

ORDINANCE NO. 2020-03

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

WHEREAS, on March 9, 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 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, COVID-19 has been designated by the Alabama Department of Public Health to be a disease of epidemic potential, a threat to the health and welfare of the public, or otherwise of public health importance;

WHEREAS, COVID-19 is a dangerous disease that should be immediately isolated and reported in the interest of public health;

WHEREAS, the Centers for Disease Control and Prevention has noted that COVID-19 (SARS-Coronavirus-2) is highly infectious and deadly for certain vulnerable groups;

WHEREAS, the Alabama Department of Public Health has noted that COVID-19 is highly infectious and deadly;

WHEREAS, a rapidly growing number of cases of COVID-19 is being detected in Jefferson County, and there are certain to be many more undetected cases in the county and surrounding areas;

WHEREAS, scientific analysis has found that COVID-19 has case fatality rates varying from 1.0% of cases to as high as 2.3%;

WHEREAS, Section 22-3-5(2) of the *Code of Alabama 1975* authorizes the County Health Officer to “institute immediate measures to prevent the spread of such [notifiable] disease” and the County Health Officer having examined the evidence issued an official order on March 16, 2020, updated by a second order on March 19, 2020, (together the “JCDH Orders”);

WHEREAS, on March 17, 2020, the State Health Officer issued a similar order for counties surrounding Jefferson, including Blount, Saint Clair, Shelby, Tuscaloosa, and Walker Counties;

WHEREAS, on March 19, 2020, the State Health Officer entered an order providing that the Jefferson and Mobile County Health Officers are authorized, after consultation with the State Health Officer, to implement more stringent measures as local circumstances require;

WHEREAS, pursuant to Section 11-47-130 *et seq.* 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 this title and any other 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, Section 11-47-131 of the *Code of Alabama 1975* confers upon Alabama municipalities broad powers related to the promotion of health as set forth below:

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 council 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 they may deem necessary.

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 20, 2020, on behalf of the City of Center Point, Alabama (the “City”), the Mayor issued the “Proclamation of the Mayor Regarding the Initial COVID-19 Response Plan for the City of Center Point, Alabama,” a copy of which is attached hereto as **EXHIBIT A** hereof (the “Proclamation”);

WHEREAS, the Center Point 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 CENTER POINT 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 and state emergency management agencies;
- B. To approve, provide, or fund, auxiliary fire, law enforcement personnel, and other emergency management workers, volunteer or otherwise, provided, that employees compensated directly by the City shall be subject to any existing civil service or Merit System 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, engineering, rescue, health, medical and related service, law enforcement, 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 and 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 of Emergency, the City Council hereby waives procedure and formalities otherwise required by law pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of temporary workers, the utilization of volunteer workers, the rental of equipment, the purchase and distribution with or without compensation of supplies, materials, and facilities, and the appropriation and expenditure of public funds.

Section 6. Pursuant to Section 31-9-10(b)(5) of the *Code of Alabama 1975*, related to and for the duration of the Alabama State of Emergency, the City Council hereby authorizes the Mayor to impose a public safety curfew for the City's inhabitants. If a public safety curfew is imposed as authorized herein, it shall be enforced by the appropriate Center Point law enforcement officers. A public safety curfew imposed under this Section shall not apply to employees of utilities, cable, and telecommunications companies and their contractors engaged in activities necessary to maintain or restore utility, cable, and telecommunications services or to official emergency management personnel engaged in emergency management activities.

Section 7. In connection with the COVID-19 outbreak that is the subject of the Alabama State of Emergency, the Mayor is hereby authorized to apply for grants, as funds are appropriated for such specific purpose, for the recovery of personnel and administrative costs by the City for emergency management and emergency preparedness.

