

ORDINANCE NO. 20-O-2827

AN URGENCY ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING ARTICLE 2 OF CHAPTER 3 OF TITLE 4 (ENTITLED PARADES AND ASSEMBLIES) OF THE BEVERLY HILLS MUNICIPAL CODE AND DECLARING THE URGENCY THEREOF

THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS HEREBY ORDAINS AS FOLLOWS:

WHEREAS, the City of Beverly Hills recognizes the importance of public gatherings that allow the community to collectively express its concerns about public issues, and supports the rights of all people to peacefully exercise their First Amendment rights to free speech and assembly; and

WHEREAS, on October 27, 2020, the City Council adopted Urgency Ordinance No. 20-O-2821, amending Article 2 of Chapter 3 of Title 4 (entitled Parades and Assemblies) of the Beverly Hills Municipal Code to attempt to balance protection of the First Amendment right to demonstrate with the physical and fiscal impacts of these demonstrations on the City, the Police Department, and the City's residents. The Urgency Ordinance went into effect on 12:01 a.m. on November 4, 2020; and

WHEREAS, on November 10, 2020, the City Council adopted a regular, permanent ordinance making identical changes to the Municipal Code; and

WHEREAS, the City now seeks to revise its parade and assembly regulations to address issues that were not addressed in the November 10 ordinance; and

WHEREAS, beginning on July 25, 2020, and continuing weekly on every Saturday thereafter, groups of roughly one hundred (100) to four thousand (4000) people have held unpermitted political demonstrations on Saturday at Beverly Gardens Park, primarily on the block between Beverly Drive and Cañon Drive, occupying large portions of the park for several hours each Saturday for eighteen weeks, and regularly spilling over into heavily trafficked roadways; and

WHEREAS, during unpermitted demonstrations participants have encroached into Santa Monica Boulevard, a major arterial, and the bike lane along Santa Monica Boulevard, endangering themselves and distracting and endangering those in vehicles and on bicycles; and

WHEREAS, a number of participants at recent public demonstrations have wielded long, thin metal rods, including fishing poles, in ways that jeopardized the physical safety of other participants, bystanders, and law enforcement officers; and

WHEREAS, the portion of Beverly Gardens Park between Beverly Drive and Rodeo Drive contains a popular public art garden, which features many valuable works of art that are installed and maintained by the City; and

WHEREAS, the portion of Beverly Gardens Park between Beverly Drive and Rodeo Drive has been used only sparingly for unpermitted demonstrations; and

WHEREAS, the use of Beverly Gardens Park as an area for unpermitted protests has, due to the park's close proximity to residential neighborhoods, resulted in considerable hardship for area residents as expressed in numerous complaints, including repeated obstruction of local access to and through the park, sudden and sharp increases in illegal parking (including in residential neighborhoods), and safety concerns; and

WHEREAS, the City desires to adopt regulations that will promote the free exercise of First Amendment rights through parades and assemblies, and simultaneously serve the significant interests of protecting the public health and safety of our community, including those involved in or observing parades and assemblies and those passing by parades and assemblies; and

WHEREAS, the City particularly desires to protect its residents' rights to enjoy free and unfettered access to the City's public parks and the features thereof, and to protect the health and safety of demonstrators, drivers, and pedestrians; and

WHEREAS, in the interest of public peace, health and safety, it is necessary for the City Council to exercise its authority to adopt this urgency ordinance to adequately respond to the continuing risk of unpermitted demonstrations which regularly occupy public parks and, incidentally, adjacent roadways.

Section 1. Section 4-3-200 of Article 2 of Chapter 3 of Title 4 (entitled Parades and Assemblies) of the Beverly Hills Municipal Code is hereby amended to read as follows:

"4-3-200: ASSEMBLIES OF LESS THAN FIVE HUNDRED PEOPLE:

A. Notwithstanding any other provision of this Article, parades and assemblies of fewer than five hundred (500) people will be allowed without a permit in La Cienega Park and on the Crescent Drive side of the City Hall.

