



113 West Mountain Street  
Fayetteville, AR 72701  
(479) 575-8323

**Ordinance: 6292**

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**File Number: 2020-0249**

**TEMPORARY EXTRAORDINARY POWERS:**

AN ORDINANCE TO GRANT THE MAYOR TEMPORARY EXTRAORDINARY POWERS TO PROVIDE FOR THE SAFETY AND HEALTH OF FAYETTEVILLE INHABITANTS AND TO PASS AN EMERGENCY CLAUSE

**WHEREAS**, “municipal corporations shall have the power to make. ordinances which as to them, shall seem necessary to provide for the safety, preserve the health of such corporations and the inhabitants thereof.” (A.C.A. §14-55-102 **Purposes generally**); and

**WHEREAS**, the Covid-19 virus presents a grave and growing danger to the health of our citizens and residents so that the City Council should empower Mayor Jordan to take needed measures as recommended by the Center for Disease Control (CDC), the Arkansas Department of Health, or other recognized scientific and health authorities to slow the spread of this pandemic; and

**WHEREAS**, these extraordinary powers shall include prohibiting the gathering of more than fifty persons, possibly requiring restaurant and bar owners to check each guest prior to admission into their establishment to ensure they do not have a fever associated with Covid-19, and other powers.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:**

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby enacts the following: EMERGENCY RESPONSE TO COVID-19 VIRUS PANDEMIC BY GRANTING NEW, TEMPORARY POWERS TO MAYOR JORDAN TO PRESERVE THE HEALTH OF FAYETTEVILLE RESIDENTS.

**WHEREAS**, the City of Fayetteville's most important duty is the preserve the health and safety of its citizens and other inhabitants; and

**WHEREAS**, the Covid-19 Pandemic now presents a grave threat of illness and death to every American and every Fayetteville resident; and

**WHEREAS**, the City Council has determined that Fayetteville's public health and safety require that the City Council place extraordinary powers within the Mayor's authority to better protect our citizens during this pandemic emergency.

IT IS THEREFORE AGREED AND ENACTED that Mayor Jordan shall have the following powers and duties during the first phase of Fayetteville's efforts to protect its citizens beginning immediately upon the passage and enactment of this ordinance and emergency clause and ending (unless renewed by City Council Resolution) on April 29, 2020.

- (1) Mayor Jordan may regulate or prohibit the gathering of residents in public or private places serving the public (restaurants and bars).
- (2) Mayor Jordan may locally enforce recommendations from the Center of Disease Control (CDC), Arkansas Department of Health and other recognized scientific or health authorities with regulations or prohibitions of activities that could increase spreading of the Covid-19 Pandemic.
- (3) Mayor Jordan may take other necessary actions to promote and preserve the health and safety of our citizens and residents.
- (4) All regulations and actions taken by Mayor Jordan pursuant to this ordinance during this emergency shall have the full force of law and shall be interpreted and enforced pursuant to **Chapter 10: General Provisions** of the *Fayetteville Code*.

Section 2: Emergency Clause

The Fayetteville City Council recognizes that Fayetteville and its citizens are under dire threat from the Covid-19 Pandemic and that our citizens' health and safety require that this ordinance granting the Mayor extraordinary temporary powers to protect our citizens constitutes an emergency such that this ordinance must and will go into full force and effect immediately upon is passage and approval.

PASSED and APPROVED on 3/16/2020

**Approved:**

  
\_\_\_\_\_  
Lioneld Jordan, Mayor

**Attest:**

  
\_\_\_\_\_  
Kara Paxton, City Clerk Treasurer





# City of Fayetteville, Arkansas

113 West Mountain Street  
Fayetteville, AR 72701  
(479) 575-8323

## Text File

File Number: 2020-0249

Agenda Date: 3/17/2020

Version: 1

Status: Passed

In Control: City Council Meeting

File Type: Ordinance

### TEMPORARY EXTRAORDINARY POWERS:

AN ORDINANCE TO GRANT THE MAYOR TEMPORARY EXTRAORDINARY POWERS TO PROVIDE FOR THE SAFETY AND HEALTH OF FAYETTEVILLE INHABITANTS AND TO PASS AN EMERGENCY CLAUSE

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**WHEREAS**, the Covid-19 virus presents a grave and growing danger to the health of our citizens and residents so that the City Council should empower Mayor Jordan to take needed measures as recommended by the Center for Disease Control (CDC), the Arkansas Department of Health, or other recognized scientific and health authorities to slow the spread of this pandemic; and

**WHEREAS**, these extraordinary powers shall include prohibiting the gathering of more than fifty persons, possibly requiring restaurant and bar owners to check each guest prior to admission into their establishment to ensure they do not have a fever associated with Covid-19, and other powers.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:**

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby enacts the following:

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**WHEREAS**, the City of Fayetteville’s most important duty is the preserve the health and safety of its citizens and other inhabitants; and

**WHEREAS**, the Covid-19 Pandemic now presents a grave threat of illness and death to every American and every Fayetteville resident; and

**WHEREAS**, the City Council has determined that Fayetteville’s public health and safety require that the City

Council place extraordinary powers within the Mayor's authority to better protect our citizens during this pandemic emergency.

