

CITY OF HAYDEN LAKE ORDINANCE NO. 295

AN ORDINANCE ADDING A NEW CHAPTER TO TITLE 4, HAYDEN LAKE CITY CODE, REGARDING PUBLIC HEALTH HAZARD AUTHORITY; DEFINITIONS; PUBLIC HEALTH HAZARD ORDERS; PROCESS FOR ENACTING PUBLIC HEALTH HAZARD ORDERS; PENALTY; ADOPTING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, under Hayden Lake City Code section 1-5-1.B and Idaho Code section 50-606, the Mayor is authorized to enforce within Hayden Lake city limits, and in all places within five (5) miles of Hayden Lake city limits, any health or isolation ordinance and regulation thereof;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF HAYDEN LAKE, IDAHO:

Section 1. That a new chapter, Chapter 3, shall be added to Title 4, Hayden Lake City Code, to read as follows:

4-3-1: PUBLIC HEALTH HAZARD AUTHORITY:

- A. **Purpose.** By this chapter, the City Council of the City of Hayden Lake, authorizes the Mayor to quickly implement measures necessary to protect the public health, safety and welfare in the rare event of a foreseeable, imminent, or present public health hazard, pursuant to the authority vested in the Mayor by Idaho Code section 50-606.
- B. **Exclusions.** Unless otherwise specifically prohibited by a Public Health Hazard Order duly enacted by the Mayor, the following activities shall be exempt from the scope of such order:
1. Any and all expressive and associative activity that is protected by the United States and Idaho Constitutions, including speech, press, assembly, and/or religious activity.
 2. Educational institutions, which shall follow the duly adopted policies of their respective governing bodies.
 3. Activities necessary to operate critical infrastructure and utilities.
 4. Activities necessary to operate and use medical facilities and services.
 5. Activities necessary to buy, sell, or otherwise deliver food and necessities.
- C. **Force majeure.** In the context of this chapter, a public health hazard is a force majeure. No person shall be entitled to recover from the City of Hayden Lake any costs incurred or profits lost as may be alleged to be attributed to the enactment of a Public Health Hazard Order.

4-3-2: DEFINITIONS:

- A. **Public Health Hazard:** Any pathogen, agent, vector, or environmental condition which does or may cause illness or injury to humans.
- B. **Public Health Hazard Order:** An advisory, social distancing, or isolation order enacted by the Mayor.
- C. **Isolation:** The separation, confinement, or restriction of movement of an individual with an infectious disease or individual who has been exposed to an infectious agent.
- D. **Social Distancing:** Actions taken to maintain distance from other people, including avoiding or canceling congregate settings and mass gatherings.

4-3-3: PUBLIC HEALTH HAZARD ORDERS:

The Mayor, being duly authorized by Idaho Code section 50-606, may issue the following orders, as deemed appropriate by the Mayor following consultation with or review of information issued by local, regional, statewide, and/or nationwide public health authorities.

- A. **Advisory Order.** Where a public health hazard is foreseeable, the Mayor may enact an advisory order, which order may provide information and recommended guidelines for preventing, detecting, and/or mitigating the onset or spread of a public health hazard.
- B. **Social Distancing Order.** Where a public health hazard is imminent, the Mayor may summarily enact a social distancing order, which order may establish any or all of the following:
 - 1. Appropriate restrictions regarding the operation or occurrence of planned or foreseeable commercial, recreational, or expressive gatherings or events.
 - 2. Restrictions on travel through or visitation within the community.
 - 3. Postponement or cancelation of public meetings and hearings.
 - 4. A limit on the number of persons who may gather in one location and may apply to indoor or outdoor venues.
 - 5. Measures to be taken in order to prevent, avoid, detect, address, or mitigate a foreseeable, imminent, or present public health hazard.

A social distancing order shall include an effective date and an anticipated expiration date, no later than thirty (30) days following enactment, which may be extended with the approval of City Council. A social distancing order shall apply within Hayden Lake city limits, and five (5) miles outside Hayden Lake city limits.

