

TOWN OF SMITHFIELD
EMERGENCY ORDINANCE 2020-5

SECTION 1. CHAPTER 23 OF THE SMITHFIELD CODE OF ORDINANCES ENTITLED “CIVIL DEFENSE” IS HEREBY AMENDED BY ADDING THERETO SECTIONS 23-3-0 - 23.3-9 ENTITLED “STATE OF EMERGENCY RESULTING FROM NOVEL CORONAVIRUS KNOWN AS COVID-19”

WHEREAS, the Town of Smithfield on the 19th day of **March, 2020**, needs to address a public health crisis resulting from a state of emergency posed by the novel Coronavirus known as COVID-19;

WHEREAS, on March 9, 2020 the State of Rhode Island Governor Gina M. Raimondo issued Executive Order 20-02 declaring a state of emergency due to the outbreak of COVID-19;

WHEREAS, cases of COVID-19 have been documented in the State of Rhode Island;

WHEREAS, the State of Rhode Island Governor Gina M. Raimondo has requested that all Rhode Island Cities and Towns declare a local state of emergency, in response to this ongoing public health crisis;

WHEREAS, the State of Rhode Island and various public health officials have reached out to the Town of Smithfield to take steps to contain the spread of COVID-19;

WHEREAS, the Town of Smithfield needs to take additional measure to limit the spread of COVID-19;

WHEREAS, Rhode Island General Laws § 30-15-12 and 30-15-13, as well as Town of Smithfield Town Charter § C-2.14, permit the Town Council to declare a state of emergency for the purpose of, among other things: providing for the cooperation in epidemic prevention, preparedness, response and recover; preparing for emergency health threats that require the exercise of extraordinary governmental functions; providing the town with the ability to respond rapidly and effectively to potential or actual public health emergencies; and reducing loss of life;

WHEREAS, Rhode Island General Laws §§ 30-15-9(e)(4) and 30-15-12(b), as well as the Town of Smithfield Town Charter § C-2.14, permit the Town Manager, as authorized by the Council, to suspend the provisions of any statute, regulation, or requirement prescribing the procedures for the conduct of town business, or the orders, rules, regulations of any town department, board, or agency, if strict compliance with the provisions of any statute, order, rule or regulation would in any way prevent, hinder or delay necessary action in coping with this emergency; and

WHEREAS, Rhode Island General Laws § 30-15-9(e)(3) and (7), and 30-15-12(b), as well as the Town of Smithfield Town Charter § C-2.14, permit the Town Manager, as authorized by the Council, to transfer the direction, personnel, or functions of town departments and agencies or units

thereof for the purpose of performing or facilitating emergency services; to control ingress and egress to and from high risk areas, the movement of persons within the area, and the occupancy of premises therein; and to take appropriate measures for the protection of health, safety, and welfare of the people of the city/town and to prevent or minimize the loss of life.

WHEREAS, the Smithfield Town Council has determined that extraordinary measures must be taken to alleviate the serious health consequences associated with the virus and to protect and rehabilitate property;

IT IS HEREBY ORDAINED BY THE SMITHFIELD TOWN COUNCIL NOW, THEREFORE, the Smithfield Town Council, by virtue of the authority vested in said office, pursuant to the Rhode Island General Laws and the Smithfield Town Charter, including but not limited to Title 30, Chapter 15 of the General Laws and Smithfield Town Charter § C-2.14, do hereby order and direct the following:

23.3-0 STATE OF EMERGENCY RESULTING FROM THE NOVEL CORONAVIRUS KNOWN AS COVID-19. A state of emergency is declared within the Town of Smithfield.

23.3-1. The Town's Emergency Operating Plan (EOP) and Emergency Operations Center (EOC) has been activated.

23.3-2 All entertainment licenses in any form are hereby suspended during the period of this state of emergency. No new entertainment licenses will be issued during the period of emergency. No entertainment authorized by these licenses is allowed in the licensed establishments during the suspension period.

23.3-3. Pursuant to an Executive Order by the Governor, gatherings of 5 people or more are prohibited in Smithfield. Gatherings subject to this Order include, but are not limited to, community, civic, public, leisure, or faith-based events, sporting events with spectators, concerts, conventions, fundraisers, parades, fairs, festivals, and any other similar activity that brings together 5 or more people at the same time.

23.3-4. Pursuant to an Executive Order by the Governor, any restaurant, bar or establishment that offers food or drink shall not permit on-premises consumption of food or drink; provided that such establishments may continue to offer food and non-alcoholic beverages for take-out and delivery in accordance with the social distancing protocols and guidance set forth by the RI Department of Health.

23.3-5. All non-essential public meetings are hereby cancelled and will be rescheduled.

23.3-6 .Town offices and departments will restrict in-person business activities.

23.3-7. The Town Manager, department heads and public safety personnel shall reassess the situation on a daily basis.

23.3-8. Pursuant to the emergency powers granted by the Rhode Island General Laws, and any other applicable provisions of state or local law, the Town Manager shall from time to time issue additional directives, orders, and recommendations as circumstances require, either written or verbal.

23.3-9. Nothing in this Executive Order shall constrain duties and powers of the Town and the Town Manager authorized by Title 30, Chapter 15 of the General Laws and the Town Charter.

SECTION 2. This Emergency Ordinance shall take effect upon passage and remain in full force and effect through July 18, 2020 unless earlier repealed by the Smithfield Town Council.

SO ORDERED this **19th** day of **May, 2020**.

APPROVED AS TO ITS FORM AND LEGALITY:

TOWN SOLICITOR

ADOPTED: _____

TOWN COUNCIL PRESIDENT

TOWN CLERK