

Ordinance No. 530

An Ordinance to amend and restate Article II of Chapter 193 (Board of Health) of the Code of the City of New Castle

WHEREAS, the City Council of the City of New Castle is charged by Title 16, Chapter 3 of the Delaware Code to maintain a local board of health to help ensure the health, safety, and welfare of all residents of the City of New Castle by administering and enforcing the regulations of the City's Sanitary Code (Chapter 193 of the City Code); and

WHEREAS, by the adoption of this ordinance, the City Council intends to amend and restate Article II of Chapter 193 of the City Code establishing the City's Board of Health; and

WHEREAS, the City Council finds that the provisions of this ordinance are rationally and reasonably related to, substantially advance, and are narrowly tailored to achieve its goal of protecting and preserving legitimate governmental interests, including, but not limited to, the protection and preservation of the public health, general welfare and quality of life;

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of New Castle, as follows:

SECTION 1: Article II of Chapter 193 of the City Code (Board of Health) is hereby revised, amended or replaced with the following:

ARTICLE II BOARD OF HEALTH

§193-3 Membership; term; quorum; vacancies; officers.

- A. A Board of Health shall be established in the City of New Castle consisting of five (5) members, as determined by City Council. Members of the Board of Health shall be appointed by the Mayor, subject to confirmation by the City Council. Members need not be residents of the City of New Castle, but at least one member shall be a duly licensed physician at all times authorized to practice medicine in the State of Delaware.
- B. Individuals currently serving on the City's Board of Health as of October 1, 2020 shall complete their current terms of office. Thereafter, new appointees to the Board of Health shall serve staggered terms in the following manner:
 - (1) The first new appointee shall serve for a term of one (1) year.
 - (2) The second new appointee shall serve for a term of two (2) years.
 - (3) The third, fourth and fifth new appointees shall each serve for a term of three (3) years.

After the expiration of the initial terms of such newly appointed members of the Board of Health, all subsequent appointments shall be for three (3) year terms.

- C. The Mayor shall have power and duty to fill all vacancies in the Board of Health by appointment, subject to confirmation of City Council. Any such appointment to replace a member whose position becomes vacant for any reason prior to the expiration of that person's term shall be filled only for the remainder of that term.
- D. The City Council may, for sufficient cause, remove any member of the Board of Health by a majority vote of said Council.
- E. The Board of Health shall appoint its own Chairperson from among its members annually.
- F. A majority of the members of the Board shall constitute a quorum to do business.

§193-4 Powers and duties.

Subject to the terms of any State of Emergency proclamation by the Mayor under Chapter 28 of the City Code, or similar emergency proclamations by state or federal authorities, the Board of Health shall have all general powers and oversight authority as granted under Title 16, Chapter 3 of the Delaware Code, as same may be amended from time to time. In addition, the Board of Health is hereby authorized and empowered to:

- A. Make rules and regulations for the conduct of its business.
- B. Declare specific properties, matters or things to be a nuisance and detrimental to the public health.
- C. Consult with the Delaware Department of Health on disease prevention and report dangerous diseases to Delaware Department of Health.
- D. Promote healthy communities and healthy behaviors by recommending policies and City Code amendments on issues of public health to the City Council.
- E. Serve in an advisory role to the Mayor in the event a State of Emergency has been declared under Chapter 28 of the City Code.
- F. Adopt, promulgate, amend, and repeal rules and regulations consistent with law for the following purposes:
 - (1) To prevent and control the spread of all diseases that are dangerous to the public health;
 - (2) To prevent and control nuisances which are or may be detrimental to the public health;
 - (3) To provide for the sanitary protection of all water supplies which are furnished to and used by the public;
 - (4) To provide for the proper collection, storage, and disposal of wastes, garbage, and refuse;

- (5) To provide for the sanitary control of public swimming and bathing places;
- (6) To provide for the safe and sanitary control of fumigation and the use of insecticides;
- (7) To provide for sanitary control of public eating places, public camp grounds and service stations; and
- (8) To protect and promote the public health generally, and to enforce all of the laws and ordinances pertaining to the public health.

G. Take such other action or perform such duties as are or may be specified in other sections of the City’s Sanitary Code, Chapter 193 of the City Code.

§193-5 Offices.

By resolution of the City Council, the Board may maintain, supply and operate offices, health centers, and health stations. The offices, health centers, or health stations may contain facilities for general health purposes as in the opinion of the City Council may be necessary to carry out the powers and duties of the Board.

SECTION 2: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 3. In the event any existing Ordinances or parts of Ordinances are in conflict herewith, the provisions of this Ordinance shall control unless otherwise specified herein.

SECTION 4. This Ordinance shall become effective upon adoption.

First Reading October 13, 2020

Second Reading _____

Signed this _____ day of _____, 2020

Linda Ratchford, President of Council

I hereby certify that the foregoing Ordinance was duly approved by the Council of the Mayor and Council of New Castle upon the dates above set forth and signed by the President of Council.

Brian G. Whitaker, City Clerk

Approved this _____ day of _____, 2020

Michael J. Quaranta, Mayor