

CITY OF FONTANA
DIRECTOR OF EMERGENCY SERVICES

EMERGENCY PROCLAMATION NO. 2020-05

EMERGENCY PROCLAMATION OF THE CITY
MANAGER/DIRECTOR OF EMERGENCY SERVICES OF
THE CITY OF FONTANA, CALIFORNIA, PROCLAIMING
THE CONTINUED EXISTENCE OF A LOCAL EMERGENCY
AND DECLARING A CURFEW

SECTION 1. RECITALS

- A. California Government Code Section 8630 provides that a local emergency may be proclaimed by the governing body, or designee, of a city.
- B. On May 29, 30 and 31, 2020, protests which started in Fontana and were seen in various cities throughout Southern California resulted in damage, graffiti, looting and according to news reports, hundreds of arrests.
- C. On May 30, 2020, Governor Gavin Newsom authorized assistance after a request from the City and County of Los Angeles, and proclaimed a state of emergency in Los Angeles County, citing to the civil unrest therein.
- D. More protests are anticipated throughout Southern California and have the potential to arise in or near the City of Fontana (“City”).
- E. The City joins concerned community members and residents in their outrage regarding the murder of George Floyd by police officers. The City seeks to be an ally in the fight against racial injustice and the dismantling of systemic racism.
- F. The City respects the rights of peaceful assembly and protest.
- G. With liberty comes responsibility; violence directed against persons and other acts that threaten public safety, including setting of fires and throwing objects, endangers innocent persons and first responders charged with keeping the peace.
- H. It has been reported that violence is being instigated by outside agitators.
- I. In order to safeguard the rights of peaceful assembly and protest, to protect the safety of City residents, property and businesses as well as emergency and law enforcement providers, it is necessary to establish a curfew to quell violence and destruction of property.
- J. It is the City’s intent is to impose only a nighttime curfew so as to leave opportunities during daytime for the voices of the protesters to make themselves heard.

- K. Upon proclamation of a local emergency, the Director of Emergency Services is authorized to make and issue regulations on matters reasonably related to the protection of life and property as affected by such emergency and to impose a curfew under Government Code Section 8634 and the Fontana Municipal Code.

- L. This Proclamation and Order is adopted pursuant to the City's police powers and powers afforded to the City in time of local emergency such powers being afforded by the State Constitution, State law, and the Fontana Municipal Code to protect the peace, health, and safety of the public, and to protect life and property as affected by the emergency, in that this Order declares an emergency and imposes a curfew in order to restore the peace and prevent additional disturbances, looting, violence as has been seen locally in recent days.

NOW, THEREFORE, I, Mark R. Denny, Director of Emergency Services for the City of Fontana, do hereby issue the following order to become effective immediately, subject to ratification within seven days by the City Council:

IT IS HEREBY PROCLAIMED AND ORDERED THAT:

SECTION 2. This Proclamation 2020-05 supersedes Proclamation 2020-04, issued in the morning hours of June 5, 2020.

SECTION 3. That conditions of extreme peril to the safety of persons and property have arisen continue to exist within and around the City of Fontana, caused by potential civil unrest and disturbances and violence.

SECTION 4. That the aforesaid conditions of extreme peril warrant and necessitate the proclamation of the continued existence of a local emergency and imposition of a curfew.

SECTION 5. That said local emergency shall be deemed to continue and shall be brought before the City Council within seven days for ratification.

NOW, THEREFORE, IT IS HEREBY PROCLAIMED that a local emergency continues to exist throughout the City of Fontana; and

IT IS HEREBY FURTHER PROCLAIMED AND ORDERED that during the existence of said local emergency the powers, functions, and duties of the Director of Emergency Services and the emergency organization of Fontana shall be those prescribed by law, by ordinances, and resolutions of the City of Fontana, and approved by the City Council.

SECTION 6. Curfew. A curfew is hereby in effect starting **June 5, 2020 at 10:00 p.m.** through sunrise June 6, 2020, and then **daily at 10:00 p.m., and ending at sunrise**, during which no person shall be upon the public street, avenue, alley, park, or other public place or unimproved public realty. This curfew shall not apply to the Fontana Police Department, firefighters, or other emergency personnel or civilians engaged in police or emergency work, nor shall it apply to

authorized representatives of any news service, newspaper, or radio or television station or network, or persons engaged in any activity conducted in compliance with existing public health orders and directives issued by the Governor of the State of California, including activity within the City's commercial centers and adjacent streets.

SECTION 7. The law enforcement forces of this City, along with the law enforcement authorities cooperating with the City, are hereby authorized and charged, to the extent provided by law, with the responsibility of enforcing this curfew and are further authorized to arrest such persons as do not obey this curfew after due notice, oral or written, has been given to said citizen. Any person not abiding by this declaration is guilty of a misdemeanor and subject to punishment in accordance with the Fontana Municipal Code enforcement provisions.

SECTION 8. This curfew shall remain in effect until such time as it is terminated by either the Director of Emergency Services or the City Council, or the termination or expiration of the local emergency. The Director of Emergency Services is directed to announce the curfew and penalties for violating the curfew on the city's website and other available messaging options.

SECTION 9. Severability. If any provision of this Proclamation or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this Proclamation are declared to be severable.

ORDERED by the City Manager/Director of Emergency Service at 4:00 PM this 5th day of June, 2020.

/s/
Mark R. Denny, City Manager
and Director of Emergency Services
City of Fontana

/s/
Karen Porlas , Deputy City Clerk