- C. **Isolation Order.** Where a health hazard is present, and poses a clear danger to the public health, the Mayor may summarily enact an isolation order, which order may establish any or all of the following:
 - 1. A directive that infected and/or exposed individuals isolate themselves from other persons.
 - 2. Geographical or other areas of restricted or no access.

3. Other measures necessary to avoid, address, or mitigate an imminent public health hazard.
4. The scope and manner of delivery of services, materials, or supplies to be provided by the City, if any.
5. Measures to be taken in order to prevent, avoid, detect, address, or mitigate a foreseeable, imminent, or present public health hazard.
6. Conditions of the isolation.

An isolation order shall include an effective date and an anticipated expiration date, no later than thirty (30) days following enactment, which may be extended with the approval of City Council. An isolation order shall be effective only when and for so long as the public health hazard is present, and when no less restrictive alternative exists. Any person shall be entitled to appeal an isolation order, or to request a modification of any provision of such order by filing a written appeal with the City Clerk. Such appeal shall be heard by City Council at their next meeting, or, if no meeting is scheduled during the term of the isolation order, the Police Chief or designee shall review such appeal and issue a written decision. The Police Chief's decision shall be final.

4-3-4: PROCESS FOR ENACTING PUBLIC HEALTH HAZARD ORDERS:

- A. **Enactment.** Where summarily enacting a Public Health Hazard Order, the Mayor shall prepare a written order and publish it pursuant to this section.
- B. **Publication of Public Health Hazard Order.** As possible and prudent under the circumstances, the Mayor shall cause a Public Health Hazard Order to be published:
 1. Posting the order in a prominent place at Hayden Lake City Hall;
 2. Posting the order on the City's website;
 3. E-mailing the order to all persons subscribed to City e-mail notification services;
 4. Posting the order to all City social media accounts;
 5. Providing the order to local television and radio broadcast outlets; and
 6. Notifying other government agencies and other municipalities.
 Except as may be specifically stated in the Public Health Hazard Order, such order shall be effective upon posting at Hayden Lake City Hall.

4-3-5: PENALTY:

It shall be unlawful to violate any provision or directive of a duly enacted social distancing order or isolation order while such order is in effect. The violation of any provision or directive of a social distancing order or isolation order shall be a misdemeanor.

Section 2. That all ordinances, resolutions, orders, or parts thereof or in conflict with this ordinance are hereby voided.

Section 3. That this ordinance shall be effective immediately upon its passage and publication.

PASSED by the City Council of the City of Hayden Lake, Idaho, this 24th day of March, 2020.

APPROVED by the Mayor of the City of Hayden Lake, Idaho, this 24th day of March, 2020.

APPROVED:

Jim Ackerman, Mayor

ATTEST:

Lynn Hagman, City Clerk

CERTIFICATION OF SUMMARY:

Pete B. Bredeson, City Attorney of the City of Hayden Lake, Idaho, hereby certifies that the summary below is true and complete and upon its publication will provide adequate notice to the public.

Pete B. Bredeson, City Attorney

SUMMARY OF CITY OF HAYDEN LAKE ORDINANCE NO. 295

An ordinance adding a new chapter to Title 4, Hayden Lake City Code, regarding public health hazard authority; definitions; public health hazard orders; process for enacting public health hazard orders; penalty; adopting a savings clause; and providing an effective date.

RESOLUTION NO. 126

A RESOLUTION RATIFYING A DECLARATION OF LOCAL DISASTER EMERGENCY; AUTHORIZING THE CONTINUANCE OF THE LOCAL DISASTER EMERGENCY DECLARATION AND ITS TERMS FOR A PERIOD OF THIRTY (30) DAYS; AUTHORIZING THE IMMEDIATE EXPENDITURE OF PUBLIC MONEY TO SAFEGUARD LIFE, HEALTH AND PROPERTY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the 2019 novel coronavirus (COVID-19) pandemic represents an imminent threat to the life, health, and property of the City of Hayden Lake and its citizens; and

WHEREAS, a local disaster emergency, as defined in Section 46-1002, Idaho Code, is in existence in the City of City of Hayden Lake due to the imminent threat to life and property; and

