

ORDINANCE 889

AN ORDINANCE OF THE CITY OF CENTRAL CITY TO ESTABLISH CHAPTER 1, ARTICLE 18 OF THE MUNICIPAL CODE TO PROVIDE FOR THE PREVENTION OF SPREAD OF COMMUNICABLE DISEASE, ILLNESS OR POISONING, TO CREATE AUTHORITIES FOR THE CENTRAL DISTRICT HEALTH DEPARTMENT; TO PROVIDE FOR AN EFFECTIVE DATE.

Section 1)

That Chapter 1, Article 18 of the Municipal Code of the City of Central City be created to read as follows:

Section 1-1801 Authority

These regulations are enacted pursuant to Neb. Rev. Stat. § 71-501, and 71-1626 *et seq.* and apply to the exercise of authority by the Department to order Directed Health Measures necessary to prevent the spread of communicable disease, illness or poisoning.

Nothing in these regulations precludes the Department from requesting voluntary compliance with beneficial health measures.

Nothing in these regulations precludes the Department from referring a matter covered by these regulations to the State Public Health Department at any time.

Section 1-1802 Definitions

Chief Medical Officer: means the state Chief Medical Officer appointed pursuant to Neb. Rev. Stat. § 81-3201, if the State Public Health Department Director is not a Medical Doctor.

Communicable Disease, Illness, or Poisoning: means an illness due to an infectious or malignant agent, which is capable of being transmitted directly or indirectly to a person from an infected person or animal through the agency of an intermediate animal, host or vector, or through the inanimate environment.

Decontamination: means the removal or neutralizing of contaminating material, such as radioactive materials, biological materials, or chemical warfare agents,

from a person or object to the extent necessary to preclude the occurrence of foreseeable adverse health effects. Decontamination includes remediation or destruction of sources of communicable disease or biological, chemical, radiological or nuclear agents.

Department: means the Central District Health Department

Directed Health Measures: means any measure, whether prophylactic or remedial, intended and directed to prevent or limit the spread of communicable disease or to prevent or limit public exposure to or spread of biological, chemical, radiological or nuclear agents.

Director: means the Director of the Central District Health Department, or a person acting on behalf of the Director as his or her designee.

Health Care Facility: means any facility licensed under the Health Care Facility Licensure Act, and shall include such additional clinics not licensed under that act as may be identified in specific orders issued pursuant to these regulations.

Health Care Provider: means any credentialed person regulated under the Advanced Practice Registered Nurse Act, the Emergency Medical Services Act, the Licensed Practical Nurse-Certified Act, the Nebraska Certified Nurse Midwifery Practice Act, the Nurse Practice Act, the Occupational Therapy Practice Act, the Uniform Licensing Law, or sections 71-3702 to 71-3715.

Isolation: means the separation of people who have a specific communicable disease from healthy people and the restriction of their movement to stop the spread of that disease.

Local Public Health Department: means a local public health department as defined by Neb. Rev. Stat. § 71-1626 and its governing officials.

Personal Protective Equipment (PPE): means equipment ordered or used to protect an individual from communicable disease, illness or poisoning.

Premises: means land and any structures upon it.

Public Health Authority: means any individual or entity charged by law with a duty or authority to enforce or carry out a public health function.

Quarantine: directed to identified individuals or defined populations means the restriction of, or conditions upon, the movement and activities of people who are

not yet ill, but who have been or may have been exposed to an agent of communicable disease, illness, or poisoning and are therefore potentially capable of communicating a disease, illness, or poison. The purpose is to prevent or limit the spread of communicable disease, illness or poison. Quarantine of individuals or defined populations generally involves the separation of the quarantined, from the general population.

Quarantine and isolation: These terms *both* include restriction of, or conditions upon, the movement and activities of people to prevent or limit the spread of communicable disease, illness or poisoning. In circumstances where animals are agents of communicable disease, illness or poisoning, either term may apply to such animals.

Quarantine Officer: means the statutorily established quarantine officer for a municipality or county, usually the chief executive or top law enforcement officer.

Quarantine of premises: means restriction of the movement of all people upon, into or out from those premises to prevent or limit the spread of communicable disease or to prevent or limit public exposure to or spread of biological, chemical, radiological or nuclear agents.

State Public Health Department: means the Nebraska Department of Health and Human Services Regulation and Licensure or its successor.

Section 1-1803 Findings

A. When the Director receives information from:

1. the United States Department of Health and Human Services Centers for Disease Control and Prevention;
2. the State Public Health Department;
3. any other Local Public Health Department;
4. communicable disease surveillance conducted by the Central District Health Department; or
5. treating health care providers or health care facilities

that a member or members of the public have been, or may have been exposed to a communicable disease, illness or poisoning by biological, chemical radiological or nuclear agents, the Director will review all information under the following provisions to determine if any Directed Health Measure should be ordered.

