

ORDINANCE NO. _____

ONE YEAR EXTENSION OF ORDINANCE NO. 1121 BEING AN INTERIM URGENCY ORDINANCE OF THE CITY OF BEAUMONT, ENACTING A TEMPORARY MORATORIUM PROHIBITING TIRE SALES AND TIRE REPAIR ESTABLISHMENTS, PURSUANT TO GOVERNMENT CODE SECTION 65858.

WHEREAS, on March 3, 2020, the City Council of the City of Beaumont adopted as an urgency measure Interim Ordinance No. 1121 temporarily restricting the granting of any building permit, business permit, conditional use permit, or any entitlement for establishing or expanding any tire sales or tire repair establishments anywhere in the City of Beaumont; and

WHEREAS, pursuant to Government Code section 65858(a), Interim Ordinance No. 1121 shall be of no further force and effect 45 days from its date of adoption, March 3, 2020, unless otherwise extended after notice and public hearing pursuant to Government Code section 65090; and

WHEREAS, on March 27, 2020 the staff published notice of a public meeting to consider an extension of Interim Ordinance No. 1121(Ordinance No. 1123) in accordance with Government Code Section 65090;

WHEREAS, on April 7, 2020, the City Council of the City of Beaumont adopted urgency measure Interim Ordinance No. 1123 to extend the temporary restriction of granting of any building permit, business permit, conditional use permit, or any entitlement or expanding any tire sales or tire repair establishments in the City of Beaumont for an additional ten (10) months and fifteen (15) days, commencing on April 17, 2020; and

WHEREAS, on February 5, 2021 the staff published notice of a public meeting to consider an extension of Interim Ordinance 1121 in accordance with Government Code Section 65090;

WHEREAS, on February 16, 2021 the City Council received a report from staff dated February 16, 2021 requesting that the City Council extend the term of Interim Ordinance No. 1121 beyond March 3, 2021 for one (1) year and describing the measures taken to alleviate the condition which led to the adoption of Interim Ordinance No. 1121; and

WHEREAS, on February 16, 2021, the City Council held a duly noticed public hearing and took testimony regarding Interim Ordinance No. 1121; and

WHEREAS, after considering the report from staff and hearing public comments, the City Council finds that the causes for adopting the interim ordinance have not been alleviated, and that there is a current and immediate threat to the public health, safety, and welfare of the City to justify an extension of Interim Ordinance No. 1121 for an additional year, commencing on March 3, 2021; and

WHEREAS, an extension of Interim Ordinance No. 1121 requires a four-fifths vote of the City Council for adoption.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BEAUMONT DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds and determines the foregoing recitals to be true and correct and hereby incorporates them into this ordinance.

SECTION 2. Interim Ordinance No. 1121, adopted by the City Council on March 3, 2020, and Interim Ordinance No. 1123, adopted on April 7, 2020, is hereby extended for an additional one (1) year period, commencing from March 3, 2021 and ending on March 3, 2022.

SECTION 3. This Ordinance, extending Interim Ordinance No. 1121, shall be introduced, passed and adopted at one and the same meeting and shall become effective immediately.

SECTION 4. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this ordinance, or its application to any other person or circumstance. The City Council of the City of Beaumont hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

SECTION 5. The City Clerk shall certify that this Interim Ordinance was passed, approved and adopted by the City Council of the City of Beaumont at a regular meeting thereof held February 16, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mike Lara, Mayor

Attest: _____
Deputy City Clerk

Approved as to form:

John O. Pinkney, City Attorney