

## **EMERGENCY ORDINANCE NO. 20-08**

### **An Emergency Ordinance of the City Council of the City of Whitefish, Montana, Amending Emergency Ordinance No. 20-05 and establishing a phased plan for reopening motels, hotels, short term rentals, and all other lodging facilities.**

WHEREAS, on March 11, 2020, the World Health Organization declared a global pandemic due to the spread of Novel Coronavirus "COVID-19;" and

WHEREAS, on March 12, 2020, Governor Steve Bullock declared a state of emergency related to COVID-19; and

WHEREAS, on March 13, 2020, President Donald Trump declared a national emergency related to COVID-19; and

WHEREAS, on March 16, 2020, the City of Whitefish adopted emergency Ordinance No. 20-04, enacting measures to reduce the spread of COVID-19 and waiving a second reading; and

WHEREAS, on March 18, 2020, the Flathead County Board of Commissioners declared a state of emergency related to COVID-19; and

WHEREAS, on March 19, 2020, Mayor John Muhlfeld declared a state of emergency related to COVID-19; and

WHEREAS, on March 27, 2020, Governor Steve Bullock issued a "stay at home" directive effective at 12:01 a.m. on March 28 through April 10, 2020; and

WHEREAS, on March 30, 2020, President Donald Trump extended social distancing guidelines to April 30, 2020; and

WHEREAS, on March 30, 2020, Governor Bullock issued a directive requiring that individuals traveling to Montana from another state or country self-quarantine for 14 days; and

WHEREAS, as of March 31, 2020, there have been 823,479 reported cases of COVID-19 globally and 175,067 reported cases of COVID-19 in the United States; and

WHEREAS, there has been a recent trend of individuals leaving areas with high concentrations of COVID-19 to "shelter in place" in hotels, motels, short term rentals, and other lodging facilities in small mountain communities such as the City; and

WHEREAS, the individuals traveling to the City to "shelter in place" for non-essential purposes present a health risk for the public; and

WHEREAS, on April, 5, 2020, the City adopted Ordinance No. 20-05 which prohibited motels, hotels, and all other lodging facilities from accepting reservation for non-essential

purposes through April 30, 2020, and gave the City Manager the authority to extend the deadline; and

WHEREAS, on April 22, 2020, Governor Bullock issued a directive for "Reopening the Big Sky" that provides for a phased re-opening of Montana and established conditions for "Phase One" of the re-opening; and

WHEREAS, Governor Bullock's directive provides that during Phase One, non-essential travel must be minimized and that all travelers that arrive in Montana from another state or country must self-quarantine for 14 days; and

WHEREAS, on April 23, 2020, City Manager Dana Smith, through Order 2020-01, extended the April 30, 2020, deadline until May 10, 2020; and

WHEREAS, protecting the public's health is a valid objective for the exercise of the City's police power; and

WHEREAS, § 7-5-104, MCA, authorizes the City Council to waive the second reading of an ordinance passed in response to an emergency and provides such ordinance is effective upon passage; and

WHEREAS, an emergency ordinance requires a two-thirds vote of the whole City Council for passage and remains effective for no more than 90 days; and

WHEREAS, §§ 2-3-103 through 2-3-111, MCA, provide that public agencies must ensure that prior to a final agency decision being taken that is of significant interest to the public, adequate notice is given and the public is allowed a reasonable opportunity to participate; and

WHEREAS, § 2-3-112, MCA, provides §§ 2-3-103 through 2-3-111, MCA, do not apply to an agency decision that must be made to address an emergency situation affecting the public health, welfare, or safety; and

WHEREAS, COVID-19, and its possible spread through infected individuals "sheltering in place" in motels, hotels, short term rentals, and other lodging facilities located within the City constitutes an emergency situation affecting the public health, safety and general welfare; and

WHEREAS, adopting a phased plan for reopening motels, hotels, short term rentals, and other lodging facilities in accordance with Governor Bullock's directive is in the best interests of the City.

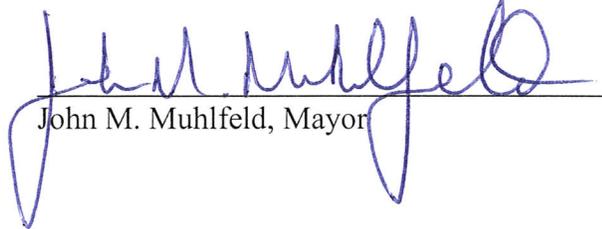
NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Whitefish, Montana, that Ordinance No. 20-05 is amended as follows:

Section 1: All of the recitals set forth above are hereby adopted as Findings of Fact.

Section 2: Ordinance No. 20-05 is amended as set forth in Exhibit A.

Section 3: This Emergency Ordinance shall take effect immediately upon its adoption by the City Council of the City of Whitefish, Montana, and signing by the Mayor thereof.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WHITEFISH, MONTANA, THIS 4TH DAY OF MAY 2020.

  
\_\_\_\_\_  
John M. Muhlfeld, Mayor

ATTEST:

  
\_\_\_\_\_  
Michelle Howke, City Clerk

## Exhibit A

Section 1: All of the recitals set forth above are hereby adopted as Findings of Fact.

Section 2: All motels, hotels, short term rentals, and other lodging facilities are prohibited from ~~accepting—providing accommodations for~~ reservations and walk-ins for non-essential purposes during the COVID-19 emergency for dates of service from the effective date of the Emergency Ordinance through ~~April 30, 2020~~Phase One of the "Reopening the Big Sky" with the duration of the Phase determined by Governor Steve Bullock. All existing reservations for non-essential purposes through ~~April 30, 2020, Phase One~~ must be cancelled.

~~Section 3:—All motels, hotels, short term rentals, and other lodging facilities may accept reservations for essential purposes including government, health care, law enforcement, domestic violence victims, personnel responding to the COVID-19 emergency, essential workers as defined by federal and state guidance, family members of those seeking medical treatment, and those individuals that have a medical recommendation to quarantine outside their home.~~

Section 3: All motels, hotels, short term rentals, and other lodging facilities are prohibited from providing accommodations for reservations and walk-ins from out-of-state or out-of-country residents traveling for non-essential purposes until the directive issued by Governor Steve Bullock requiring that individuals traveling to Montana from another state or country self-quarantine for 14 days is lifted. All existing reservations for out-of-state and out-of-country residents traveling for non-essential purposes must be cancelled.

~~Section 4:—The City Manager is authorized to extend the April 30, 2020, deadline in accordance with federal, state and local guidance.~~

Section 4: All motels, hotels, short term rentals, and other lodging facilities may provide accommodations for all Montana residents during Phase Two and Phase Three of the "Reopening the Big Sky" as determined by Governor Steve Bullock.

Section 45: Essential purposes are defined as government, health care, law enforcement, domestic violence victims, personnel responding to the COVID-19 emergency, work related travel, family members of those seeking medical treatment, and those individuals that have a medical recommendation to quarantine outside their home.

Section 6: Due to the unknown duration for each Phase, reservations of all types may be booked by lodging facilities, but cancellations must be processed both in a timely manner and prior to arrival if the restrictions provided herein are in effect.

Section 57: Violation of this Ordinance may result in revocation of the business license issued by the City.

Section 68: In the event any word, phrase, clause, sentence, paragraph, section or other part of the Ordinance set forth herein is held invalid by a court of competent jurisdiction, such judgment shall affect only that part held invalid, and the remaining provisions thereof shall continue in full force and effect.

Section 79: This Emergency Ordinance shall take effect immediately upon its adoption by the City Council of the City of Whitefish, Montana, and signing by the Mayor thereof.