

TOWN OF SMITHFIELD
EMERGENCY ORDINANCE 2022-01

SECTION 1. CHAPTER 23 OF THE SMITHFIELD CODE OF ORDINANCES ENTITLED “CIVIL DEFENSE” IS HEREBY AMENDED BY ADDING THERETO SECTIONS 23-3-0 - 23.3-7 ENTITLED “STATE OF EMERGENCY RESULTING FROM NEW COVID-19 VARIANTS”

WHEREAS, the Town of Smithfield on the 12th day of **January, 2022**, needs to address a public health crisis resulting from a state of emergency posed by the Delta and Omicron Variants and other emerging variants of SARS-CoV-2;

WHEREAS, on March 9, 2020, Rhode Island declared a state of emergency due to the dangers to health posed by the original strain of SARS-CoV-2, the virus that is responsible for COVID-19;

WHEREAS, at the time of that declared state of emergency, the original SARS-CoV-2 strain had a rate of spread of 2-3, meaning that one person would likely spread the virus 2-3 others;

WHEREAS, the Delta and Omicron variants of the SARS-CoV-2 are now sweeping the country and has become the dominant strain in Rhode Island and nationally;

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

WHEREAS, a serious threat to public health exists because of the Delta and Omicron Variants and the Town of Smithfield needs to take additional measures to limit the spread of these Variants and other new variants of concern;

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) have been activated.

23.3-2. Pursuant to an Executive Order by the Governor, public bodies conducting meetings, as those terms are defined by the Open Meetings Act, Rhode Island General Laws §42-6-1 et seq. (OMA), will be relieved from the prohibitions regarding use of telephonic or electronic communication to conduct meetings, contained in Rhode Island General Laws §42-46-5(b), and are required to make provisions to ensure public access to the meeting of the public body for members of the public through adequate, alternative means.

23-3-3. Based on the Governor's Executive Order all Town of Smithfield Boards and Commissions will conduct their meetings virtually effective January 10, 2022.

23.3-4. Town offices and departments will restrict in-person business activities.

23.3-5. The Town Manager, department heads and public safety personnel shall reassess the situation on a daily basis.

23.3-6. 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.

23.3-7. 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 on January 12, 2022 and remain in full force and effect through March 13, 2022 unless earlier repealed by the Smithfield Town Council.

SO ORDERED this 12th day of **January, 2022.**

APPROVED AS TO ITS FORM AND LEGALITY:


TOWN SOLICITOR

ADOPTED: January 12, 2022


TOWN COUNCIL PRESIDENT


TOWN CLERK

