

CITY OF OXNARD

DIRECTOR ORDER NO. 20-07

ORDER OF THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF OXNARD REGARDING ENFORCEMENT OF LOCAL ORDERS DURING THE COVID-19 EMERGENCY

WHEREAS, Government Code section 8630 and Chapter 6 of the Oxnard City Code empower the City Manager of the City of Oxnard (“City”), acting in the capacity of the Director of Emergency Services (the “Director”), to proclaim the existence or threatened existence of a local emergency when the City is affected or likely to be affected by a public calamity and the City Council is not in session; and

WHEREAS, on March 4, 2020, the Governor of the State of California declared a state of emergency in response to the spread of the COVID-19 respiratory disease; and

WHEREAS, on March 13, 2020, in response to the rapidly evolving public health crisis resulting from the COVID-19 pandemic, the Director proclaimed the existence of a local emergency (the “Local Emergency”); and

WHEREAS, on March 17, 2020, the City Council adopted Resolution No. 15,304, proclaiming the Local Emergency and ratifying the Director’s March 13, 2020 proclamation; and

WHEREAS, on March 19, 2020, the Governor issued Executive Order N-33-20, ordering all individuals in the State of California to stay home or at their place of residence except as needed to maintain continuity of operations of sixteen critical infrastructure sectors; and

WHEREAS, on March 20, 2020, the Ventura County Health Officer issued an Order directing persons living in the County of Ventura to stay at their places of residence and restricting non-essential activities in response to COVID-19, imposing stay-at-home directives and further operational restrictions on businesses within the County in an effort to stop the spread of COVID-19; and

WHEREAS, on March 31, 2020, the Ventura County Health Officer issued an Order Extending the Health Officer’s Order; and

WHEREAS, on April 6, 2020, the Director issued Order 20-04, which was ratified by the City Council on April 7, 2020, closing certain park and park related facilities; and

WHEREAS, the orders of the Ventura County Health Officer, and the Director, above are and any future orders will be designed to protect the health of residents within the City’s jurisdiction by limiting the social interaction of City residents through social distancing in an effort to limit the spread of COVID-19; and

WHEREAS, the Oxnard Police Department and Code Compliance Division are in need of a citation process to enforce all County and City orders (collectively, “The Orders”).

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NOW, THEREFORE, THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF OXNARD DOES HEREBY ORDER AS FOLLOWS:

SECTION 1. Definitions.

- a. "Chief of Police" means the Police Chief of the City of Oxnard or his or her designee.
- b. "Citee" means the person to whom an enforcement officer has issued an administrative citation for a violation of The Orders.
- c. "Community Development Director" means the Community Development Director for the City of Oxnard or his or her designee.
- d. "Enforcement Officer" means an Oxnard Police Officer or a City Code Compliance Officer.

SECTION 2. Educational Process

The Chief of Police, and Community Development Director or designee will formulate a process to educate the public and organizations regarding the provisions of The Orders to encourage voluntary compliance therewith.

SECTION 3. Warning Process

Individuals

Following the educational process, at the discretion of the Chief of Police or the Community Development Director, an Enforcement Officer may issue either a verbal or written warning to an individual violator, requesting compliance with The Orders. Should the Enforcement Officer issue a verbal warning, that verbal warning shall be documented in writing following the issuance of the verbal warning.

Businesses

For businesses violating The Orders, as opposed to individuals, the Enforcement Officer shall:

1. Investigate and obtain evidence;
2. Provide written notice of violation (Notice #1);

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3. If after two (2) hours of being served Notice #1, the business does not comply, provide a second written notice of violation (Notice #2);
4. If after two (2) hours of being served Notice #2, the business does not comply, request that the County Health Officer issue a notice of closure to the business; and
5. If provided, post the County Health Officer's written notice on the business.

SECTION 4. Administrative Citation

An Enforcement Officer may issue the violator an administrative citation listing The Order(s) that has or have been violated, as well as reference to Oxnard City Code Section 6-8. The administrative citation shall be in a form typically utilized by the City. An administrative citation issued under this subsection shall carry with it a civil fine of up to \$1,000. Civil fines shall be assessed as follows: \$250 for the first citation, \$500 for the second citation, and \$1,000 for every citation thereafter.

SECTION 5. Administrative Review

Within 14 days of receiving the citation, the Citee may file for an initial administrative review of the citation to either the Chief of Police, if the citation was issued by a Police Officer, or to the Community Development Director, if the citation was issued by a Code Compliance Officer.

Should the Chief of Police or the Community Development Director uphold the citation, the Citee may request an administrative hearing, within 30 days of the date of issuance, using the procedure stated on the back of the citation.

SECTION 6. Hearing

- a. Appearance. The Enforcement Officer who issued the citation shall appear at the hearing, testify under oath, and present documentary evidence of the alleged violation. If the Enforcement Officer fails to appear that hearing, the citation shall be vacated. The Enforcement Officer may appear via live telephonic, video or audio transmission.
- b. Citee. The Citee is not required to appear at the hearing.
- c. Evidence. The provisions of the California Evidence Code shall not apply at the hearing, but (1) testimonial and documentary evidence submitted to the hearing officer shall be relevant to the matters at issue, and (2) rules of privilege shall apply.

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Copies of the documented verbal warning, written warning, if issued, and administrative citation shall be admitted into evidence. The Citee and Enforcement Officer shall be given an opportunity to submit testimony from witnesses and to present documents.

- d. Decision. The hearing officer shall render a decision based on the preponderance of the evidence standard. The hearing officer shall issue a written decision within 10 days of the hearing.

SECTION 7. This Order may be modified or rescinded by further Order by the Director or by the City Council.

SECTION 8. This Order shall remain in effect during the period this Local Emergency exists and shall terminate upon City Council's determination that the Local Emergency no longer exists.

SECTION 9. This Order shall become effective immediately.

SECTION 10. This order shall be given publicity and notice as required by Government Code section 8634.

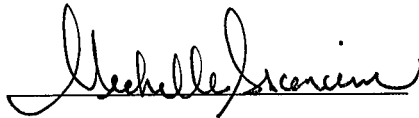
SECTION 11. The City Clerk shall certify to the adoption of this Order and shall cause a certified Order to be filed in the Office of the City Clerk.

Dated: April 10, 2020

By: 


Alexander Nguyen
City Manager/Director of Emergency Services
City of Oxnard

ATTEST:



Michelle Ascencion, City Clerk

APPROVED AS TO FORM:

 4/10/2020

Stephen M. Fischer, City Attorney