

RESOLUTION NO. 2020-7

**RESOLUTION ADOPTING EMERGENCY ORDINANCE REQUIRING
COMPLIANCE WITH PUBLIC HEALTH ORDERS**

WHEREAS, Michigan is continuing to experience illnesses and deaths due to the COVID-19 pandemic, and the number of cases of COVID-19 within Ingham County has increased in recent weeks; and

WHEREAS, according to the Ingham County Health Department's COVID-19 "Heat Map" dated October 2, 2020, the City of East Lansing is the primary "hot spot" for new infections within the County; and

WHEREAS, the Mayor has declared a state of emergency within the City pursuant to Ordinance No. 1488; and

WHEREAS, following the Michigan Supreme Court's decision on October 2, 2020, in *In re Certified Questions (Midwest Institute of Health, PLLC v Governor Whitmer)*, many executive orders related to the COVID-19 pandemic issued by Governor Whitmer may no longer be enforceable; and

WHEREAS, some of the safety protocols in the Governor's executive orders have been promulgated in Emergency Orders issued by the Director of the Michigan Department of Health and Human Services and the Ingham County Health Officer; and

WHEREAS, the City wishes to ensure compliance with these public health orders to protect the public health, safety, and welfare; and

WHEREAS, Section 6.1(d) of the City Charter authorizes the City Council to pass an emergency ordinance at the same meeting at which it is introduced; and

WHEREAS, pursuant to the Home Rule City Act, Act 279 of 1909, MCL 117.1 *et seq*; Section 10 of the Emergency Management Act, Act 390 of 1990, MCL 30.410; and Chapter 10,

Article II of the City Code of Ordinances, the City wishes to adopt an Emergency Ordinance Requiring Compliance with Public Health Orders (the “Emergency Ordinance” attached as **Exhibit A**).

NOW, THEREFORE, it is hereby resolved by the City Council of the City of East Lansing:

1. Pursuant to Section 6.1(d) of the City Charter, the City adopts the Emergency Ordinance.

2. The Emergency Ordinance is effective upon publication.

3. A copy of the Ordinance will be available for examination at the office of the City Clerk, and copies may be provided for a reasonable charge.

4. Any and all resolutions that are in conflict with this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect.

Aaron Stephens, Mayor

PRESENT:

ABSENT:

Moved by Councilmember:

Seconded by Councilmember:

YEAS: _____

NAYS: _____

STATE OF MICHIGAN)
)
COUNTY OF INGHAM)

I, Jennifer Shuster, City Clerk of the City of East Lansing, hereby certify this to be a true and complete copy of Resolution No. _____, duly adopted at a meeting of the City Council held on the 13th day of October, 2020.

Jennifer Shuster
City Clerk

Introduced:
Adopted:
Effective:

ORDINANCE NO. 1496
EMERGENCY ORDINANCE REQUIRING
COMPLIANCE WITH PUBLIC HEALTH ORDERS

Section 1. Grounds for Emergency Ordinance

- A. Michigan is continuing to experience illnesses and deaths due to the COVID-19 pandemic, and the number of cases of COVID-19 within Ingham County has increased in recent weeks. According to the Ingham County Health Department's COVID-19 "Heat Map" dated October 2, 2020, the City of East Lansing is the primary "hot spot" for new infections within the County.¹
- B. The Mayor has declared a state of emergency within the City pursuant to Ordinance No. 1488.
- C. Following the Michigan Supreme Court's decision on October 2, 2020, in *In re Certified Questions (Midwest Institute of Health, PLLC v Governor Whitmer)*, many executive orders related to the COVID-19 pandemic issued by Governor Whitmer may no longer be enforceable. Some of the safety protocols in the Governor's executive orders have been promulgated in Emergency Orders issued by the Director of the Michigan Department of Health and Human Services and by the Ingham County Health Officer.
- D. The City Council finds that in light of the above circumstances, an emergency ordinance is necessary to implement temporary protocols to protect the public health, safety, and welfare.
- E. Section 6.1(d) of the City Charter authorizes the City Council to pass an emergency ordinance at the same meeting at which it is introduced.
- F. The City Council finds that in light of the above circumstances, this Emergency Ordinance is immediately necessary to protect the public health, safety, and welfare.

Section 2. Legal Authority

This Ordinance is authorized by state and local law, including all of the following:

- A. The Home Rule City Act, Act 279 of 1909, MCL 117.1 *et seq.*
- B. Section 10 of the Emergency Management Act, Act 390 of 1990, MCL 30.410.
- C. Sections 5.1 and 6.1(d) of the City Charter.

¹ <http://www.hd.ingham.org/Portals/HD/Home/Documents/cd/coronavirus/ICHDCOVIDstats.pdf>

D. Chapter 10, Article II of the City Code of Ordinances ("Civil Emergencies").

Section 3. State and County Public Health Orders

Any person who violates a public health order issued by the State of Michigan (including by the Director of the Department of Health and Human Services); the Ingham County Health Department or its Health Officer; or the Clinton County Health Department or its Health Officer is responsible for a municipal civil infraction under this Ordinance.

Section 4. Duration

This Emergency Ordinance remains in effect through December 31, 2020.

Section 6. Violations

Each violation of this Emergency Ordinance is a municipal civil infraction, punishable by a civil fine of \$500 and/or any other relief available under the Revised Judicature Act of 1961, being 236 PA 1961.

Section 7. Effective Date

This Emergency Ordinance is effective upon publication.

Aaron Stephens, Mayor

Jennifer Shuster, City Clerk