

EMERGENCY ORDINANCE NO. 20-05

An Emergency Ordinance of the City Council of the City of Whitefish, Montana, prohibiting motels, hotels, short term rentals, and all other lodging facilities from accepting reservations for non-essential purposes through April 30, 2020 and waiving a second reading.

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, 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, prohibiting motels, hotels, short term rentals, and other lodging facilities from accepting reservations for non-essential purposes through April 30, 2020, is in the best interests of the City.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Whitefish, Montana, as follows:

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 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. All existing reservations for non-essential purposes through April 30, 2020, 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 4: The City Manager is authorized to extend the April 30, 2020, deadline in accordance with federal, state and local guidance.

Section 5: Violation of this ordinance may result in revocation of the business license issued by the City.

Section 6: 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 7: 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 5TH DAY OF APRIL, 2020.

/s/John Muhlfeld
John M. Muhlfeld, Mayor

ATTEST:

/s/ Michelle Howke
Michelle Howke, City Clerk