

**ORDINANCE NO. 2020-16
CITY OF KUNA**

**AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KUNA,
ADA COUNTY, STATE OF IDAHO:**

- **ESTABLISHING EMERGENCY POWERS; AND**
- **MAKING FINDINGS AND SETTING FORTH THE AUTHORITY, PURPOSE, INTENT, AND SCOPE; AND**
- **PROVIDING FOR A TITLE; AND**
- **PROVIDING ORDINANCE DEFINITIONS; AND**
- **PROVIDING FOR AND DESCRIBING PUBLIC HEALTH EMERGENCY ORDERS; AND**
- **ESTABLISHING A PROCESS FOR ENACTING PUBLIC HEALTH EMERGENCY ORDERS; AND**
- **ESTABLISHING THE DURATION OF PUBLIC HEALTH EMERGENCY ORDER; AND**
- **ESTABLISHING PENALTIES;**
- **PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; AND**
- **PROVIDING FOR EMERGENCY POSTING; AND**
- **PROVIDING AN EFFECTIVE DATE, AND**
- **PROVIDING A SUNSET DATE; AND**
- **DIRECTING THE CITY CLERK.**

City Council Statement of authority, purpose, intent and the scope of the exercise of its authority:

The City Council finds that:

- On March 11, 2020, the World Health Organization declared the worldwide outbreak of COVID-19 (aka coronavirus) a pandemic; and
- On March 13, 2020, the President of the United States issued an emergency declaration for the country in response to the increasing number of COVID-19 cases within the U.S.; and
- On March 13, 2020, Idaho Governor Brad Little signed a declaration of emergency for the State of Idaho in response to concerns that cases of COVID-19 were imminent in Idaho; and
- On March 13, 2020, Idaho Governor Brad Little signed an Open Meeting Law suspension proclamation in response to local public health authorities' recommendation to limit interaction with others at this time; and
- On March 25, 2020 Dave Jeppesen, Director of the Idaho Department of Health and Welfare, issued an Order in response to the community spread of COVID-19 that had been confirmed in Idaho, which order directed citizens of the state of Idaho, elected officials and appointed officials to Self-Isolate effective for the entire state of Idaho.
- Pursuant to Idaho Code section 50-304, the City Council is authorized to *pass all*

ordinances and make all regulations necessary to preserve public health, prevent the introduction of contagious diseases into the city, make quarantine laws for that purpose, and make quarantine ordinances for that purpose and enforce the same within five (5) miles of City; and

- Pursuant to Idaho Code section 50-606, *the Mayor shall have such jurisdiction as may be vested by ordinance over all places within five (5) miles of the corporate limits of the city, for the enforcement of any health or quarantine ordinance and regulation thereof; and*
- It is necessary in order to effectively preserve the health and safety of the public, and the persons found and within the City that the Mayor shall be granted the emergency powers as set forth within this ordinance.

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

SECTION 1: EMERGENCY POWERS ORDINANCE TITLE. This Ordinance shall be known and designated as the *City of Kuna Emergency Public Health Powers Ordinance*, [the “EPHP Ordinance”] and shall be considered as a temporary emergency ordinance.

SECTION 2: LEGAL AUTHORITY. Idaho Code sections 50-304 and 50-606 authorize the City Council to pass ordinances granting certain powers to the Mayor and City Council related to public health and the prevention of the introduction of contagious diseases into the City.

SECTION 3: DECLARATION OF HEALTH EMERGENCY. As hereinabove stated, there currently exists an outbreak of COVID-19 (aka coronavirus), a pandemic which has affected or may affect persons found within the City, the state of Idaho, and within the United States, and has presented a public health emergency situation within the City that requires immediate action by the City Council in response.

SECTION 4: MAYOR AUTHORIZED POWERS. The City Council authorizes the Mayor to exercise certain powers to enable immediate responses to foreseeable, imminent, or present public health emergencies within the City of Kuna.

SECTION 5: PROCEDURES FOR AND SCOPE OF THE EXERCISE OF PUBLIC HEALTH EMERGENCY POWERS. The following are the procedures for activating the emergency powers of the Mayor during a public health emergency.

5.1: DEFINITIONS. The bolded terms in this section for all purposes of this Section 5 shall have the definition and meanings as herein set forth:

5.1.1 PUBLIC HEALTH EMERGENCY: means and refers to a foreseeable, imminent, or present threat of any pathogen, agent, vector, or environmental condition, including hazardous materials, which does or may cause illness or injury to humans.

