

EMERGENCY ORDER NO. 2020-01

AN ORDER OF THE DIRECTOR OF EMERGENCY SERVICES FOR THE CITY OF AMERICAN CANYON IMPOSING A “CURFEW” FROM THE HOURS OF 8:00 P.M. UNTIL 5:00 A.M. IN THE CITY OF AMERICAN CANYON

WHEREAS, under the authority contained in California Government Code Sections 8630 and 8634 and City of American Canyon (“City”) Municipal Code section 2.48.040(B), on June 2, 2020 the City’s Director of Emergency Services proclaimed the existence of a local emergency (“Local Emergency”) within the City due to violence and civil unrest surrounding protests arising from the tragic death of George Floyd while in police custody on May 25, 2020 in Minneapolis, Minnesota; and,

WHEREAS, since Mr. Floyd’s death, protests decrying police brutality have occurred continuously throughout the United States, including the San Francisco Bay Area; and,

WHEREAS, lawfully and peacefully protesting the government’s actions is a unique right afforded all Americans by the United States Constitution; and,

WHEREAS, while the majority of protests have been conducted peacefully and lawfully (“Lawful Protest”), nationally and within the San Francisco Bay Area a significant number of individuals have engaged in criminal behavior including violence, vandalism of public and private property, arson, looting, and rioting (“Criminal Activity”); and,

WHEREAS, many locations in the Bay Area – including the nearby cities of Vallejo, Fairfield and Santa Rosa, CA - have experienced Criminal Activity by individuals acting under the false pretense of a Lawful Protest who use the crowds and confusion as opportunities for Criminal Activity, resulting in fires, significant property damage, serious injury and/or death; and,

WHEREAS, because individuals intent on Criminal Activity infiltrate and disperse amongst Lawful Protests in order to perpetrate Criminal Activity, it is difficult for law enforcement personnel to distinguish them from law-abiding individuals participating in Lawful Protests; and,

WHEREAS, it is imminently necessary to take measures to protect the public peace, safety, and welfare within the City, including the safety of the City’s residents, businesses, and peaceful protesters; and,

WHEREAS, consistent with the Proclamation of Local Emergency (P2020-02) and City Municipal Code section 2.48.040(G)(6), the Director of Emergency Services may make and issue rules and regulations on matters reasonably related to the protection of life and property in connection with a declared Local Emergency.

NOW, THEREFORE, in connection with Local Emergency identified in this Emergency Order and for the protections of persons and property, a “Curfew” is hereby imposed throughout the City of American Canyon as follows:

No persons, except as set forth below, shall be upon any public street, avenue, alley, park, way or other public property or area or on any unimproved private property between the hours of 8:00 p.m. and 5:00 a.m. except for the following:

- 1. Law enforcement personnel, firefighting personnel, emergency health care providers and other emergency personnel deployed in the area;**
- 2. Credentialed and authorized media representatives engaged in news gathering;**
- 3. Individuals who are in the course of traveling directly to and from work at a business, construction site, hospital or jail, or to obtain medical assistance;**
- 4. Persons who are experiencing homelessness who remain sheltered in place in a single location;**
- 5. Medical facilities, pharmacies and gas stations may remain open to the public. All other businesses must be closed to the public during the time of curfew; and**

NOW, THEREFORE, the American Canyon Police Department and Napa County Sheriff is hereby authorized and charged to the extent provided by law with the responsibility of enforcing this Curfew, and is further authorized to arrest such persons as do not obey this Curfew after due notice, oral or written, has been given to said person.

NOW, THEREFORE, a violation of the curfew shall be punishable as a misdemeanor pursuant to American Canyon Municipal Code Section 2.80.100.

NOW, THEREFORE, this Emergency Order shall take effect immediately and be in full force and effect on June 2, 2020 and shall expire at 5:00 a.m. on June 4, 2020, or until it is extended, rescinded, superseded, or amended in writing by the Director of Emergency Services.

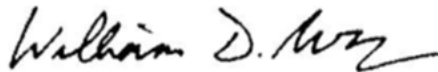
Date: June 2, 2020

Time: 3:30p

By: 

Jason B. Holley
City Manager/Director of Emergency Services

APPROVED AS TO FORM:



William D. Ross
City Attorney