B. Before ordering a Directed Health Measure, the Director:

1. Must find both:
 - a. that a member or members of the public have been, or may have been exposed; and
 - b. that Directed Health Measures exist to effectively prevent, limit or slow the spread of communicable disease or to prevent, limit or slow public exposure to or spread of biological, chemical, radiological or nuclear agents; and
2. Must find one or more of the following:
 - a. that the exposure presents a risk of death or serious long-term disabilities to any person;
 - b. that the exposure is wide-spread and poses a significant risk of harm to people in the general population; or
 - c. that there is a particular subset of the population that is more vulnerable to the threat and thus at increased risk;
3. May make further finding, in assessing the nature of the risk presented:
 - a. Whether the threat is from a novel or previously eradicated infectious agent or toxin;
 - b. Whether the threat is or may be a result of intentional attack, accidental release, or natural disaster;
 - c. Whether any person(s) or agent(s) posing the risk of communicating the disease are non-compliant with any measures ordered by a health care provider.

C. If affirmative findings are made pursuant to subsection 003 B. and the Director further finds that a delay in the imposition of an effective Directed Health Measure would significantly jeopardize the ability to prevent or limit the transmission of a communicable disease, illness or poisoning or pose unacceptable risks to any person or persons, the Director may impose any of the Directed Health Measures set out in section 004.

The Director's findings will be reported to the State Public Health Department Communicable Disease Control program.

The Director may refer the findings to the Director of the State Public Health Department and defer to that Director for the imposition of measures under the State Public Health Department's authority.

Section 1-1804 Directed Health Measures

A. Directed Health Measures which may be ordered by the Director are:

1. Quarantine:

- Of individuals,
- Of defined populations,
- Of buildings and premises, or of defined areas, public and private, or
- Of animals

The methods of quarantine may require the individual or population to remain within defined areas or to restricted activities, which may include “work quarantine” restricting individuals or defined populations to their residence or workplace.

In the event that the quarantine of affected premises posing an immediate threat to the public health and safety is determined to be incapable of effective enforcement, the Department may act alone or in concert with any local jurisdiction having condemnation and nuisance abatement authority, to carry out measures effective to remove the threat, including safe demolition of the premises.

2. Isolation of individuals:

- At home,
- In a health care facility, or
- In another designated area.

3. Decontamination.

4. Such other protocols or measures as may be identified as effective against public health threats by the American Public Health Association, the United States Department of Health and Human Services Centers for Disease Control and Prevention or other similar authority.

B. Any of the Directed Health Measures may include, and are not limited to, any of the following:

1. Periodic monitoring and reporting of vital signs.
2. Use of PPE for the performance of specified tasks or at specified premises.

3. Specific infection control measures including cleaning and disposal of specified materials.

C. Any Order of the Director may include temporary seizure or commandeering of personal or real property for public health purposes.

D. Directed Health Measures may be directed to an individual, group of individuals, or a population, or directed to the public at large with regard to identified premises or activities and may also include health care providers, health care facilities, health care authorities and public and private property including animals.

Section 1-1805 Procedure

A. In making the finding under subsection 003 and determining the measures under subsection 004, the Director will consult with the medical consultant of the Central District Health Department, and with the state's Chief Medical Officer or other medical and communicable disease control personnel of the State Public Health Department. The Director may make use of the expertise and observations of any health care provider who has treated a person subject to consideration for a Directed Health Measure. The Director will also consider the directives and guidelines issued by the American Public Health Association and the United States Department of Health and Human Services Centers for Disease Control and Prevention.

B. In determining the nature, scope and duration of the Directed Health Measure ordered, the Director, based on the information available at the time of the determination, will:

1. Assess the situation and identify the least restrictive practical means of isolation, quarantine, decontamination or imposition of other directed health measures on persons or property that effectively protects unexposed and susceptible individuals.
2. When isolation or quarantine is ordered, select a place that will allow the most freedom of movement and communication with family members and other contacts without allowing disease transmission to others and allow the appropriate level of medical care needed by isolated or quarantined individuals to the extent practicable.

3. For communicable diseases, order that the duration of the Directed Health Measure should be no longer than necessary to ensure that the affected individual or group no longer poses a public health threat.
4. Give consideration to separation of isolated individuals from quarantined individuals. However, if quarantine or isolation is possible in the affected individual's (s') home, individuals may be isolated with quarantined individuals.
5. Give consideration to providing for termination of the Order under the following circumstances:
 - If laboratory testing or examination is available to rule out a communicable condition, the Order may provide proof of the testing or examination negative result will be accepted to terminate a Directed Health Measure.
 - If treatment is available to remedy a communicable condition, the Order may provide that proof of successful treatment will be accepted to terminate a Directed Health Measure.

