

CITY COUNCIL OF THE CITY COUNCIL OF TARRANT, ALABAMA

ORDINANCE NO. 1128

**AN ORDINANCE OF THE CITY OF TARRANT,
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, pursuant to Section 11-47-130 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, Alabama municipalities are given broad powers related to the promotion of health:

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.

ALA. CODE § 11-47-131 (1975);

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, pursuant to Article I, Sec. 2-1 of the *Tarrant Code of Ordinances*, “The mayor shall prescribe rules, not inconsistent with the laws of the state or the ordinances of the city, for regulating the distribution and performance of all business of the city, and for the regulation of officers and employees under such official’s control;”

WHEREAS, on March 15, 2020, on behalf of the City of Tarrant, Alabama (“the City”), the Mayor issued the “Proclamation of the Mayor Regarding the Initial COVID-19 Response Plan for the City of Tarrant, Alabama,” a copy of which is attached hereto as **Exhibit A** hereof (“the Proclamation”);

WHEREAS, on March 16, 2020, the Judge of the Tarrant Municipal Court issued the “COVID-19 Response Plan,” a copy of which is attached hereto as **Exhibit B** hereof (“the Order”);

WHEREAS, the Tarrant City Council (“City Council”) desires to adopt this Ordinance to confirm and ratify the actions taken by the Mayor and the Municipal Court Judge, 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 TARRANT AS FOLLOWS:

Section 1. The terms of the Proclamation and the Order are hereby ratified by the City Council and adopted as action of the City Council. The Mayor and the Municipal Court Judge are authorized to amend and/or supplement the Proclamation and the Order, 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*:

- 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 appoint, employ, remove, or provide, with or without compensation, auxiliary fire and police personnel, and other emergency management workers; provided, that compensated employees 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 fire fighting, engineering, rescue, health, medical and related service, police, 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 Tarrant Police Department. 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.

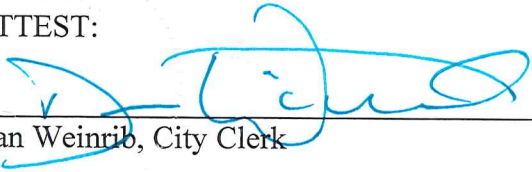
Section 8. Pursuant to Sections 31-9-18 and 31-9-24 of the *Code of Alabama* (1975), whenever the federal government or any agency or officer thereof, the State of Alabama or any agency or officer thereof, or any person, firm, or corporation shall offer to the City services, equipment, supplies, materials, 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.

ADOPTED AND APPROVED THIS THE 16th DAY OF MARCH, 2020.



LOXCIL B. TUCK, MAYOR

ATTEST:



Dan Weinrib, City Clerk

EXHIBIT A

BENJAMIN S. GOLDMAN
CITY ATTORNEY

LOXCIL B. TUCK
MAYOR

DAN WEINRIB
CITY CLERK

CITY OF TARRANT

1604 Pinson Valley Parkway
P. O. Box 170220
Tarrant, Alabama 35217-0220
205/849-2800
Fax 205/849-2805

COUNCIL MEMBERS
CATHY ANDERSON
JOHN T. "TOMMY" BRYANT

COUNCIL MEMBERS
TANYIKA FIELDS
DEBORAH MATTHEWS

LAURA HORTON
MAYOR PRO TEM

PROCLAMATION OF THE MAYOR REGARDING THE INITIAL COVID-19 RESPONSE PLAN FOR THE CITY OF TARRANT, ALABAMA

WHEREAS, pursuant to Section 11-47-130 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 Article I, Sec. 2-1 of the *Tarrant Code of Ordinances*, "The mayor shall prescribe rules, not inconsistent with the laws of the state or the ordinances of the city, for regulating the distribution and performance of all business of the city, and for the regulation of officers and employees under such official's control;"

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;

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

WHEREAS, this plan is based on 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;

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

NOW, THEREFORE, I, Loxcil B. Tuck, Mayor of the City of Tarrant, Alabama (“City”), proclaim and direct the following:

1. Effective March 16, 2020, the following persons shall not enter or remain upon any City of Tarrant-owned facility or property, including Tarrant City Hall, Tarrant Electric Department, Tarrant Public Works, Tarrant Public Safety, Tarrant Public Library, Tarrant Recreation Center, Tarrant Senior Center, and the City’s public parks:
 - Persons who have been in any of the following countries within the last fourteen (14) days: China, Iran, United Kingdom and Ireland, South Korea, Austria, Belgium, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, Switzerland, Monaco, San Marino, Vatican City, or any other country identified by the CDC as subject to a Level 2 or 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);
 - Persons who reside or have had close contact with someone who has been in one of the countries listed above within the last fourteen (14) days;
 - Persons who have been asked to self-quarantine by any doctor, hospital or health agency;
 - 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.

Anyone attempting entry in violation of these protocols will be denied entry. Any person who has business to conduct at Tarrant City Hall but is unable to appear because of the restrictions above should contact the appropriate department by telephone at (205) 849-2800. Citizens should also refer to the City of Tarrant’s website at <http://www.cityoftarrant.com/>.

