

Introduced: 06-30-2020
Adopted: 06-30-2020
Effective: _____

CITY OF EAST LANSING

ORDINANCE NO. 1488

AN ORDINANCE TO AMEND SECTION 10-34 OF AND TO ADD SECTIONS 10-34a THROUGH 10-34i TO ARTICLE II – EMERGENCY MANAGEMENT - OF CHAPTER 10 – CIVIL EMERGENCIES - OF THE CODE OF THE CITY OF EAST LANSING EMPOWER THE MAYOR TO DECLARE A CITY STATE OF EMERGENCY AND ISSUE ORDERS, RULES AND REGULATIONS REGARDING THE USE OF PUBLIC PROPERTY TO PROTECT LIFE AND PROPERTY IN SUCH AN EMERGENCY.

THE CITY OF EAST LANSING ORDAINS:

Section 28-52 of Chapter 28 of the Code of the City of East Lansing is hereby amended to read as follows:

Sec. 10-34. - Limitation of authority.

Nothing herein nor in the support emergency operations plan adopted hereunder shall be construed to abridge or curtail the powers of the mayor, the city council, the city manager, or other city official or employee who is provided independent authority to deal with any emergency situation either by Charter, statute, ordinance, or common law including, but not limited to, the following sections 10-34a through 10-34h.

Sec. 10-34a – Authority of Mayor to Proclaim.

During times of great public crises, epidemic, pandemic, disaster, rioting, catastrophe, or similar public emergency within this city, when public safety is imperiled, the Mayor may, and is hereby authorized to, after consultation with the Chief of Police and the Fire Chief, or their designated representatives, or those other said officials who are then reasonably available, and any other Department Head deemed necessary to the consultation by the Mayor, proclaim a city state of emergency and designate the city or area or areas of the city involved as being in a city state of emergency. This is in addition to the authority of the Mayor to declare a local state of emergency pursuant to MCL 30.410.

Sec. 10-34b - Determination to be in Writing.

The determination that a city state of emergency exists shall be made in writing by the Mayor and shall be supported by written reports from the heads of those City departments directly responsible for bringing the emergency under control. The reports shall set out in detail the exact nature of the crisis, disaster, rioting, catastrophe or other public emergency and shall indicate a need for emergency measures. Such written determination and supporting reports shall be filed with the City Clerk within a reasonable time after the City state of emergency has been declared and shall be public records.

Sec. 10-34c - Promulgation of Orders, Rules and Regulations.

Following such proclamation or declaration, the Mayor may, and is hereby authorized to promulgate such reasonable orders, rules and regulations in relation to the use of public property within the City as the Mayor deems necessary to protect life and property or to bring the emergency situation within the city or the affected area or areas of the city under control. This authority includes, but is not limited to, the ability to:

- (1) Limit the size and location of gatherings on public property.
- (2) The closure of streets, alleys, parks or other public places.
- (3) Regulate and/or prohibit pedestrian traffic, including the formation of lines on public streets.
- (4) Regulate the entry of persons into City buildings and structures.

Sec. 10-34d - Applicability.

Such orders, rules and regulations shall indicate the area or areas of the City which are subject to the orders, rules and regulations by clearly delineating the boundaries thereof. The time period during which the orders, rules and regulations are in effect shall be explicitly stated. The location to be affected by the orders, rules and regulations shall also be clearly designated.

Sec. 10-34e – Duration and Modification and Extension by Council.

Orders of the Mayor promulgated pursuant to Section 10-34c shall not be continued or renewed for a period in excess of 7 days except with the consent of the City Council. The City Council, at a general or special meeting as provided by City Charter, may by resolution amend, modify or rescind such orders, rules or regulations promulgated by the Mayor hereunder; provided, however, that such action by the City Council shall be by a majority of the Council members elected.

Sec. 10-34f - Modification by Mayor.

In the event that the City Council has not acted pursuant to the authority granted in Sec. 10-34e above to modify such orders, rules and regulations, that have been promulgated by the Mayor, they may be amended, modified or rescinded by the Mayor, from time to time, in like manner as provided in Sec. 10-34c and 10-34d of this ordinance, but shall cease to be in effect upon declaration by the Mayor that the emergency no longer exists.

Sec. 10-34g - Publication of Notice.

In the event orders, rules or regulations are promulgated by the Mayor and in the event such orders, rules and regulations are thereafter amended, modified or rescinded by the City Council or by the Mayor, reasonable notice of such orders, rules, regulations, amendments, modifications or rescissions shall be given to the public by press releases, publication in a newspaper of general circulation in the City, publication in a prominent place on the City's website and, to the extent feasible, any other means that will notify the public of the orders, rules and regulations.

Sec. 10-34h - Intent.

It is hereby declared to be the legislative intent to invest the Mayor with sufficiently broad power of action in the exercise of the police power of the City with regard to the establishment and enforcement of such orders, rules or regulations to provide adequate control over persons and conditions during such periods of impending or actual public crisis or disaster. The provisions of this ordinance shall be broadly construed to effectuate that purpose.

Sec. 10-34i – Penalty.

It shall be a civil infraction punishable by a fine of up to \$25.00 to knowingly violate an order, rule or regulation promulgated by the Mayor pursuant to Sec. 10-34c or as amended by the City Council or Mayor pursuant to Sec. 10-34e and Sec. 10-34f, respectively.

THIS ORDINANCE WAS DECLARED TO BE AN EMERGENCY BASED ON THE RECENT SPIKE IN CORONAVIRUS CASES IN EAST LANSING.