

RESOLUTION NO: 20-006

A RESOLUTION AUTHORIZING THE ESTABLISHMENT OF A CURFEW FOR THE CITY OF DADEVILLE TO MITIGATE THE SPREAD OF INFECTIOUS DISEASES

WHEREAS, the Mayor of the City of Dadeville has issued a resolution declaring a state of emergency due to the Pandemic Emergency created by COVID-19; and

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

WHEREAS, the City of Dadeville has determined a curfew is necessary to mitigate the spread of infectious diseases by reducing the risk of exposure during a time of outbreak.

NOW, THEREFORE, BE IT RESOLVED this 7th day of April, 2020, due to the Pandemic Emergency created by COVID-19 and the increased risk of infection by public gatherings, it is hereby Ordered that a Public Safety Curfew is imposed in the City of Dadeville for the hours between 10:00 p.m. and 5:00 a.m., 7 days a week. This curfew is effective as of 7th day of April, 2020 and shall continue in effect until further notice.

- (a) This curfew shall apply to all persons within the City of Dadeville. During such curfew, no persons shall be or remain in public places. Residents of the City of Dadeville shall remain in their places of residence, except as further provided in subsection (d) Exceptions of this Order.

This curfew shall not apply to:

1. Public safety and 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, emergency management personnel, emergency dispatchers, law enforcement personnel, and related contractor.
3. Persons employed by or contracted to utilities, cable, and telecommunications companies and engaged in activities necessary to maintain or restore utility, cable, 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 or commodities; persons who are vulnerable to the most serious six 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 improvement, groceries, fuel delivery location, 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. Persons experiencing homelessness within the City.
 - (b) All public and private gatherings of 10 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 in this Order.
 - (c) Subject to the exceptions further provided in subsection (d) of this Order, 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 Order.
 - (d) Exceptions. People may lawfully leave their residence while this Order 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 governmental 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. Traveling to one's place of residence located outside the City;
 - d. Traveling 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 Order;
 - f. Traveling 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 at 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 judgement 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 in this Order.
 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; 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 emergency shelter, to the extent possible, to unhoused persons in the City. Providers shall make all efforts to provide protection from the spread of COVID-19

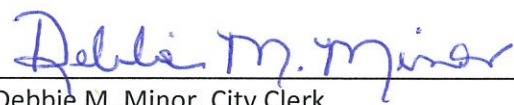
Failure to comply with this Order is punishable by a fine of up to \$500.00 and/or up to one hundred eighty (180) days in the county jail.

APPROVED and ADOPTED this 7 day of April, 2020



Wayne Smith, Mayor

ATTEST:



Debbie M. Minor, City Clerk

§ 31-9-10. Local emergency management organizations; emergency powers of political subdivisions.

Alabama Statutes

Title 31. MILITARY AFFAIRS AND CIVIL DEFENSE

Chapter 9. EMERGENCY MANAGEMENT

Article 1. Alabama Emergency Management Act of 1955

Current through the 2020 Regular Session Acts 1 through 38

§ 31-9-10. Local emergency management organizations; emergency powers of political subdivisions

- (a) Each political subdivision of this state is hereby authorized and directed to establish a local organization for emergency management in accordance with the state emergency management plan and program and may confer or authorize the conferring, upon members of the auxiliary police, the powers of peace officers, subject to such restrictions as shall be imposed. The governing body of the political subdivision is authorized to appoint a director, who shall have direct responsibility for the organization, administration, and operation of such local organization for emergency management, subject to the direction and control of such governing body. Each local organization for emergency management shall perform emergency management functions within the territorial limits of the political subdivision within which it is organized, and, in addition, shall conduct such functions outside of such territorial limits as may be required pursuant to the provisions of this article.
- (b) The governing body of each political subdivision shall have the power and authority:
 - (1) 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 any disaster; 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.
 - (2) To appoint, employ, remove, or provide, with or without compensation, air raid wardens, rescue teams, 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.

- (3) To establish a primary and one or more secondary control centers to serve as command posts during an emergency.
 - (4) To assign and make available for duty the employees, property, or equipment of the subdivision 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 subdivision.
 - (5) In the event the governing body of the political subdivision determines that any of the conditions described in Section 31-9-2(a) has occurred or is imminently likely to occur, the governing body shall have the power:
 - a. To waive 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.
 - b. To impose a public safety curfew for its inhabitants. If a public safety curfew is imposed as authorized herein, it shall be enforced by the appropriate law enforcement agency within the political subdivision. A public safety curfew imposed under this subsection 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.
 - (6) To close, notwithstanding Section 11-1-8, any and all public buildings owned or leased by and under the control of the political subdivision where emergency conditions warrant, whether or not a local state of emergency has been declared by the governing body of the political subdivision. 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 subdivision, the deadline for filing shall be extended to the date that the office is reopened as provided in Section 1-1-4.
- (c) (1) In the event the Governor or the Legislature proclaims a state of emergency affecting a political subdivision as set forth in Section 31-9-8, the chair or president of the governing body of the political subdivision may execute a resolution on behalf of the governing body declaring that any of the conditions described in Section 31-9-2(a) has occurred or is imminently likely to occur.

authorize the governing body to exercise the powers enumerated in subdivision (b)(5).

- (d) No local governing body of a political subdivision shall have the authority to provide for and compel evacuation of the area except by the direction and under the supervision of the Governor or the State Emergency Management Agency, or both. Any action taken by the governing body of the political subdivision shall remain in full force and effect unless revoked by proclamation of the Governor, issued as provided in Section 31-9-8.
- (e)
- (1) Nothing in this section shall authorize the seizure or confiscation of any firearm or ammunition from any individual who is lawfully carrying or possessing the firearm or ammunition except as provided in subdivision (2).
 - (2) A law enforcement officer who is acting in the lawful discharge of the officer's official duties may disarm an individual if the officer reasonably believes that it is immediately necessary for the protection of the officer or another individual. The officer shall return the firearm to the individual before discharging that individual unless the officer arrests that individual for engaging in criminal activity or seizes the firearm as evidence pursuant to an investigation for the commission of a crime or, at the discretion of the officer, the individual poses a threat to himself or herself or to others.

Cite as Ala. Code § 31-9-10 (1975)

History. Amended by Act 2018-94, §1, eff. 2/15/2018.

Acts 1955, No. 47, p. 267, §10; Act 2006-522, p. 1210, §1; Act 2009-572, p. 1679, §1.