

ORDINANCE NO. 2020-01

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLITS, CALIFORNIA, MODIFYING CHAPTER 2.44 OF THE WILLITS MUNICIPAL CODE ENTITLED EMERGENCY SERVICES TO WAIVE ZONING REQUIREMENTS AND/OR STANDARDS TO FACILITATE BUSINESS OPERATIONS AFFECTED BY THE NOVEL CORONAVIRUS (COVID-19)

The City Council of the City of Willits hereby ordains as follows.

Title 2 of the Willits Municipal Code is hereby amended by modifying Chapter 2.44, to read as follows:

[TITLE 2]

2.44.100 Powers and duties of the Director

The director is hereby empowered to:

- A. Request the city council to proclaim the existence or threatened existence of a "local *emergency*" if the council is in session, or to issue such if the council is not in session. Whenever a local *emergency* is proclaimed by the director, the city council shall take action to ratify the proclamation within seven days thereafter, or the proclamation shall have no further force or effect.
- B. Request the director of the Mendocino operational area, the Governor of the state of California and/or the President of the United States to proclaim a "state of *emergency*" when, in the opinion of the director, the locally available resources are inadequate to cope with the *emergency*.
- C. Control and direct the effort of the *emergency* organization of the city for the accomplishment of the purposes of this chapter.
- D. Direct cooperation between, and coordination of, services and staff of the *emergency* organization of this city; and resolve questions of authority and responsibility that may arise.
- E. Represent the city in all dealings with public or private agencies on matters pertaining to *emergencies* as defined herein.
- F. In the event of the proclamation of a "local *emergency*" as herein provided, the proclamation of a "state of *emergency*" by the Governor or the director of the California office of *emergency* services, or the existence of a "state of war *emergency*," the director is empowered:
 - 1. To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such *emergency*; provided, however,

such rules and regulations must be confirmed at the earliest possible time by the city council;


2. To obtain vital supplies, equipment, and such other properties found lacking and needed for the protection of life and/or property and to make expenditures, binding the city for the fair value thereof and, if required immediately, to commandeer the same for public use (reference: California *Emergency Services Act* Section 8572);
3. To require *emergency services* of any city officer or employee and, in the event of the proclamation of "*emergency*" or "*state of war emergency*," to command the aid of as many citizens of this city as he or she deems necessary in the execution of his or her duties; such persons shall be entitled to all privileges, benefits and immunities as are provided by state law for registered disaster service workers;
4. To requisition necessary personnel or material of any city department or agency; and
5. To execute all of his or her ordinary power as city manager, all of the special powers conferred upon him or her by this division or by resolution or *emergency plans* pursuant hereto adopted by the city council, all powers conferred upon him or her by any statute, by any agreement approved by the city council and by any other lawful authority;
6. The director of *emergency services* shall designate the order of succession to that office, to take effect in the event the director is unavailable to attend meetings and otherwise perform duties during an *emergency*. Such order of succession shall be maintained on file with the city clerk.
7. To waive zoning requirements and/or standards to facilitate business operations of established businesses affected by emergency orders of the federal, state, and local government, to the extent that such waivers would not result in a general intensity of use beyond what is otherwise allowed, as applicable to the zoning district where the use is located. Such waiver shall expire concurrently with the termination of the local emergency pursuant to Section 2.44.130 of this Code.
 - i. A business seeking such a waiver shall provide a temporary zoning permit application directly to the Community Development Director.
 - ii. Appeals of the Community Development Director's decision as to whether to grant a waiver shall be considered by the City Manager. An appeal must be filed with the City Clerk within ten (10) days of the date the decision was made. The City Manager shall make a decision with seventy-two (72) hours after the appeal is filed. Further appeal of the City Manager's decision as to whether to grant a waiver shall be filed with the City Clerk within ten (10) days of the date the decision was made. The City Council shall make a final decision on the appeal at the next regular or special meeting following the City Manager's

decision.

iii. Permits shall be issued for a period not to exceed 90 days.

This ordinance was introduced by the Council of the City of Willits on June 10, 2020, and DULY PASSED AND ADOPTED this 10th day of June, 2020, by the following vote:

AYES: Kanne, Rodriguez, Strong, Stranske, and Gonzalez
NOES: None
ABSENT: None
ABSTAIN: None


GERARDO GONZALEZ, Mayor
City Council of the City of Willits

ATTEST:


CATHY MOORHEAD
Deputy City Manager/City Clerk