

FOURTH SUPPLEMENT TO DECLARATION OF LOCAL EMERGENCY
AUTHORIZING THE CITY MANAGER TO SUSPEND PROVISIONS OF THE
PASADENA MUNICIPAL CODE RELATED TO PLASTIC CARRYOUT BAGS

By virtue of the authority vested in me as Director of Disaster Emergency Services, and pursuant to Chapter 2.370 of the Pasadena Municipal Code, specifically Section 2.370.080, I hereby find that:

International, national, state, and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus named “SARS-CoV-2,” and the disease it causes has been named “coronavirus disease 2019,” abbreviated COVID-19, (“COVID-19”);

On March 4, 2020, the Health Officer declared the existence of a local health emergency in Pasadena, and on March 9, 2020, the City Council adopted a resolution ratifying the Health Officer’s declaration;

On March 4, 2020, the Los Angeles County Board of Supervisors and Department of Public Health declared a local emergency and local public health emergency to aid the regional healthcare and governmental community in responding to COVID-19;

On March 4, 2020, the Governor of the State of California declared a state of emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, help the state prepare for broader spread of COVID-19, and waive the 60-day time period in Government Code Section 8630(a) which provides that local government authorities must renew a local emergency;

On March 13, 2020, the President of the United States of America declared a national emergency and announced that the federal government would make emergency funding available to assist state and local governments in preventing the spread of and addressing the effects of COVID-19;

On March 16, 2020, the City Manager of the City of Pasadena declared a Local State of Emergency to empower the City to more effectively respond to the novel coronavirus disease, COVID-19;

On March 17, 2020, the City Council ratified the declaration of a local emergency and a first and second supplement thereto, to allow the City of Pasadena to address the COVID-19 pandemic;

On March 19, 2020, the Governor issued Executive Order N-33-20, directing all California residents to stay at home indefinitely except for workings in the 16 critical infrastructure sectors identified by the Department of Homeland Security Cybersecurity and Infrastructure Security (CISA) who are required to maintain continuity of operations for these vital systems and facilities;

On March 19, 2020, the Health Officer issued a Safer at Home Order for Control of COVID-19, and on March 22, 2020, the Health Officer issued a Revised Order, which

incorporates the Order of the State Public Health Officer set forth in the Governor's March 19, 2020 Executive Order N-33-20;

On March 30, 2020, the City Council ratified the declaration of a local emergency and a third supplement thereto, to allow the City Manager to suspend limits of time imposed by the Pasadena Municipal Code;

Despite sustained efforts by numerous agencies, at the national, state and local level, COVID-19 continues to spread, particularly among those engaged in essential activities such as grocery shopping, restaurants, and other essential retail establishments;

As a result of the impacts of the COVID-19 pandemic, on April 23, 2020, Governor Gavin Newsom issued Executive Order N-54-20, which includes a temporary suspension of the state's plastic bag carryout law. That Order does not apply in Pasadena because Pasadena has its own local ordinance that is grandfathered in under state law. The purpose of the state suspension, namely to prevent customers from bringing in reusable items into grocery stores and thereby attempt to reduce the spread of COVID-19, applies in Pasadena as well;

In the interest of public health and safety, as affected by the emergency caused by the COVID-19 pandemic, it is necessary to exercise my authority to issue this regulation related to the protection of life and property;

NOW THEREFORE, I HEREBY ISSUE the following Fourth Supplement to the declaration of a local emergency to become effective immediately, subject to ratification as soon as practicable by the City Council.

IT IS HEREBY ORDERED THAT:

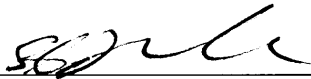
1. The City Manager is authorized to, and hereby does, in his sole discretion and considering the rights of all involved persons, suspend any and all requirements of the provisions of Pasadena Municipal Code Chapter 8.65 (Plastic Carryout Bags) until further notice.

2. If any provision of this Fourth Supplement is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions of this chapter that can be implemented without the invalid provisions, and to this end, the provisions of this chapter are declared to be severable. This declaration would have been adopted, and each provision thereof irrespective of whether any one or more provisions are found invalid, unconstitutional or otherwise unenforceable.

3. This supplements and does not supersede any prior local emergencies or local public health emergencies related to COVID-19.


I FURTHER DIRECT that this Fourth Supplement shall take effect immediately and that widespread publicity and notice shall be given of said declaration through the most feasible and adequate means of disseminating such notice throughout the City.

Dated: May 4, 2020, at Pasadena, California.

By: 

Steve Mermell
City Manager
Director of Disaster Emergency Services

Attest:



Mark Jomsky, CMC
City Clerk