which could lead to extreme peril to life and property in the City of Costa Mesa; and

WHEREAS, these civil unrest conditions, if fully manifested, are, or are likely to be, beyond the control of the services, personnel, equipment, and facilities of the City of Costa Mesa; and require the combined forces of other political subdivisions to combat; and

WHEREAS, the health, safety and welfare of City of Costa Mesa ("City") residents, businesses, visitors and staff are of utmost importance to the City; and

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

WHEREAS, it is especially difficult to preserve public safety during the hours of darkness; and

WHEREAS, the City Manager acting as the Director of Emergency Services does hereby find that due to the civil unrest, a curfew is necessary to preserve life and property; and

WHEREAS, it is necessary for the protection of life and property in the City of Costa Mesa to issue this Order pursuant to the emergency proclamation related to protection of life and property.

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:

SECTION 1. It shall be unlawful for any person, except as set forth below, to be upon any public street, sidewalk, avenue, boulevard, place, alley, park or other public place or unimproved private realty within the City of Costa Mesa **between the hours of 7:00 p.m. until 5:30 a.m. from June 1, 2020 until June 8, 2020** or such earlier or later date as may be ordered by the City Manager, acting as Director of Emergency Services.

SECTION 2. This Order shall not apply to:

- 1) Police officers, peace officers, fire fighters, Emergency Operations Center (EOC) personnel, the National Guard or any other responding military personnel deployed to the area.
- 2) Authorized representatives of any news service, newspaper, or radio or television station or network.
- 3) Individuals traveling to and from work, individuals seeking or providing emergency medical care, fleeing dangerous circumstances, or any persons experiencing homelessness who are sheltered in the affected area are also exempt.

SECTION 3. This regulation shall be enforceable within the geographic boundaries of the City of Costa Mesa pursuant to the provisions of CMMC Title 6, Chapter I, section 6-6 and section 6-9, which provides for enforcement of violations as emergency orders
Costa Mesa Regulation No. 2 Pursuant to Proclamation No. 2020-02 Page 2 of 3

and regulations. Violations of this Regulation shall be punishable as set forth in Costa Mesa Municipal Code section 12-18 and pursuant to the California Government Code. Each and every day a violation exists may constitute a separate and distinct offense.

SECTION 4. Should the regulations referenced herein conflict in any manner, the stricter requirement shall apply, unless expressly acknowledged otherwise by the Director of Emergency Services or the City Council, or unless by operation of law.

SECTION 5. This regulation must be confirmed at the earliest practicable time by the City Council.

SECTION 6. 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 7. Notwithstanding pending review of this regulation by the City Council for confirmation at the earliest practicable time, this regulation shall take effect at 12 p.m. on June 1, 2020.

SECTION 8. This regulation shall remain in effect until terminated by subsequent order of the Costa Mesa Director of Emergency Services, terminated by resolution or other action of the City Council, or until the state of local emergency in the City concludes, whichever occurs earlier.

PROCLAIMED this 1st day of June, 2020.



Lori Ann Farrell Harrison, City Manager



Kimberly Hall Barlow, City Attorney

ATTEST:

Brenda Green, City Clerk