

BILL NO. 20

ORDINANCE NO. 3273-B

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALDWELL, IDAHO, AUTHORIZING THE MAYOR, PURSUANT TO IDAHO CODE §§ 50-304 AND 50-606, TO IMPLEMENT BY APPROPRIATE ORDER ANY MEASURES, AT HIS DISCRETION AND UNTIL 9:00 PM ON JUNE 15, 2020, THAT ARE RECOMMENDED BY PUBLIC HEALTH AGENCIES TO PREVENT THE SPREAD OF COVID-19 OR TO TEMPORARILY SUSPEND CERTAIN CITY CODE PROVISIONS TO FACILITATE THE REOPENING OF CITY BUSINESSES; PROVIDING FOR THIS ORDINANCE TO BE IMMEDIATELY EFFECTIVE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF, IN CONFLICT HEREWITH.

WHEREAS, the novel coronavirus known as COVID-19 has been declared a pandemic by the World Health Organization; and

WHEREAS, the President of the United States has declared a state of emergency in response to the national threat of COVID-19; and

WHEREAS, the Governor of the State of Idaho has declared a state of emergency for the state of Idaho in response to the state threat of COVID-19; and

WHEREAS, the Mayor, pursuant to Idaho Code § 46-1011, has issued an Emergency Declaration, dated March 16th, 2020 in response to COVID-19, which the City Council has confirmed and extended from time to time (currently set to expire May 18, 2020) pursuant to Idaho Code § 46-1011; and

WHEREAS, the local governments in Idaho look to the Idaho Department of Health and Welfare and its local health district, the Governor's Coronavirus Working Group, and the U.S. Department of Health and Human Services, specifically the Centers for Disease Control and Prevention and the Office of the Surgeon General, ("public health agencies") for guidance on the appropriate level of response to COVID-19; and

WHEREAS, the City wishes to be in position to carry out recommendations of public health agencies as quickly as possible; and

WHEREAS, the City has delayed public hearing and other public processes such as design review to prevent gatherings of people that may present a risk of spreading the COVID-19; and

WHEREAS, the businesses in Caldwell have been adversely affected by the state-wide "stay at home order" and are attempting to open in ways that comply with the phased opening implemented by the Governor's Office; and

WHEREAS, said businesses have been hampered by Caldwell City Code provisions that require public hearings or other public process, or by aesthetic requirements and setbacks that may make social distancing unnecessarily difficult; and

WHEREAS, the City, pursuant to Idaho Code § 50-304, may “pass all ordinances and make all regulations necessary to preserve the public health; prevent the introduction of contagious diseases into the city; make quarantine laws for that purpose and enforce the same;” and

WHEREAS, pursuant to Idaho Code § 50-606, the Mayor “shall have such jurisdiction as may be vested in him by ordinance ... for the enforcement of any health or quarantine ordinance and regulation thereof...”

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF CALDWELL, COUNTY OF CANYON, STATE OF IDAHO:

Section 1. The Mayor is hereby authorized to implement by appropriate order any measures, at his discretion and until 9:00pm on June 15, 2020, that are recommended by one or more public health agencies to prevent the spread of COVID-19.

Section 2. The Mayor shall have the authority to suspend, on a temporary basis, not to exceed ninety (90) days, which period of suspension may continue beyond June 15, 2020, any City Code section, policy, rule or ordinance (“Regulation”) on the following conditions:

2.1 The Regulation suspended is not a life-safety provision and suspension will not place the public at risk of physical dangers the Regulation seeks to prevent;

2.2 Businesses operating in connection with any such suspension conduct such operations in full compliance with the stay at home order.

Section 3. The Mayor shall have the authority to discontinue any measure implemented pursuant to this ordinance upon recommendation of any of the public health agencies or his discretion and until 9:00pm on June 15, 2020.

Section 4. That any violation of an order issued by the Mayor made pursuant to this ordinance shall be a misdemeanor.

Section 5. The Mayor and City Council hereby proclaim this ordinance, which ordinance is responding to the impending danger of a contagious disease, to be in immediate effect pursuant to Idaho Code § 50-901.

Section 6. This ordinance, being in response to the impending danger of a contagious disease, shall be in full force and effect immediately upon its passage, and shall, in addition to the regular publication of an ordinance, shall be posted in at least five (5) public places in the city, pursuant to Idaho Code § 50-901.

Section 7. This ordinance is hereby declared to be severable. If any portion of this ordinance is declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purposes of the ordinance before the declaration of partial invalidity.

Section 8. All ordinances, resolutions, orders and parts thereof in conflict herewith are repealed.

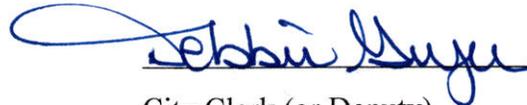
PASSED BY THE COUNCIL OF THE CITY OF CALDWELL, IDAHO, this 8th day of May, 2020.

APPROVED BY THE MAYOR OF THE CITY OF CALDWELL, IDAHO, this 8th day of May, 2020.

ATTEST:



Mayor Garret L. Nancolas



City Clerk (or Deputy)

1871

1871