Section 8. Pursuant to Sections 31-9-18 and 31-9-24 of the *Code of Alabama 1975*, whenever the federal government or any agency or officer thereof, the State of Alabama or any agency or officer thereof, or any person, firm, or corporation shall offer to the City services, equipment, supplies, materials, or funds by way of gift, grant, or loan for purposes of emergency management, the City Council hereby authorizes the Mayor to accept such offer, and upon such acceptance the City Council authorizes the Mayor to receive such services, equipment, supplies, materials, or funds on behalf of the City.

Section 9. As a condition to the granting of these emergency powers to the Mayor, the Mayor shall provide a report to the City Council at each of its subsequent meetings, concerning the Mayor's utilization of such emergency powers.

Section 10. (a) It shall be unlawful for any person, corporation, company, association, or other entity, or for any agent, servant or employee of such person, corporation, company, association, or other entity, to fail to comply with an order or notice given pursuant to this ordinance or the JCDH Orders then in effect.

(b) It shall be unlawful for any person, corporation, company, association, or other entity, or for any agent, servant or employee of such person, corporation, company, association, or other entity, to fail or refuse to perform any duty imposed by this ordinance or the JCDH Orders then in effect.

(c) It shall be unlawful for any person, corporation, company, association, or other entity, or for any agent, servant or employee of such person, corporation, company, association, or other entity, to obstruct or interfere with a City officer, employee or public health official in carrying out the purposes of this ordinance or the JCDH Orders then in effect.

(d) A violation of this Section shall be punishable by a fine not to exceed the sum of five hundred (\$500) for each offense, and if a willful violation, by imprisonment, not to exceed six months, or both, at the discretion of the court trying the same. Each day shall constitute a separate offense.


(e) The penalties and remedies provided by this ordinance shall not apply to the City or any official (elected or appointed), agent, officer, or employee of the City who is administering this ordinance or otherwise performing its, his, or her official duties.

Section 11. This ordinance shall become effective immediately upon its adoption and approval by the Mayor and City Council of the City and posting as required by Alabama law.

ADOPTED this 26th day of March, 2020.



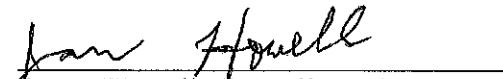
Roger A. Barlow, Council President



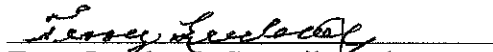
Bobby Scott, Councilmember



Linda Kennemur, Councilmember

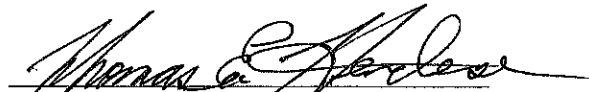


James Howell, Councilmember

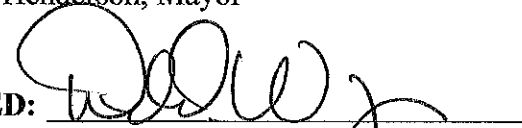


Terry Leesburg, Councilmember

APPROVED this 26 day of March, 2020.



Thomas E. Henderson, Mayor

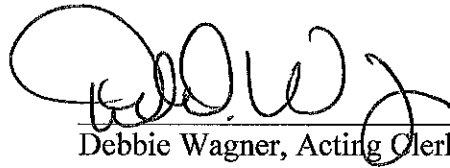
ATTESTED: 

Debbie Wagner, Acting City Clerk

CERTIFICATION:

I, Debbie Wagner, as Acting Clerk of Center Point, Alabama, hereby certify that the above and foregoing copy of Ordinance Number 2020-~~17~~ is a true and correct copy of such ordinance that was duly adopted by the Council of Center Point, Alabama, on the 26 day of March, 2020, as same appears in the official records of said City.

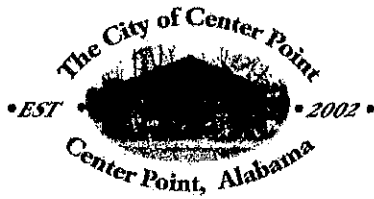
Posted at Center Point City Hall, Center Point Senior Center, and U.S. Post Office, Center Point, Alabama this the 26 day of March, 2020.