Section 1-1806 Order

- A. Upon a finding pursuant to subsection 003 and determination pursuant to subsection 004, the Director will issue an Order directed to the affected individual, individuals, entity or entities.
- B. Prior to issuing any Order, the Director will, as required by Neb. Rev. Stat. §71-1631(10), obtain approval of the Directed Health Measure ordered by the State Public Health Department.
- C. Orders of the Director imposing Directed Health Measures are effective immediately.
- D. Orders will contain the finding and determination and will order the affected person or persons to comply with the terms of the Order, and will also include the following:
 1. Orders of Isolation will contain the following:
 - a. Name and identifying information of the individual(s) subject to the order;
 - b. Brief statement of the facts warranting the isolation;

- c. Conditions for termination of the order;
 - d. Duration of isolation period;
 - e. The place of isolation;
 - f. Required conditions to be met for treatment;
 - g. Required conditions to be met for visitation if allowed;
 - h. Instructions on the disinfecting or disposal of any personal property of the individual;
 - i. Required precautions to prevent the spread of the subject disease; and
 - j. Individual's right to an independent medical exam at their own expense.
2. Orders of Quarantine will contain the following:
- a. Name, identifying information or other description of the individual, group of individuals, premises or geographic location subject to the order;
 - b. Brief statement of the facts warranting the quarantine;
 - c. Conditions for termination of the order;
 - d. Specified duration of the quarantine;
 - e. The place or area of quarantine;
 - f. No contact except as approved by the Director or designee;
 - g. Symptoms of the subject disease and a course of treatment;
 - h. Instructions on the disinfecting or disposal of any personal property;
 - i. Precautions to prevent the spread of the subject disease; and,
 - j. Individual's right to an independent medical exam at their own expense..
3. Orders of Decontamination will contain the following:
- a. Description of the individual, group of individuals, premises, or geographic location subject to the order;
 - b. Brief statement of the facts warranting the quarantine;
 - c. Instructions on the disinfecting or disposal of any personal property; and,
 - d. Precautions to prevent the spread of the subject disease.

Section 1-1807 Notice

A. Orders directed to individuals will be delivered in a manner reasonably calculated to give the individual actual notice of the terms of the Order consistent with the threat of communicable disease. Service may be made by law enforcement personnel or any other person designated by the Director. Personal delivery may be attempted, except in cases when personal delivery would present a risk of spread of disease or exposure to agents that cannot be avoided by measures reasonably available. Electronic transmission by e-mail or telefacsimile will be sufficient, provided that any available means of determining and recording receipt of such notice will be made. If electronic transmission is impossible or unavailable

under the circumstances, oral communication by telephone or direct transmission of voice will be sufficient, and such communication will be memorialized at the time it is delivered.

- B. Orders directed to groups of individuals or populations may be disseminated by mass media.
- C. Orders directed to quarantine premises or geographic locations may be disseminated by mass media and will be posted at or near the premises or geographic location in order to be visible and effective to achieve the intended purpose. Copies of the Orders will be delivered to the owners or others in control of the premises, if known, in the same manner as Orders directed to individuals.
- D. Copies of all Orders will be provided to the chief elected official(s) of the jurisdiction(s) in which the Order is implemented.
- E. The Central District Health Department will send a copy of the Order to the State Public Health Department Communicable Disease Control program by telefacsimile, e-mail or the Health Alert Network system.

Section 1-1808 Enforcement

- A. The Department may seek the assistance of the appropriate quarantine officer to enforce any Order.
- B. Department personnel assigned to enforcement of any Order will promote the need for the Directed Health Measure and encourage individuals to comply with all aspects of the Order.
- C. Any individual subject to an Order may at any time present evidence to the Director to show that the Order should be modified or terminated. The Director may or may not modify or terminate the Order in his or her sole discretion.
- D. Any person subject to an Order under these regulations who does not comply may be referred to the County Attorney for prosecution or injunctive action under Neb. Rev. Stat. § 71-506 or § 71-1631.01.

Section 1-1809 Cooperation and Coordination

The Department may assist or seek the assistance of the State Public Health Department, quarantine officers, other Local Public Health Departments and other public health authorities authorized or required by law to carry out Directed Health Measures in carrying out those measures.

The Department may enter into Inter-local Cooperation agreements in furtherance of the provisions of this chapter, however, the absence of any such agreement will not preclude the Department from exercising its authority pursuant to these regulations.

Treating Health Care Providers must follow and aid affected individuals and populations in compliance with ordered Directed Health Measures.

Section 1-1810 Reporting

Treating Health Care Providers, Health Care Facilities and other persons must report any information known to them concerning any individual or entity subject to an Order of quarantine, isolation or other Directed Health Measure that is not in compliance with the Order. The report must be made to the State Public Health Department and local law enforcement.

Section 2) That all ordinances and parts of ordinances passed and approved prior to the passage and approval of this ordinance and in conflict therewith are hereby repealed.

Section 3) That this ordinance shall be in full force and take effect from and after its passage, approval and publication in pamphlet form according to law.

PASSED AND APPROVED this 10th day of July, 2006.

City of Central City
Merrick County, Nebraska

BY: _____
Clayton Erickson, Mayor

ATTEST:

David Rish, City Clerk