

NOTICE OF
SPECIAL STAR CITY
COUNCIL MEETING

Star City Hall
March 25, 2020
6:30 PM

AGENDA

1. CALL TO ORDER (Welcome/Pledge of Allegiance)
2. ROLL CALL
3. APPROVAL OF AGENDA (Approval of Agenda as it stands/Amen Agenda) **Action Item**
4. OLD/NEW BUSINESS **Action Item**
 - A. Approval of Ordinance No. 306 – Public Health Hazard Authority
5. Adjournment **Action Item**

CITY OF STAR ORDINANCE NO. 306

AN ORDINANCE ADDING A NEW CHAPTER TO TITLE 4, STAR 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 Star City Code section 1-5-6 and Idaho Code section 50-606, the Mayor is authorized to enforce within Star city limits, and in all unincorporated places within five (5) miles of Star city limits, any health or isolation ordinance and regulation thereof.

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

Section 1. That a new chapter, Chapter 7, shall be added to Title 4, Star City Code, to read as follows:

4-7-1: PUBLIC HEALTH HAZARD AUTHORITY:

- A. **Purpose.** By this chapter, the City Council of the City of Star, authorizes the Mayor to 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 purchased in a grocery or convenience stores, gas stations and pharmacies.
- 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 Star any costs incurred, or profits lost as may be alleged to be attributed to the enactment of a Public Health Hazard Order.

4-7-2: 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 congregating settings and mass gatherings.

4-7-3: PUBLIC HEALTH HAZARD ORDERS:

After declaring a State of Emergency Idaho Code section 46-1011, and for the duration of such state of emergency, the Mayor may issue Advisory, Social Distancing and Isolation orders, as deemed appropriate by the Mayor, and in accordance with, recommendations 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. 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 the Star City Council. A Social Distancing Order shall apply within Star City Limits, and within unincorporated areas five (5) miles outside of Star 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. 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 Fire Chief shall review such appeal and issue a written decision. The Fire Chief's decision shall be final.

4-7-4: 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 Star 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, including West Ada School District, Ada County Highway District, Ada County, and other municipalities.
- Except as may be specifically stated in the Public Health Hazard Order, such order shall be effective upon posting at Star City Hall.

4-7-5: 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 an infraction. Subsequent violations 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.

Section 4. This ordinance shall remain until the COVID-19 pandemic is declared over or the Governor of the State of Idaho declares the emergency over or 180 days, whichever occurs first.

PASSED by the City Council of the City of Star, Idaho, this 25th day of March, 2020.

APPROVED by the Mayor of the City of Star, Idaho, this 25th day of March, 2020.

APPROVED:

Trevor A. Chadwick, Mayor

ATTEST:

Kathleen Ward, Deputy City Clerk

CERTIFICATION OF SUMMARY:

Chris Yorgason, City Attorney of the City of Star, Idaho, hereby certifies that the summary below is true and complete and upon its publication will provide adequate notice to the public.

Chris Yorgason, City Attorney

SUMMARY OF CITY OF STAR ORDINANCE NO. 306

An ordinance adding a new chapter to Title 4, Star 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.