

RESOLUTION NO. 20 - 78

WHEREAS, on May 31, 2020, following peaceful events in downtown Birmingham, protesting the death of George Floyd, a gathering in Linn Park turned into an attack on the Birmingham's business district, resulting in damage to and destruction of businesses; and,

WHEREAS, civil unrest has occurred in other cities and areas surrounding the City of Homewood and in the City of Homewood; and,

WHEREAS, continuing uncertainty exists regarding the length of time in which this civil unrest will continue, based on public displays of disorder that are ongoing around the nation; and,

WHEREAS, the City of Homewood must protect its citizens, both individuals and businesses, from destruction by mob actions; and,

WHEREAS, authority is granted to the City by Alabama Code § 31-9-10 (1975) to proclaim the existence of a state of emergency during any time of great public crisis caused by disaster, rioting, civil unrest, catastrophe or similar public emergency and to order restrictions to more effectively protect the lives and property of people within the City.

WHEREAS, the City Council of Homewood finds that the implementation of a curfew with appropriate restrictions is necessary to protect the public peace, health, safety and to preserve the lives and property of those who live, work, and visit the City of Homewood .

NOW, THEREFORE, BE IT RESOLVED as follows by the City Council of the City of Homewood:

- 1. That a state of emergency exists in the City of Homewood due to the civil unrest and destruction occurring on the night of May 31, 2020 in the City of Birmingham and the City of Homewood and other surrounding areas, and the continuing threat of further rioting that has taken over peaceful protests of the death of George Floyd. Such civil unrest threatens the lives, safety, health and welfare and the property of the people of the City of Homewood.**
- 2. That pursuant to the authority granted to the City of Homewood by Alabama Code § 31-9-10 (1975), beginning at 8:00 p.m. on June 1, 2020 until June 4, 2020, at 5:00 a.m., no person shall between the hours of 8:00 p.m. and 5:00 a.m. on each day:**
 - a. Hold or participate in any demonstration, parade, march, or vigil, on any of the public ways or upon any public property and**
 - b. Travel upon any public street, alley, or roadway or upon any other public property, except those in search of medical assistance, food, or other commodity or service necessary to sustain the well-being of themselves or their families or some member thereof; those traveling through the City of Homewood from one location outside of the City to another location outside the City; those returning to**

one's place of residence or place of employment in the City; or as necessary to comply with legally mandated government purposes or an order of law enforcement or a court.

3. That these restrictions shall apply within the corporate limits of the City of Homewood, Alabama.
4. That these restrictions shall not apply to such other classes of persons as may be essential to the preservation of public order and immediately necessary to serve the safety, health, and welfare needs of the citizens, including City law enforcement officers, firefighters and other public employees, doctors, nurses, employees of hospitals and other medical facilities, on-duty military personnel whether state or federal; on-duty employees of public utilities, public transportation companies, and newspaper, magazine, radio broadcasting, and television broadcasting businesses.
5. That this resolution may be extended, altered, or repealed in any particular provision during the continued or threatened existence of a state of emergency by the issuance of a subsequent resolution.
6. That it shall be unlawful for any person to violate any provision of this resolution. Violators of this resolution shall be subject to punishment as provided by Section 1-8 of the Code of Ordinances of the City of Homewood.
7. That if any part, section or subdivision of this resolution shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this resolution, which shall continue in full force and effect notwithstanding such holding.
8. That this resolution shall become effective immediately upon its approval, adoption and publication as required by law.

ADOPTED this the 1st day of June, 2020.



APPROVED:


President of the Council


Mayor

ATTEST:


City Clerk