2. Effective immediately, the Tarrant Public Library is hereby closed to the public, pending further notice. All Tarrant Public Library programs are cancelled, pending further notice. Patrons are encouraged to visit <http://tarrant.lib.al.us/> to request books and materials for curbside pick-up and to download e-books, audiobooks, and magazines, and stream video from the Library’s 24/7 collection. For assistance with curbside pick-up, on-line collections, or other issues, please call (205) 841-0575. Until further notice, the Library will waive fines on all Tarrant Public Library materials. For additional updates, please find the Tarrant Public Library on Facebook at <https://www.facebook.com/tarrantlibrary/>.
3. Effective immediately, the Tarrant Recreation Center, Tarrant Senior Center, and all City of Tarrant ball fields are closed to the public, pending further notice. All Tarrant Recreation Center and Tarrant Senior Center programs are cancelled, pending further

notice. Senior meals will continue with delivery and to-go options. For assistance with senior meals, please call (205) 848-7399 or (205) 835-3595. For additional updates, please find Tarrant Parks & Rec on Facebook at <https://www.facebook.com/Tarrant-Parks-Rec-173306146110654/>.

4. The pre-Council meeting scheduled for Monday, March 16, 2020, at 6:00 p.m. is cancelled. The City Council meeting scheduled for Monday, March 16, 2020, at 7:00 p.m. will be held as scheduled. Except for the City Clerk, City Attorney, and a representative of the Tarrant Police Department, all City of Tarrant employees and Department Heads are excused from attending the Council meeting. A short and abbreviated order of business is anticipated. Although the meeting is open to the public, instead of appearing in person, citizens are encouraged to participate via Facebook Live from the City of Tarrant's Facebook page at <https://www.facebook.com/cityoftarrant/> where the meeting will be broadcast live.

DONE this the 15th day of March, 2020.


Loxcil B. Tuck, Mayor

EXHIBIT B

MUNICIPAL COURT OF THE CITY OF TARRANT, ALABAMA

COVID-19 RESPONSE PLAN

The goal of this response plan is to institute a protocol to mitigate the spread of COVID-19 in the Tarrant Municipal Court. This plan is based on recommendations from the Centers for Disease Control (CDC). The CDC has announced that containment of the virus is no longer possible and that community spread is occurring. The plan may be updated as new information is disseminated.

According to the CDC:

When a novel virus with pandemic potential emerges, nonpharmaceutical interventions, which will be called community mitigation strategies ..., often are the most readily available interventions to help slow transmission of the virus in communities. Community mitigation is a set of actions that persons and communities can take to help slow the spread of respiratory virus infections. Community mitigation is especially important before a vaccine or drug becomes widely available.

See <https://www.cdc.gov/coronavirus/2019-ncov/downloads/community-mitigation-strategy.pdf>

Continuances

All matters scheduled for the Court's dockets on **March 17, 2020**, and **April 17, 2020**, are hereby CONTINUED to **April 30, 2020, at 1:00 p.m.**

All matters scheduled for the Court's docket on **March 27, 2020**, are hereby CONTINUED to **April 24, 2020, at 1:00 p.m.**

Limitation on Entry

Effective March 16, 2020, the following persons shall not enter the courtroom or Clerk's office of the Tarrant Municipal Court:

- Persons who have been in any of the following countries within the last fourteen (14) days: China, Iran, South Korea, Austria, Belgium, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, Switzerland, Monaco, San Marino, Vatican City, or any other country 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);

- Persons who reside or have had close contact with someone who has been in one of the countries listed above within the last fourteen (14) days;
- Persons who have been asked to self-quarantine by any doctor, hospital or health agency;
- Persons who have been diagnosed with or have had contact with anyone who has been diagnosed with COVID19; and
- Person who have a fever (100.4°F/38°C or higher), cough, or have trouble breathing.

Anyone attempting entry in violation of these protocols will be denied entry by Tarrant Municipal Court personnel and/or the Tarrant Police Department.

Alternative Contact

Any person who has a hearing, trial or other appearance scheduled or needs to make contact with the Clerk's office but is unable to appear because of the restrictions above should do as follows:

1. If represented by an attorney, please contact your attorney.
2. If you are an attorney or *pro se* party, please contact the Clerk's office by telephone at (205) 849-2800 ext. 4.
3. Some fines can be paid online at <https://www.myfinepayment.com/Tix/Default.aspx> or by telephone at (770) 213-4231.

These restrictions shall remain in place until modified by Order of the Tarrant Municipal Court Judge.

DONE this the 16th day of March, 2020.

/s James S. Ward
MUNICIPAL COURT JUDGE

CERTIFICATION OF CITY CLERK

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, Dan Weinrib, City Clerk of the City of Tarrant, Alabama, do hereby certify that the above and foregoing is a true and correct copy of an Ordinance duly adopted by the City Council of the City of Tarrant, Alabama, on the 16th day of March, 2020.

The above and foregoing ordinance was published on the 17TH day of MARCH, 2020, by posting copies thereof in three public places within the City of Tarrant, one of which was the post office or the Mayor's office in the City of Tarrant.

Witness my hand and seal of office this 17 day of MARCH, 2020.



Dan Weinrib, City Clerk