

ORDINANCE NO. 2227-20

WHEREAS, Alabama Code Section 31-9-10 grants the governing body of political subdivisions authority to impose a public safety curfew in the event of certain natural disasters or emergencies of unprecedented size; and,

WHEREAS, the City Council of the City of Sylacauga has determined that a curfew may be necessary in the future in order to mitigate the spread of infectious diseases by reducing the risk of exposure during a time of outbreak.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Sylacauga that, due to the Pandemic Emergency created by COVID-19 and the increased risk of infection through public gatherings, it is, therefore, decreed that the Chief of Police of the City of Sylacauga, Alabama, is hereby authorized to impose in the City of Sylacauga, a Public Safety Curfew for the hours between 10:00 P.M. and 5:00 A.M., seven days a week, when conditions, as determined by him, upon consultation with public health officials, the Mayor of the City of Sylacauga, and other Department Heads and Officials, are such that said Public Safety Curfew is necessary in order to protect the citizens of the City of Sylacauga from the COVID-19 Pandemic.

BE IT FURTHER ORDAINED that if such a curfew is imposed by the Chief of Police of the City of Sylacauga, said curfew will become effective immediately upon the Chief of Police signing an Order imposing said curfew, and that such curfew shall continue in effect until rescinded by the Chief of Police of the City of Sylacauga or by the City Council of the City of Sylacauga, but such curfew shall not extend longer than the duration of the declared Public Health Emergency related to the COVID-19 virus. Further, during such curfew:

A. No persons shall be or remain in public places during the hours between 10:00 P.M. and 5:00 A.M. Residents of the City of Sylacauga shall remain in their places of residence during such hours, except as further provided in subsection E. of this ordinance. Said curfew shall apply to all persons within the City of Sylacauga; however, this curfew shall not apply to:

1. Public safety or emergency service activities, including but not limited to law enforcement, fire and rescue services, and emergency management agencies.
2. First responders, crisis intervention workers, public health workers, employees of hospitals, health care facilities, assisted living facilities, home health workers, security services, emergency management personnel, emergency dispatchers, law enforcement personnel, and related contractors.
3. Persons employed by or contracted to utilities, cable, telecommunications companies and internet companies that are engaged in activities necessary to maintain or restore utility, cable, internet and telecommunications services.
4. Persons providing fire, police, sanitation, security, emergency and hospital services, food delivery services and other deliveries of merchandise or mail.
5. Persons seeking essential services, commodities or emergency medical treatment. Persons who are vulnerable to the most serious effects of the COVID-19 disease must remain at home, unless seeking medical treatment.
6. Persons supplying or restocking businesses in order to provide essential services or products, i.e. home improvements, groceries, fuel delivery locations, pharmacies or other retailers offering emergency supplies, transportation of fuels, movement of equipment and personnel for the provision of humanitarian support, and movement of equipment necessary for the protection of critical infrastructure or public safety.
7. Persons employed by the federal, state, county or city government or their agencies working within the course and scope of their public service employment. Such employees shall follow any current or future directives regarding performance of their duties, including working from home, issued by their respective employers.
8. Credentialed members of the media and necessary support staff.
9. Persons experiencing homelessness.
10. Grocery stores, convenience stores, pharmacies, health care supply stores and gas stations.

B. All public and private gatherings of ten or more persons or of any size where a consistent distance of at least six feet cannot be maintained are prohibited, except as to those exempted activities further provided for in this ordinance.

C. Subject to the exceptions further provided in Subsection D. of this ordinance, all travel, including, without limitation, travel on foot, bicycle, scooter, motorcycle, automobile, or public transit is prohibited. Transportation in Interstate Commerce is not governed by this ordinance.

