

ORDINANCE NO. 5103

AN URGENCY ORDINANCE OF THE COUNTY OF SANTA BARBARA AMENDING CHAPTER 28 OF THE SANTA BARBARA COUNTY CODE TO ADD SECTIONS 28-123.1 THROUGH 28-123.6, PURSUANT TO GOVERNMENT CODE SECTIONS 8634, 25123, AND 25131 AND CALIFORNIA GOVERNOR NEWSOM'S EXECUTIVE ORDER N-33-20, TO DELEGATE AND AUTHORIZE THE COUNTY ROAD COMMISSIONER TO POST TEMPORARY PARKING RESTRICTIONS, INCLUDING NO PARKING AND PARKING TIME LIMITS, ON PUBLIC ROADS AND HIGHWAYS TO PREVENT THE UNHEALTHY OVER-CROWDING OF PARKING AREAS, DURING THE COVID-19 PANDEMIC AND UNTIL THE PROCLAIMED SANTA BARBARA COUNTY LOCAL EMERGENCY FROM THE COVID-19 VIRUS IS TERMINATED.

The Board of Supervisors of the County of Santa Barbara hereby ordains as follows:

**SECTION 1. Emergency Findings.** This urgency ordinance is adopted pursuant to California Government Code Sections 8634, 25123(d) and 25131 and shall take effect immediately upon its approval by at least a four-fifths vote of the Board of Supervisors. The Board of Supervisors finds that this ordinance is necessary for the immediate preservation of the public peace, health and safety, based upon the following declaration of facts constituting the urgency:

1. Sec. 12-5(a) of the Santa Barbara County Code, empowers the County of Santa Barbara, Director of Emergency Services, to proclaim a local emergency if the Board of Supervisors is not in session; and
2. Section 8558(c) of the Government Code defines a "Local Emergency" as: "the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a county, city and county, or city, caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, the Governor's warning of an earthquake or volcanic prediction, or an earthquake, or other conditions, other than conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of that political subdivision and require the combined forces of other political subdivisions to combat"; and
3. 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. The Centers for Disease Control and Prevention considers the virus to be a very serious public health threat; and
4. On March 4, 2020, Governor Newsom declared a state of emergency for conditions caused by COVID-19; and on March 11, 2020, the World Health Organization declared COVID-19 a global pandemic; and
5. On March 12, 2020, the Director of Emergency Services proclaimed a local emergency related to COVID-19 pursuant to Government Code section 8550 et seq. and Chapter 12,



- Section 12-5(a) of the Santa Barbara County Code. The Board of Supervisors ratified this proclamation on March 17, 2020; and
6. On March 12, 2020, the Health Officer of the County of Santa Barbara determined that there is an imminent and proximate threat to public health from the introduction of COVID-19 in the County of Santa Barbara, and has proclaimed a Local Health Emergency as a result. The Board of Supervisors ratified this proclamation on March 17, 2020; and
  7. In direct response to the lack of healthcare infrastructure, governments across the nation are taking actions to slow the spread of COVID-19 in order to “flatten the curve” of infection and reduce the numbers of individuals infected at any one time by minimizing situations where the virus can spread; and
  8. In furtherance of this effort, on March 19, 2020, Governor Newsom issued Executive Order N-33-20, requiring all persons residing in the State to remain in their homes or places of residence, except as needed to maintain the continuity of operations for critical infrastructure (the “State Stay-at-Home Order”); and
  9. On March 19, 2020, the State Public Health Officer ordered 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 for the federal critical infrastructure sectors; and
  10. The Board finds that despite these aforementioned orders, the general public continues to frequent local County beaches and hiking trails in large numbers and these activities are inconsistent with the State Stay-at-Home Order; and
  11. The Board now finds that it is appropriate to authorize the County Road Commissioner to post temporary “No Parking” signs on affected roads and highways in the unincorporated County to prevent to prevent the unhealthy over-crowding of parking areas during the COVID-19 pandemic; and
  12. This Ordinance is based on evidence of increasing transmission of COVID-19 both within the County and worldwide, scientific evidence regarding the most effective approach to slow transmission of communicable diseases generally and COVID-19 specifically, as well as best practices as currently known and available to protect the public from the risk of spread of or exposure to COVID-19; and
  13. This Ordinance is promulgated due to the propensity of the virus to spread person to person and also because the virus physically is causing property loss or damage due to its proclivity to attach to surfaces for prolonged periods of time; and
  14. This Ordinance is intended to reduce the likelihood of exposure to COVID-19, thereby slowing the spread of COVID-19 in the County of Santa Barbara in communities worldwide. As the presence of individuals increases, the difficulty and magnitude of tracing individuals who may have been exposed to a case rises exponentially; and
  15. This Ordinance is issued in accordance with, and incorporates by reference: the March 4, 2020 Proclamation of a State Emergency issued by Governor Gavin Newsom; the March 12, 2020 Declaration of Local Health Emergency and Proclamation of Emergency based on an imminent and proximate threat to public health from the introduction of novel COVID-19 in the County; the March 17, 2020 Resolution of the Board of Supervisors ratifying the County Declaration of Local Health Emergency and Proclamation of Emergency regarding COVID-19; the guidance issued on March 11, 2020 by the California Department of Public Health regarding large gatherings of 250 people or more; the March 13, 2020 Presidential Declaration of a National Emergency due to the national impacts of COVID-19; the guidance issued on March 15, 2020 by the Centers for Disease Control and Prevention, the



California Department of Public Health, and other public health officials through the United States and around the world recommending the cancellation of gatherings involving more than fifty (50) or more persons in a single space at the same time; the March 16, 2020 order of the State Public Health Officer prohibiting all gatherings with expected presence above ten (10) individuals; Governor Newsom’s Executive Order N-33-20 of March 19, 2020 ordering all persons to stay at home to protect the health and well-being of all Californians and to establish consistency across the state in order to slow the spread of COVID-19; the March 22, 2020, Presidential Declaration of a Major Disaster in California beginning on January 20, 2020 under Federal Emergency Management Agency (FEMA) Incident DR-4482-CA; the May 8, 2020 order of the County of Santa Barbara Health Officer requiring social distancing and not gathering in groups; and

16. This Ordinance is necessary for the immediate preservation of the public peace, health or safety and in accordance with Government Code sections 8634 and 25123, these conditions warrant and necessitate that the County adopt this urgency ordinance to protect the health, safety, and welfare of the residents in the unincorporated area of Santa Barbara County.

