



BILL NO. 12

ORDINANCE NO. 2020-012

AN EMERGENCY ORDINANCE OF THE CITY OF FRESNO,  
CALIFORNIA, AMENDING SECTION 2-514 OF THE  
FRESNO MUNICIPAL CODE REGARDING THE COVID-19  
PANDEMIC EMERGENCY

WHEREAS, on March 13, 2020, President Trump declared a National Emergency concerning the Novel Coronavirus Disease (COVID-19) outbreak; and

WHEREAS, on March 4, 2020, Governor Newsom declared a State of Emergency in the State of California related to COVID-19; and

WHEREAS, the City has declared a State of Emergency related to COVID-19; and

WHEREAS, the Council adopted Emergency Ordinance 2020-010 on March 19, 2020, and desires to amend that ordinance; and

WHEREAS, this Ordinance is necessary for the immediate preservation of the public health, peace, property, and safety.

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 2-514 of the Fresno Municipal Code is amended to read:

SECTION 2-514. RESPONSE TO COVID-19 EMERGENCY. For so long as there is a City State of Emergency in effect due to the COVID-19 pandemic, the following shall apply:

- (a) The City shall not discontinue utility and sanitary service to any customer for reason of nonpayment, and no late fees or interest shall



accrue. Any customer whose utility service has been shut off or terminated for nonpayment shall have service restored for the duration of the declared emergency, without any reconnection charges.

(b) Non-essential City services may be suspended~~[;], including but not limited to responding to requests under the California Public Records Act~~ [may be delayed during and following the emergency].

(c) No refunds shall be owed or paid pursuant to the Money Back Guarantee, Fresno Municipal Code 12-2301, et seq., as a result of extended processing times related to the COVID-19 pandemic.

(d) Senior Hot Meals programs shall continue, with appropriate health and safety precautions in place.

(e) City busses shall be cleaned and disinfected at least daily. The City Transportation Department shall have full authority to modify or add bus routes and schedules to accommodate the public need and welfare during the emergency.

(f) As of March 4, 2020, there shall be instituted a price and rate freeze on consumer goods and lodging facilities which may have limited availability as a result of an emergency or disaster situation. No person or business shall charge a price greater than 10% above prices charged for such goods as of March 4, 2020. This provision shall be enforced via the price gouging emergency ordinance approved by Council on March 16, 2020.



(g) Rent Deferral, Eviction Moratorium, an[d] Foreclosures.

(1) [To the extent allowed by State law, n]No residential tenant in the City shall be evicted due to ~~loss of income related to a business closure, loss of hours or wages, layoffs, or out of pocket medical costs caused~~ [for nonpayment of rent during the state of emergency caused] by the COVID-19 outbreak.

(2) [To the extent allowed by State law, c]Commercial landlords in the City are hereby prohibited from evicting commercial tenants for nonpayment of rent ~~with respect to tenants whose businesses are subject to this Section or are otherwise closed (voluntarily or by mandate) to prevent or reduce the spread of~~ [during the state of emergency caused by] COVID-19.

(3) A tenant [, whether residential or commercial,] must notify their landlord they cannot pay rent due to a COVID-19 related impact. Within ~~one week~~ [ten days] of this notice, the tenant must provide documentation or other objective information that they cannot pay rent. Tenants will have up to six months after the termination of the emergency declaration to repay any back-due rent. [No interest, late fees, or other penalties shall accrue or be owed as a result of rent deferrals pursuant to this Section.]

(4) This eviction moratorium shall be in effect for 30 days [from March 19, 2020], and may be extended by the Council for



additional 30 day periods, so long as the City's declaration of local emergency is in effect.

(5) Residents and businesses should not face foreclosure as a result of COVID-19. Lenders are encouraged to provide a forbearance agreement for up to six months for borrowers impacted by COVID-19, without impacting the borrower's credit. [The city will follow all laws and orders of the State with respect to foreclosure protection.]

(h) City staff shall apply for all available state and federal funding related to the COVID-19 emergency.

(i) The City Manager, or designee, is directed to identify funds and create a COVID-19 Emergency Response Fund to support City actions that are appropriate and necessary to address the impacts and exigencies arising from the COVID-19 pandemic. The City Manager, or designee, shall report this information to the Council at the next Council meeting and thereafter shall report to the Council as promptly and as often as is reasonably possible regarding the expenditures made from the COVID-19 Emergency Response Fund. [At a minimum, any fines collected as a result of price gouging, non-essential businesses remaining open, or other matters related to the COVID-19 pandemic shall be allocated to the COVID-19 Emergency Response Fund.]

(j) Bars and taverns as defined in City of Fresno Emergency Order 2020-01 (establishments with California Alcoholic Beverage Control



(ABC) license types 40, 42, 48, 51, 57, 60, and 61) may provide curbside or delivery of alcoholic beverages so long as accompanied by food, if permitted by their CUP and State law, including, without limitation any ABC Notice of Regulatory Relief.

(k) Any business ordered to close that remains open in violation of an Emergency Order of the city, shall alternatively be punishable by administrative citation. The city shall provide a warning, and thereafter noncompliance shall be subject to a fine of \$1,000 for the first offense, \$5,000 for the second offense, and \$10,000 for the third or subsequent offense.]

~~(j)~~(l) If any provision of this Ordinance or its application to any person or circumstance is held to be invalid, then the remainder of the Ordinance, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Ordinance are severable.

~~(k)~~(m) This Ordinance shall be immediately translated into Spanish, Hmong, and Punjabi, and accommodations made for all disabled persons to read its contents; it shall also be distributed to all local media and made prominently available on the City's website.

SECTION 2. Pursuant to Sections 603 and 610 of the Charter of the City of Fresno, this Ordinance shall take effect immediately upon passage.

\* \* \* \* \*



STATE OF CALIFORNIA )  
COUNTY OF FRESNO ) ss.  
CITY OF FRESNO )

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the 25<sup>th</sup> day of March, 2020.

AYES : Bredefeld, Caprioglio, Chavez, Esparza, Karbassi, Soria, Arias  
NOES : None  
ABSENT : None  
ABSTAIN : None

YVONNE SPENCE, MMC CRM  
City Clerk

BY: Briana Pana 3/26/2020  
Deputy Date

APPROVED AS TO FORM:  
DOUGLAS T. SLOAN,  
City Attorney

BY: [Signature] 3/26/21  
Laurie Avedisian-Favini Date  
Assistant City Attorney



**DOUGLAS T. SLOAN**  
City Attorney

March 27, 2020

MEMORANDUM

TO: Briana Parra, Assistant City Clerk   
City Clerk's Office

RE: Technical Correction to Emergency Ordinance 2020-012 Approved on March 25, 2020, Special Emergency Open and Closed Session Meeting of the City of Fresno

On March 25, 2020, Council approved Emergency Ordinance 2020-012 amending section 2-514 of the Fresno Municipal Code regarding COVID-19 Pandemic Emergency. The Ordinance contained a typographical error inadvertently mislabeling sections to omit (j). As such, a corrected copy of said Ordinance is attached.

Respectfully submitted,



KATIE DOERR

Chief Assistant City Attorney

c: Douglas T. Sloan, City Attorney



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