WHEREAS, pursuant to the authority granted the Mayor of the City of Hayden Lake in Section 46-1011, Idaho Code, the Mayor of the City of Hayden Lake, on March 23, 2020, declared a local disaster emergency; and

WHEREAS, Section 46-1011, Idaho Code, requires the consent of the Hayden Lake City Council for such local disaster emergency declaration to continue for a period in excess of seven (7) days; and

WHEREAS, it is deemed necessary by the Council of the City of Hayden Lake to extend such local disaster emergency declaration for a period of thirty (30) days to provide for the ongoing response to the COVID-19 pandemic; and

WHEREAS, Section 67-2808, Idaho Code, authorizes the Council of the City of Hayden Lake to declare an emergency authorizing the immediate expenditure of public money to safeguard life, health or property; and

WHEREAS, the Council of the City of Hayden Lake deems it necessary for the health and safety of the citizens of the City of Hayden Lake to continue the authorization for the immediate expenditure of public money to safeguard life, health and property;

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF HAYDEN LAKE, IDAHO:

Section 1. That the Declaration of Local Disaster Emergency, issued by the Mayor of the City of Hayden Lake on March 23, 2020 and filed with the Kootenai County Recorder, is hereby ratified as to both form and content and that such Declaration shall remain in effect for a period of thirty (30) days from the date of this Resolution unless terminated, modified or unless extended for thirty (30) day increments.

Section 2. That the immediate expenditure of public money to safeguard the life, health and property of the City of Hayden Lake is hereby authorized.

Section 3. That a copy of this resolution shall be promptly filed with the Kootenai County Recorder.

Section 4. That this Resolution shall be in full force and effect immediately upon its adoption and approval.

ADOPTED by the Council of the City of Hayden Lake, Idaho, this 24th day of March, 2020.

APPROVED by the Mayor of the City of Hayden Lake, this 24th day of March, 2020.

ATTEST:

APPROVED:

CITY CLERK

MAYOR JIM ACKERMAN

MAYOR'S LOCAL DISASTER EMERGENCY DECLARATION OF IMMINENT THREAT

WHEREAS, Idaho Code § 46-1011 allows the mayor of a city to declare a local disaster emergency; and

WHEREAS, Idaho Code § 46-1002(2) defines disaster as the “occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or manmade cause,” and

WHEREAS, the imminent threat of widespread and severe damage to the health of our community or loss of life exists as a result of the worldwide detection of the 2019 novel coronavirus (COVID-19) (including in the United States) which has progressed to a pandemic declared by the World Health Organization on March 11, 2020, constitutes a “disaster”; and

WHEREAS, a declaration activates the response and recovery aspects of applicable local or intergovernmental disaster emergency plans for the furnishing of aid and assistance; and

WHEREAS, Idaho Code § 46-1002(3) provides that an “emergency” includes the occurrence or imminent threat of a “disaster” or condition threatening life or property which requires state emergency assistance to supplement local efforts to protect property or avert or lessen the threat of “disaster;” and

WHEREAS, due to the imminent risk to life as a result of the potential for cases of COVID-19 throughout the United States and the State of Idaho, on March 13, 2020, Governor Brad Little declared a statewide State of Emergency, and the President of the United States declared a National Emergency; and

WHEREAS, an “emergency” exists in the City of Hayden Lake because of imminent risk to life as a result of the potential for cases of COVID-19; and

WHEREAS, an emergency declaration must be filed with the county recorder’s office and “given prompt and general publicity”;

NOW THEREFORE, the Mayor of the City of Hayden Lake does hereby declare:

That a local disaster emergency exists and that all efforts will be made to protect the citizens and property of the City of Hayden Lake through activation of all local disaster emergency plans and state emergency assistance; and

That this Local Disaster Emergency shall expire within seven (7) days unless the City Council expressly authorizes the continuance of such Declaration; and

That this Declaration of Local Disaster Emergency Declaration of Imminent Threat (“Declaration”) shall be promptly filed with the Kootenai County Recorder’s Office; and

That prompt and general publicity shall be given by a press release notifying the public of this Declaration.

APPROVED AND ADOPTED this 23rd day of March, 2020.

Mayor Jim Ackerman

ATTEST:

Lynn Hagman, City Clerk