

## ORDINANCE NO. 2020-1

AN ORDINANCE OF THE CITY OF HAMILTON, ALABAMA,  
TO PROVIDE FOR AN EMERGENCY RESPONSE  
TO THE COVID-19 OUTBREAK

**WHEREAS**, On March 11, 2020, the Director of the World Health Organization described the COVID-19 outbreak as a pandemic;

**WHEREAS**, on March 13, 2020, the President of the United States of America issued a "Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak";

**WHEREAS**, on March 13, 2020, the Governor of the State of Alabama issued a proclamation of a state of public health emergency related to the COVID-19 outbreak ("the Alabama State of Emergency");

**WHEREAS**, the Alabama Department of Public Health has recommended the implementation of a number of steps to respond to the COVID-19 outbreak, including limitation of visitation within public buildings;

**WHEREAS**, pursuant to Section 11-47-130 of the *Code of Alabama* (1975), "All cities and towns in this state shall have the power to maintain the health and cleanliness of the city or town within its limits and within the police jurisdiction thereof";

**WHEREAS**, pursuant to Section 11-45-1 of the *Code of Alabama* (1975), "Municipal corporations may from time to time adopt ordinances and resolutions not inconsistent with the laws of the state to carry into effect or discharge the powers and duties conferred by the applicable provisions of law and to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort and convenience of the inhabitants of the municipality, and may enforce obedience to such ordinances";

**WHEREAS**, Alabama municipalities are given broad powers related to the promotion of health:

In addition to the powers granted to them by the applicable provisions of this title or any other provisions of law, all cities and towns of this state shall have the following powers, and the councils or other governing bodies of such cities and towns may provide by ordinance or resolution for the exercise or enforcement of the same:

(1) To prevent the introduction of contagious, infectious, or pestilential diseases into such cities or towns;

(2) To establish and regulate a sufficient quarantine, not inconsistent with laws of the state, in the towns and cities and within the police jurisdiction thereof and to punish any breach of quarantine law;

(3) To adopt such ordinances and regulations as the counsel or other governing body may deem necessary to insure good sanitary condition in public places or in private premises in the cities and towns; and

(4) To prescribe the duties and fix the salaries and compensation for such health officials as them may deem necessary.

ALA. CODE § 11-47-131 (1975);

**WHEREAS**, pursuant to Section 11-43-81 of the *Code of Alabama* (1975), the Mayor has "general supervision and control over all other officers and affairs of the city or town, except as otherwise provided [by law]";

**WHEREAS**, on March 23, 2020, on behalf of the City of Hamilton, Alabama (the City"), the Mayor issued the "Proclamation of the Mayor Regarding the Initial COVID-19 Response Plan for the City of Hamilton, Alabama, "a copy of which is attached hereto as **Exhibit A** hereof ("the Proclamation");

**WHEREAS**, the Hamilton City Council ("City Council") desires to adopt this Ordinance to confirm and ratify the actions taken by the Mayor and to further exercise such emergency powers as are set forth under Alabama law, including but not limited to those set forth in the Alabama Emergency Management Act of 1955, including Section 31-9-10 of the *Code of Alabama* (1975);

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HAMILTON AS FOLLOWS:**

**Section 1.** The terms of the Proclamation are hereby ratified by the City Council and adopted as action of the City Council. The Mayor is authorized to amend and/or supplement the proclamation as applicable, to the extent required by evolving circumstances through the Alabama State of Emergency.

**Section 2.** The Mayor is hereby appointed as the director of emergency management for the City.

**Section 3.** The City Council finds that the COVID-19 outbreak that is the subject of the Alabama State of Emergency is an emergency of unprecedented size and destructiveness resulting from natural causes and that, in order to insure the preparations of the State, and specifically the City, will be adequate to deal with such an emergency, and generally to protect the public peace, health, safety, and to preserve the lives and property of the people of the State, and specifically the City, the measures set forth in this Ordinance are deemed to be necessary.

**Section 4.** Related to and for the duration of the Alabama State of Emergency, the Mayor is hereby authorized pursuant to Section 31-9-10(b) of the *Code of Alabama* (1975):

- A. To appropriate and expend funds, make contracts, obtain and distribute equipment, materials, and supplies for emergency management purposes; to provide for the health and safety of persons and property, including emergency assistance to the victims of the COVID-19 outbreak, and to direct and coordinate the development of emergency management plans and programs in accordance with the policies and plans set by the federal, state and county emergency management agencies;
- B. To appoint, employ, remove, or provide with or without compensation, auxiliary fire and police personnel, and other emergency management workers, provided, that compensated employees shall be subject to any existing personnel handbooks and employment laws;
- C. To establish a primary and one or more secondary control centers to serve as command posts;
- D. To assign and make available for duty the employees, property, or equipment of the City relating to fire fighting, engineering, rescue, health, medical and related service, police, transportation, construction, and similar items or services for emergency management purposes, within or outside of the physical limits of the City; and
- E. To close, any and all public buildings owned or leased by under the control of the City where emergency conditions warrant, and in the event that any documents required to be filed by a time certain deadline cannot be filed in a timely manner due to the closing of an office under this authorization, the deadline for filing shall be extended to the date that the office is reopened as provided in Section 1-1-4 of the *Code of Alabama* (1975).

**Section 5.** Pursuant to Section 31-9-10(b)(5) of the *Code of Alabama* (1975), related to and for the duration of the Alabama State

