

Resolution No. 51-2020

A RESOLUTION OF THE CITY OF DERBY, KANSAS REGARDING ENFORCEMENT OF PUBLIC HEALTH ORDERS WITHIN THE CITY.

WHEREAS, COVID-19, a respiratory disease that spreads easily from person to person and may result in serious illness or death has been confirmed in Sedgwick County, Kansas; and

WHEREAS, COVID-19 has been declared a national emergency and global pandemic; and

WHEREAS, the health, safety, and welfare of persons within the City of Derby and the employees of the City of Derby are of critical importance and are endangered by the threat and spread of COVID-19; and

WHEREAS, on March 24, 2020, the City Council adopted Ordinance No. 2426 creating Section 9.28.260 of the Derby Municipal Code making it a violation of the Derby Municipal Code to violate, refuse, or fail to comply with a written order of the Sedgwick County Health Officer, Sedgwick County Board of Health, or the Sedgwick County Director of Health; and

WHEREAS, said Ordinance No. 2426 of the City of Derby became effective upon its publication on April 1, 2020, and said ordinance remains in effect and is being actively enforced within the City; and

WHEREAS, on November 10, 2020, the Board of County Commissioners of Sedgwick County, Kansas adopted Resolution No. 154-2020 establishing noncompliance with an order of the Sedgwick County Local Health Officer as a violation of the Sedgwick County Code; and

WHEREAS, said Resolution No. 154-2020 sets forth that said resolution may be enforced within any cities in Sedgwick County whose governing bodies have consented to such Resolution applying within their city's city limits and that have entered into separate agreements with Sedgwick County providing for enforcement of said resolution within the city limits; and

WHEREAS, the City Council, in response to COVID-19 desires to continue to take affirmative measures to protect the public health, safety, and welfare, and to work cooperatively with Sedgwick County; and

WHEREAS, by action this evening, the Derby City Council has authorized entering into an agreement with Sedgwick County for concurrent and non-exclusive enforcement of Resolution No. 154-2020 within the city limits.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF DERBY:

Section 1. Adoption of Resolution No. 154-2020. The City of Derby does hereby adopt and incorporate Resolution No. 154-2020 of Sedgwick County, Kansas, for purposes of authorizing concurrent and non-exclusive enforcement of said resolution within the boundaries of the City.

Section 2. Derby Municipal Code. Section 9.28.260 of the Derby Municipal Code remains valid and in effect, concurrently with the provisions of Resolution No. 154-2020, and the City's adoption of this Resolution shall in no way limit, restrict, or invalidate the provisions of Section 9.28.260 or any other provision of the Derby Municipal Code.

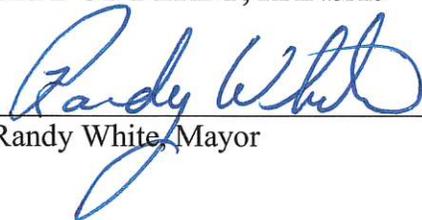
Section 3. Discretion to Law Enforcement. The Derby Police Department or the responding law enforcement agency will determine whether to enforce any violations of public health orders through Derby Municipal Court as a violation of the Derby Municipal Code or to refer said violations to Sedgwick County for enforcement through County Court pursuant to the written agreement for enforcement of Resolution No. 154-2020.

Section 4. Effective date. This resolution shall take effect and be in force immediately upon its adoption.

PASSED by the City Council this 24th day of November, 2020 and **SIGNED** by the Mayor.



CITY OF DERBY, KANSAS



Randy White, Mayor

Attest:



Lynn Carleglio, City Clerk

Approved as to form:



Jacqueline R. Butler, City Attorney