- 5.1.2 **PUBLIC HEALTH EMERGENCY ORDER:** means and refers to an advisory, social distancing, isolation, or quarantine order enacted by the Mayor.
 - 5.1.3 **ISOLATION:** means and refers to the separation of infected persons, or of persons suspected to be infected, from other persons to such places, under such conditions, and for such time as will prevent transmission of the infectious agent.
 - 5.1.4 **QUARANTINE:** means and refers to the restriction placed on the entrance to and exit from the place of premises where an infectious agent or hazardous material exists.
 - 5.1.5 **SOCIAL DISTANCING:** means and refers to actions taken by a person to maintain distance from other people, including avoiding or canceling congregate settings and mass gatherings.
- 5.2: **PUBLIC HEALTH EMERGENCY ORDERS:** The Mayor is authorized and has the authority to issue the following orders, as deemed appropriate by the Mayor in accordance with the following:
- 5.2.1 **Advisory Order.** In the event a public health emergency is foreseeable or imminent, the Mayor may enact and issue 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.
 - 5.2.2 **Social Distancing Order.** In the event a public health emergency is imminent, the Mayor may enact and issue a social distancing order, which orders may establish any or all of the following:
 - 5.2.2.1 Restrict the operation or occurrence of planned or foreseeable commercial, recreational, or expressive gatherings or events.
 - 5.2.2.2 Restrict travel to, and/or within, and/or out of the City.
 - 5.2.2.3 Postpone or cancel public meetings and hearings.
 - 5.2.2.4 Limit the number of persons who may gather in one location inclusive of indoor or outdoor venues and gatherings.
 - 5.2.2.5 Suspend the conduct of businesses, visitor lodging accommodations, and any other commercial activity involving face to face human interaction.
 - 5.2.2.6 Prevent, avoid, detect, address, or mitigate a foreseeable, imminent, or present public health hazard.
 - 5.2.2.7 Shall include an effective date and an anticipated expiration date, which may be extended in the same manner as the imposition of the initial order.

5.2.3 Isolation Order. In the event a public health emergency is present, and poses a clear threat of harm to public health, the Mayor may enact and issue an isolation order, which order may establish any or all of the following:

5.2.3.1 Direct that infected and/or exposed individuals isolate themselves from other persons.

5.2.3.2 Designate a geographical area of restricted or prohibited access.

5.2.3.3 Declare actions necessary to affect an avoidance of, address, or mitigate an imminent public health hazard.

5.2.3.4 Direct the scope and manner of delivery of services, materials, or supplies to be provided by the City, if any.

5.2.3.5 Direct that actions be taken in order to prevent, avoid, detect, address, or mitigate a foreseeable, imminent, or present public health hazard.

5.2.3.6 Include an effective date and an anticipated expiration date, which may be extended in the same manner as the imposition of the initial order. An isolation order shall be effective only when and for so long as the public health emergency is present, and when no less restrictive alternatives reasonably exist.

5.2.3.7 Provide notice that any affected 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 a special City Council meeting which shall be chaired by the President of the Council. The City Council, based upon the preponderance of the evidence produced at the hearing, may affirm, rescind, or modify the isolation order. The City Council decision shall be final.

5.2.4 Quarantine Order. Where a health emergency is present and poses a clear threat of harm to public health, the Mayor may enact and issue a quarantine order, which order may establish any or all of the following:

5.2.4.1 Direct that infected and/or exposed persons isolate themselves from other persons.

5.2.4.2 Designate a geographical area of restricted or prohibited access.

5.2.4.3 Direct other actions necessary to avoid, address, or mitigate an imminent public health hazard.

5.2.4.4 Direct the scope and manner of delivery of services, materials, or supplies to be provided by the City, if any.

5.2.4.5 Direct actions be taken in order to prevent, avoid, detect, address, or mitigate a foreseeable, imminent, or present public health hazard.

5.2.4.6 Include the following conditions:

- an effective date and an anticipated expiration date, which may be extended in the same manner as the imposition of the initial order; and
- shall be effective only when and for so long as the public health emergency is present, and when no less restrictive alternatives reasonably exist.

5.2.4.7 Provide notice that any affected person shall be entitled to appeal a quarantine 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 a special City Council meeting chaired by the President of the Council. The City Council, based upon the preponderance of the evidence produced at the hearing, may affirm, rescind or modify the isolation order. The City Council decision shall be final.