D. Exceptions. People may lawfully leave their residence while such curfew is in effect only to engage in the following activities:

1. Essential Activities. To engage in certain essential activities, including, without limitation, visiting a health or veterinary care professional, obtaining medical supplies or medication, obtaining grocery items (including, without limitation, canned food, dry goods, fresh fruits and vegetables, pet supplies, fresh or frozen meats, fish, and poultry, any other household consumer products and products necessary to maintain the safety and sanitation of residences and other buildings) for their household or to deliver to others, or for legally mandated government purposes. Additionally, any travel related to:

- a. providing care for minors, the elderly, dependents, persons with disabilities, or other vulnerable persons;
- b. returning to one's place of residence from outside the City;
- c. travelling to one's place of residence located outside the City;
- d. travelling through the City from one location outside the City to another location outside the City;
- e. compliance with an order of law enforcement or court shall be exempt from this curfew;
- f. travelling to or from a place of business which provides essential services by owners and employees of such business; or
- g. legally mandated government purposes. Persons engaging in these essential activities shall maintain reasonable social distancing practices. This includes maintaining a distance of at least six feet away from others, frequently washing hands with soap and water for a least twenty seconds or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands. These Essential Activities are subject to change and are not limited to the activities listed in this subsection. Individuals must use reasonable judgment as it relates to the many and various circumstances during this time.

2. Work in Support of Essential Activities. To perform work providing essential products and services or to otherwise carry out activities specifically permitted under said curfew.

3. To care for or support a friend, family member, or pet in another household.

4. Providing any services, goods, or work necessary to build, operate, maintain or manufacture essential infrastructure, including without limitation construction of commercial, office and institutional buildings, residential buildings and housing; airport operations, food supply, concessions, and construction; water, sewer, gas, electrical; roads and highways, public transportation and rail; solid waste collection and removal; flood control and watershed protection; internet and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services); and manufacturing and distribution companies deemed essential to the supply chains of the industries referenced in this Paragraph, provided that they carry out those services and that work in compliance with social distancing practices as prescribed by the Centers for Disease Control and Prevention and the State Health Officer, to the extent possible.

5. The City shall work with governmental and nongovernmental partners to provide, to the extent possible, emergency shelter to unhoused persons in the City. Providers of such shall make all efforts to provide protection from the spread of the COVID-19 virus.

PENALTY. Failure to comply with any curfew or other action issued under authority of this ordinance is punishable by a fine of up to \$500.00 and/or up to one hundred eight (180) days in the municipal jail.

IMPLEMENTATION. Upon issuance of such a curfew, all Departments of the City organization and their respective employees to whom this ordinance applies shall forthwith implement the same in accordance with its terms and requirements.

EFFECT ON EXISTING REGULATORY ORDINANCES OR RESOLUTIONS. This ordinance is not intended to conflict with, supersede or contradict any regulatory ordinance or resolution enacted previously by the City Council. Nothing contained in this ordinance or any authority granted hereby shall relieve a person or business entity from any requirement to obtain a license, permit, or other authorization in compliance with applicable laws and regulations. Neither does this ordinance create any right, benefit, or privilege, substantive or procedural, enforceable at law or in equity by a party against the City, its departments, agencies, entities, officers, employees, or agents, or any other person.

STATE HEALTH OFFICER STATEWIDE ORDERS. In the event that this ordinance is less restrictive or is in conflict with an existing statewide order of the State Health Officer, then the Order of the State Health Officer supersedes this Ordinance. In the event the State Health Officer implements a statewide order that is more restrictive or stringent, then the order of the State Health Officer shall take precedence.

EFFECTIVE DATE. This ordinance and the authorities conferred herein shall take effect and be in full force immediately upon its adoption by the City Council.

ADOPTED this 15th day of April, 2020.

CITY OF SYLACAUGA
A Municipal Corporation



Lee Perryman, City Council President

TRANSMITTED TO MAYOR this 15th day of April, 2020.


Patricia G. Carden, City Clerk/Treasurer

ACTION BY MAYOR

APPROVED this 15th day of April, 2020.


James Heigl, Mayor

ATTEST:


Patricia G. Carden, City Clerk/Treasurer

STATE OF ALABAMA)
TALLADEGA COUNTY)

CERTIFICATION

I, Patricia G. Carden, the duly appointed, qualified and acting City Clerk-Treasurer of the City of Sylacauga, Alabama, do hereby certify that the above document is a true and correct copy of Ordinance No. 2226-20, as adopted by the City Council of the City of Sylacauga, Alabama, at its meeting held on the 15th day of April, 2020, the original of said document is on file and of record in my office in the Sylacauga Municipal Complex, in the City of Sylacauga, Alabama.

In witness whereof, I have hereunto set my hand and the official seal of the City of Sylacauga, Alabama on this the 15th day of April, 2020.



Patricia G. Carden, City Clerk-Treasurer
City of Sylacauga, Alabama