Debbie Wagner, Acting Clerk

EXHIBIT A

[Mayor's Proclamation Attached on the Following Pages]



P.O. Box 9847
Center Point, AL 35220
2209 Center Point Pkwy
Center Point, AL 35215
Phone: 205-854-4460

Tom Henderson, Mayor

City Council

Roger A. Barlow, *Council President*
Terry Leesburg, *President Pro Tempore*
Bobby Scott
Linda Kennemur
James Howell

Tameeka Vann, *City Clerk/Treasurer*

**PROCLAMATION OF THE MAYOR
REGARDING THE INITIAL COVID-19 RESPONSE PLAN
FOR THE CITY OF CENTER POINT, ALABAMA**

WHEREAS, pursuant to Section 11-47-130 *et seq.* of the *Code of Alabama 1975*, “[a]ll 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 11-43-81 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 9, 2020, the Director of the World Health Organization described the Coronavirus Disease 2019 (“COVID-19”) outbreak as a pandemic;

WHEREAS, on March 13, 2020, the President of the United States issued a “Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease 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;

WHEREAS, COVID-19 has been designated by the Alabama Department of Public Health to be a disease of epidemic potential, a threat to the health and welfare of the public, or otherwise of public health importance;

WHEREAS, COVID-19 is a dangerous disease that should be immediately isolated and reported in the interest of public health;

WHEREAS, the Centers for Disease Control and Prevention has noted that COVID-19 (SARS-Coronavirus-2) is highly infectious and deadly for certain vulnerable groups;

WHEREAS, the Alabama Department of Public Health has noted that COVID-19 is highly infectious and deadly;



WHEREAS, a rapidly growing number of cases of COVID-19 is being detected in Jefferson County, and there are certain to be many more undetected cases in the county and surrounding areas;

WHEREAS, scientific analysis has found that COVID-19 has case fatality rates varying from 1.0% of cases to as high as 2.3%;

WHEREAS, Section 22-3-5(2) of the *Code of Alabama 1975* authorizes the County Health Officer to “institute immediate measures to prevent the spread of such [notifiable] disease” and the County Health Officer having examined the evidence issued an official order on March 16, 2020, updated by a second order on March 19, 2020, both attached hereto as EXHIBIT A (the “JCDH Orders”);

WHEREAS, on March 17, 2020, the State Health Officer issued a similar order for counties surrounding Jefferson, including Blount, Saint Clair, Shelby, Tuscaloosa, and Walker Counties,

WHEREAS, on March 19, 2020, the State Health Officer entered an order providing that the Jefferson and Mobile County Health Officers are authorized, after consultation with the State Health Officer, to implement more stringent measures as local circumstances require;

WHEREAS, the goal of this Center Point initial response plan is to institute a protocol to mitigate the spread of COVID-19 in the City of Center Point, Alabama, particularly through the use of its public facilities;

WHEREAS, this plan is based on the JCDH Order and recommendations from the Centers for Disease Control and Prevention (CDC), and the CDC has announced that containment of the virus is no longer possible and that community spread is occurring; and

WHEREAS, this plan may be updated as new information is disseminated.

NOW, THEREFORE, I, Thomas E. Henderson, Mayor of the City of Center Point, Alabama (“City”), proclaim and direct the following:

1. Pursuant to the JCDH Order the Center Point Senior Center closed as of Tuesday, March 17, 2020 and will remain closed until further notice. Efforts are being made to provide lunches on a drive-through basis and delivery of lunches for those who cannot get to the Senior Center. Call (205) 854-4472 for more information.
2. Effective immediately, the Center Point Community Center, the Center Point Sports Complex, the Center Point Public Library (opening postponed), and all City of Center Point parks (Henderson/Civitan Park, Reed-Harvey Park and Center Point Satellite Courthouse Park) and athletic fields are closed to the public, pending further notice. All Center Point Youth Sports programs are cancelled, pending further notice.
3. Effective immediately, the Center Point City Hall will have no foot traffic. No citizen will be allowed in City Hall without a pre-established appointment and subject to the guidelines of this Proclamation. Where possible, business should be conducted by telephone (205) 854-4460, by email, online, by mail, by, or by means other than in-person contact. Those who wish to get business license may call (205) 854-4460, option 2. Those who wish to obtain permits or schedule inspections may call (205) 854-4617, option 3. An in-person

appointment will only be permitted when one of the foregoing options for contact are not feasible.