SECTION 6: PROCESS FOR ENACTING PUBLIC HEALTH EMERGENCY ORDERS.

The posting, publication, and notification process to be followed by the Mayor when enacting and issuing orders pursuant to Section 5 of this Ordinance is as follows:

- 6.1** Except as may be specifically stated in the Order, such order shall be effective upon posting at Kuna City Hall.
- 6.2** As soon as possible and prudent under the circumstances, the Mayor shall notify the City Council and cause the Order to be posted and published as follows:
 - 6.2.1** Posted in a prominent place at Kuna City Hall; and
 - 6.2.2** Posted on the City's website; and
 - 6.2.3** Posted on all City social media accounts; and
 - 6.2.4** Provided to local television and radio broadcast outlets; and
 - 6.2.5** Notify other government agencies, including Kuna School District [Joint School District No. 3], and Ada County.

SECTION 7: DURATION OF ORDERS: Every public health emergency order issued by the Mayor pursuant to this EPHP Ordinance shall include an effective date and a termination date that shall be no more than ninety (90) days from the effective date, which may be extended by the Mayor by a written extension order by following the process of Section 6 of this EPHP Ordinance.

SECTION 8: PENALTY. It shall be unlawful to violate any provision or directive of a duly enacted social distancing order, isolation order, or quarantine order while such order is in effect. The violation of any provision or directive of a social distancing order, isolation order, or quarantine order is an infraction under Kuna City Code Section 1-4-1A.

SECTION 9: CONFLICTS. All ordinances, resolutions, orders, or parts thereof in conflict with this EPHP Ordinance, if any, are hereby revoked for the term of this EPHP Ordinance.

SECTION 10: SAVINGS AND SEVERABILITY CLAUSE. It is hereby declared to be the legislative intent that the provisions and parts of this EPHP Ordinance shall be severable. If any paragraph, part, section, subsection, sentence, clause, or phrase of this EPHP Ordinance is for any reason held to be invalid for any reason by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this EPHP Ordinance.

SECTION 11: EMERGENCY POSTING, EFFECTIVE DATE, AND SUNSET. Due to an imminent situation of contagious disease, a proclamation of this EPHP Ordinance shall be posted in at least five (5) public locations in the City and this EPHP Ordinance shall take effect immediately upon such posting, in accordance with Idaho Code 50-901. At the discretion of the City Clerk and in lieu of publication of the entire EPHP ordinance, a summary thereof in compliance with Section 50-901A, Idaho Code, may be published.

SECTION 12: ORDINANCE TERM AND SUNSET: This EPHP Ordinance shall be considered a temporary emergency ordinance and shall sunset and revoke as to effect one-hundred and eighty-two (182) days from its effective date.

SECTION 13: DIRECTING THE CITY CLERK: The City Clerk is directed to file this EPHP Ordinance in the official records of the City.

DATED this 7th day of April, 2020.

CITY OF KUNA



Joe L. Stear, Mayor

ATTEST:


Chris Engels, City Clerk



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The full text of this ordinance is available at the City Clerk’s Office, Kuna City Hall, 751 W. 4th Street, Kuna, Idaho 83634 or on the City of Kuna website; www.KunaCity.ID.gov.

Please note City Hall is temporarily closed to the public. If you would like to contact the City Clerk’s office call (208) 922-5546 or email CityClerk@KunaID.gov.

THE FOREGOING SUMMARY IS APPROVED for publication this 7th day of April, 2020 by the City Council of the City of Kuna.

CITY OF KUNA, a Municipal Corporation
of Idaho

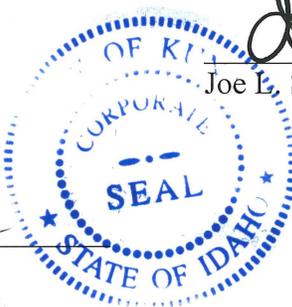


Joe L. Stear, Mayor

ATTEST:



Chris Engels, City Clerk



I have reviewed the foregoing summary and believe that it provides a true and complete summary of Ordinance No. 2020-16 and that the summary provides adequate notice to the public of the contents of this ordinance.

DATED this 7th day of April, 2020.

A handwritten signature in black ink, appearing to read "Wm. F. Gigray". The signature is written in a cursive style with a large initial "W".

Wm. F. Gigray, City Attorney

PUBLISHED: April 15, 2020