B. No sound amplification equipment shall be permitted if it will generate Significant Noise Impacts.

C. To protect public access to City parks for public uses other than parades and assemblies, if La Cienega Park experiences any unpermitted parade or assembly which either: (a) takes place in the park for more than two (2) hours within the same six (6) hour time period for six (6) weeks within a twelve week (12) period, or (b) takes place in the park for at least two hours on a Saturday or Sunday for six (6) weeks within a twelve (12) week period, then the park shall be closed to unpermitted parades and assemblies for a period of six (6) weeks and unpermitted parades or assemblies may take place in another location named in Section 4-3-200(A)."

Section 2. Subsection V is hereby added to Section 4-3-209 of Article 2 of Chapter 3 of Title 4 (entitled Prohibitions) of the Beverly Hills Municipal Code to read as follows:

“V. Participants in unpermitted parades and assemblies taking place in any locations listed in Section 4-3-200(A) shall not assemble in an adjacent public right of way, and shall at all times remain at least seven (7) feet back from the curbs alongside La Cienega Boulevard and other major arterial streets.”

Section 3. Subsection B of Section 4-3-209 of Article 2 of Chapter 3 of Title 4 (entitled Prohibitions) of the Beverly Hills Municipal Code is hereby amended to read as follows:

“B. It shall be unlawful for any person to carry or possess any length of plastic or metal pipe, rod or other object greater than one foot (1') in length and/or greater than one-quarter inch (1/4") in its thickest dimension, including rods attached to signs, posters, plaques, notices.”

Section 4. CEQA. The City Council hereby finds, in the exercise of its independent judgment and analysis, that this ordinance is not a project under the California Environmental Quality Act (CEQA) as State CEQA Guidelines Section 15378(b)(5) provides that a project does not include organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment. This ordinance merely amends the City's regulations governing parades and assemblies, and does not allow any new uses of land within the City that would result in direct or indirect physical changes to the environment. In addition, this ordinance is also exempt from the California Environmental Quality Act (CEQA) as there is no possibility the proposed ordinance would have a significant impact on the environment pursuant to State CEQA Guidelines Section 15061(b)(3). A Notice of Exemption has been prepared and will be filed in accordance with CEQA and the State CEQA Guidelines.

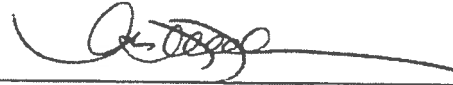
Section 5. Severability. If any provision of this Ordinance is held invalid by a court of competent jurisdiction, such provision shall be considered a separate, distinct and independent provision and such holding shall not affect the validity and enforceability of the other provisions of this Ordinance.

Section 6. Publication. The City Clerk shall cause this Ordinance to be published at least once in a newspaper of general circulation published and circulated in the City within fifteen (15) days after its passage in accordance with Section 36933 of the Government Code, shall certify to the adoption of this Ordinance, and shall cause this Ordinance and this certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this City.

Section 7. Effective Date. This Ordinance is adopted as an urgency ordinance for the immediate preservation of the public peace, health and safety within the meaning of Government Code Section 36937(b), and therefore shall be passed immediately upon its introduction and shall become effective at 12:01 a.m., of November 25, 2020 upon its adoption by a minimum 4/5 vote of the City Council.

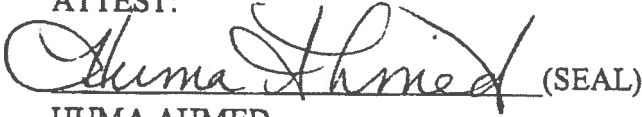
Section 8. Certification. The City Clerk shall certify to the adoption of this Ordinance.

Adopted: November 24, 2020
Effective: November 25, 2020



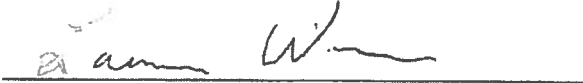
LESTER J. FRIEDMAN
Mayor of the City of
Beverly Hills, California

ATTEST:

 (SEAL)


HUMA AHMED
City Clerk

APPROVED AS TO FORM:



LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:



GEORGE CHAVEZ
City Manager