**SECTION 2.** Chapter 28, Article IX, Temporary Restrictions and Closures of County Roads, of the Santa Barbara County Code is hereby amended to add sections 28-123.1 through 28-123.6 inclusive, which read as follows:

**28-123.1 Purpose.**

**28-123.2 Delegation of Authority During COVID-19 Pandemic.**

**28-123.3 Severability.**

**28-123.4 Publication.**

**28-123.5 Effective date.**

**28-123.6 California Environmental Quality Act.**

**Section 28-123.1 Purpose.**

This Ordinance delegates and authorizes the Santa Barbara County Road Commissioner, during the proclaimed Santa Barbara County Local Emergency from the COVID-19 virus, to temporarily restrict parking, including the use of parking time limits, where and when needed on roads and highways in the unincorporated County to prevent the unhealthy over-crowding of parking areas that would occur otherwise as a result of a lack of “social distancing” of at least six feet. This is necessary to preserve social distancing requirements and slow the spread of the COVID-19 virus.

**28-123.2 Delegation of Authority During COVID-19 Pandemic.**

- (a) The Board of Supervisors hereby authorizes the Santa Barbara County Road Commissioner or their designee (“Road Commissioner”), during the proclaimed Santa Barbara County Local Emergency from the COVID-19 virus, to temporarily restrict or limit parking, including parking time limits, on portions of any county road or highway in order to reduce the unhealthy over-crowding of parking areas that would occur otherwise as a result of a lack of “social distancing” of at least six feet, so long as the County Road Commissioner in making that decision:

1. Considers the days, times, and locations most impacted by large crowds;
  2. Evaluates how temporary parking restrictions may impact nearby neighborhoods;
  3. Consults with and receives input from the California Highway Patrol and/or the Santa Barbara County Sheriff; and,
  4. Weighs any potential impact to coastal access against the necessity to preserve social distancing requirements and slow the spread of the COVID-19 virus during the proclaimed Local Emergency from the COVID-19 virus.
- (b) The posting and contents of the signage shall be made in accordance with Section 28-123.
- (c) The Road Commissioner shall periodically report to the Board of Supervisors the number and type of temporary parking restrictions implemented.
- (d) The Santa Barbara County Sheriff shall periodically report to the Board of Supervisors the number of issued parking citations or other enforcement activity.
- (e) It shall be unlawful and shall constitute a violation of this Ordinance for any person to stand or park a motor vehicle in excess of the posted restricted parking limitations or in violation of a parking prohibition as designated by the no parking signs posted by the County Road Commissioner.
- (f) The Board of Supervisors authorizes the Santa Barbara County Sheriff's Office to issue citations to any and all persons violating the no parking limitations or prohibitions established pursuant to this ordinance and such citation shall be deemed to be a civil complaint charging violations of this title and requiring payment of the penalties set forth therein. The method of giving notice of citation for unattended vehicles shall be as specified in Section 40202 of the California Vehicle Code or any successor provision thereto. Citations for violations of posted no parking restrictions established pursuant to this chapter shall be processed as civil penalties in accordance with California Vehicle Code Section 40200 et seq. or any successor provision thereto.

### **28-123.3 Severability.**

If any provision of this urgency ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect the other provisions of this urgency ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this urgency ordinance are severable. The Board of Supervisors hereby declares that it would have adopted this urgency ordinance irrespective of the invalidity of any particular portion thereof.

### **28-123.4 Publication.**

Before the expiration of 15 days after passage of this urgency ordinance, a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the *Santa Barbara News-Press*, a newspaper of general circulation published in the County of Santa Barbara in compliance with Government Code Section 25124.



**28-123.5 Effective Date.**

This urgency ordinance, sections 28-123.1 through 28-123.6, shall take effect and be in full force immediately upon adoption by at least a four-fifths vote of the Board of Supervisors pursuant to Government Code Section 25123 and shall remain in effect until the proclaimed Santa Barbara County Local Emergency from the COVID-19 virus is terminated.

**28-123.6 California Environmental Quality Act.**

This ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15269(c) (specific action to mitigate an emergency), Section 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment), and Section 15060(c)(3) (the activity is not a project as defined in Section 15378 of the CEQA Guidelines, because it has no potential for resulting in physical change to the environment, directly or indirectly).

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this the 19<sup>th</sup> day of May, 2020, by the following vote:

AYES: Supervisor Williams, Hart, Hartmann, and Lavagnino

NOES: Supervisor Adam

ABSTAIN: NONE

ABSENT: NONE



GREGG HART, CHAIR  
BOARD OF SUPERVISORS  
COUNTY OF SANTA BARBARA

ATTEST:  
MONA MIYASATO, COUNTY EXECUTIVE OFFICER  
CLERK OF THE BOARD

By   
Deputy Clerk

APPROVED AS TO FORM:  
MICHAEL C. GHIZZONI  
COUNTY COUNSEL

By   
Deputy County Counsel