This does not apply to public meetings, which area addressed separately below.

4. Effective immediately, the following persons shall not enter or remain upon any City of Center Point-owned facility or property:
 - Persons who have been, within the last fourteen (14) days, in any area identified by the CDC as subject to a Warning Level 3 Travel Health Notice or as a place of “Widespread sustained spread and restrictions on travel to the United States,” see <https://wwwnc.cdc.gov/travel/notices> (This list may be updated from time to time);
 - Persons who reside or have had close contact with someone who has been in one of the areas listed above within the last fourteen (14) days;
 - Persons who have been asked to self-quarantine by any doctor, hospital, health agency, or their employer;
 - Persons who have been diagnosed with or have had contact with anyone who has been diagnosed with COVID-19; and
 - Persons who have a fever (100.4°F/38°C or higher), cough, have trouble breathing, or are obviously unwell, and have not been free of those conditions for forty-eight (48) hours. Any person seeking to enter a meeting must have their temperature taken and meet the above requirements to enter.

Anyone attempting entry in violation of these protocols will be denied entry. Any person who has business to conduct at Center Point City Hall but is unable to appear because of the restrictions above should contact the appropriate department by telephone at (205) 854-4460. Citizens should also refer to the City of Center Point’s website at www.thecityofcenterpoint.org.

5. I have been notified that the City Council meetings scheduled for Thursday, March 26, 2020 and April 9, 2020, at 7:00 p.m., will be held as scheduled. The Zoning Board of Adjustments meeting scheduled for Monday, March 23, 2020 has been cancelled.
6. Effective immediately, the following persons shall not physically attend any meeting of the Center Point City Council, Center Point Planning and Zoning Commission, or the Center Point Library Board:
 - Persons who have been, within the last fourteen (14) days, in any area identified by the CDC as subject to a Level 3 Travel Health Notice or as a place of “Widespread sustained spread and restrictions on travel to the United States,” see <https://www.cdc.gov/coronavirus/2019-ncov/travelers/index.html> (This list may be updated from time to time);
 - Persons who reside or have had close contact with someone who has been in one of the areas listed above within the last fourteen (14) days;
 - Persons who have been asked to self-quarantine by any doctor, hospital, health agency, or their employer;
 - Persons who have been diagnosed with or have had contact with anyone who has been diagnosed with COVID-19 or the flu; and


- Persons who have a fever (100.4°F/38°C or higher), cough, have trouble breathing, or are obviously unwell, and have not been free of those conditions for forty-eight (48) hours. Any person seeking to enter a meeting must have their temperature taken and meet the above requirements to enter.

Anyone attempting entry in violation of these protocols will be denied entry.

The CDC has explained that large gatherings can contribute to the spread of COVID-19 in the United States. Accordingly, while citizens have a right to attend these meetings, the City of Center Point discourages attendance during this state of emergency. Additionally, all meetings shall comply with orders of the Alabama Department of Public Health and the JCDH Orders to maintain a consistent six-foot distance between persons and limit the size of public gatherings. As a result, the number of persons able to attend meetings will be more limited than usual. The City will post its meeting agenda online and will make the minutes of the meetings available as soon as possible.

Please be mindful that our public servants will likely also be affected by the present State of Emergency, and therefore, their availability may be further limited according to their personal situations. We will make every effort to meet citizen needs as they arise.

DONE this the 20th day of March, 2020.


Thomas E Henderson, Mayor