IT IS THEREFORE AGREED AND ENACTED that Mayor Jordan shall have the following powers and duties during the first phase of Fayetteville's efforts to protect its citizens beginning immediately upon the passage and enactment of this ordinance and emergency clause and ending (unless renewed by City Council Resolution) on April 29, 2020.

- (1) Mayor Jordan may regulate or prohibit the gathering of residents in public or private places serving the public (restaurants and bars).
- (2) Mayor Jordan may locally enforce recommendations from the Center of Disease Control (CDC), Arkansas Department of Health and other recognized scientific or health authorities with regulations or prohibitions of activities that could increase spreading of the Covid-19 Pandemic.
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Section 2: Emergency Clause

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Legistar ID No.: 2020-0249

**SPECIAL MEETING AGENDA REQUEST FORM**

**FOR: Special City Council Meeting of March 16, 2020**

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**FROM: Mayor Lioneld Jordan and City Attorney Kit Williams**

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**ORDINANCE OR RESOLUTION TITLE AND SUBJECT:**

AN ORDINANCE TO GRANT THE MAYOR TEMPORARY EXTRAORDINARY POWERS TO PROVIDE FOR THE SAFETY AND HEALTH OF FAYETTEVILLE INHABITANTS AND TO PASS AN EMERGENCY CLAUSE


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**APPROVED FOR AGENDA:**

  
\_\_\_\_\_  
Mayor Lioneld Jordan

3/16/2020  
Date

  
\_\_\_\_\_  
City Attorney Kit Williams

March 16, 2020  
Date



## DEPARTMENTAL CORRESPONDENCE



OFFICE OF THE  
CITY ATTORNEY

TO: **Mayor Jordan**  
**City Council**

CC: **Susan Norton**, Chief of Staff  
**Paul Becker**, Finance Director

FROM: **Kit Williams**, City Attorney

DATE: **March 16, 2020**

**Kit Williams**  
*City Attorney*

**Blake Pennington**  
*Assistant City Attorney*

**Jodi Batker**  
*Paralegal*

The City of Fayetteville's primary purposes and power are to enact ordinances which the City Council believe are "necessary to provide for the safety, preserve the health ... of such corporations and the inhabitants thereof." A.C.A. §14-55-102. This is commonly referred to as the City's Police Power, the most fundamental and necessary power of the City Council.

Another of the most fundamental powers granted to cities by the General Assembly is the first one listed with A.C.A. §14-54-103 **General powers of cities and towns.**

"Cities and incorporated towns shall have the power to:

- (1) Prevent injury or annoyance within the limits of the municipal corporation from anything dangerous, offensive, or unhealthy ..."

The Covid-19 Pandemic now striking Arkansas is certainly worthy of emergency, protective and preventive measures by the City of Fayetteville's Administration. Therefore, the City Council can best protect our citizens by empowering Mayor Jordan to do his best to slow this pandemic and protect our citizens.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO GRANT THE MAYOR TEMPORARY EXTRAORDINARY POWERS TO PROVIDE FOR THE SAFETY AND HEALTH OF FAYETTEVILLE INHABITANTS AND TO PASS AN EMERGENCY CLAUSE**

**WHEREAS**, “municipal corporations shall have the power to make.. ordinances ... which as to them, shall seem necessary to provide for the safety, preserve the health... of such corporations and the inhabitants thereof.” (A.C.A. §14-55-102 **Purposes generally**); and

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Section 2: Emergency Clause

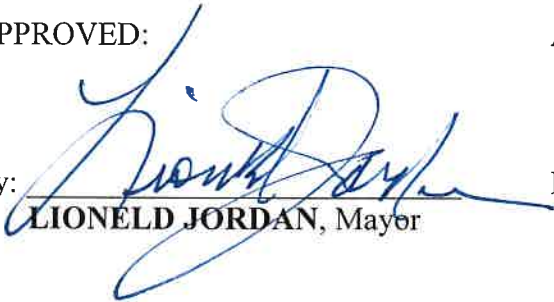
The Fayetteville City Council recognizes that Fayetteville and its citizens are under dire threat from the Covid-19 Pandemic and that our citizens' health and safety require that this ordinance granting the Mayor extraordinary temporary powers to protect our citizens constitutes an emergency such that this ordinance must and will go into full force and effect immediately upon its passage and approval.

**PASSED** and **APPROVED** this 16<sup>th</sup> day of March, 2020.

APPROVED:

ATTEST:

By:

  
LIONELD JORDAN, Mayor

By:

  
KARA PAXTON, City Clerk/Treasurer

