

CITY OF DRIGGS
PUBLIC HEALTH EMERGENCY ORDER No. 2020-02

WHEREAS, the health and safety of all residents and visitors to the City of Driggs is of the greatest priority to the City of Driggs, and is a statutory duty of the city under Idaho Code 50-304; and

WHEREAS, COVID-19 is a respiratory disease that can result in serious illness or death, is caused by the SARS-CoV-2 virus, which is a new strain of coronavirus that had not been previously identified in humans and can easily spread from person to person. The virus is spread between individuals who are in close contact with each other through respiratory droplets; and

WHEREAS, on January 30, 2020, the International Health Regulations Emergency Committee of the World Health Organization declared the outbreak of COVID-19 a public health emergency of international concern; and

WHEREAS, the CDC reports that people are most COVID-19 contagious when they are most symptomatic (the sickest) however spread is possible before people show symptoms, or by those that are asymptomatic; and

WHEREAS, on March 13, 2020, Idaho Governor Brad Little signed a declaration of emergency for the State of Idaho in response to concerns that cases of COVID-19 are imminent in Idaho; and

WHEREAS, on and after March 13, 2020, the Idaho Governor issued a series of Orders addressing public health measures to slow the spread of COVID-19 including the current **Stay Healthy Order** signed May 30, 2020, and inclusive of the Idaho Rebounds Plan; and

WHEREAS, as of June 30, 2020, Idaho was reporting 5,752 total cases of COVID-19, including 209 new cases on June 29, 2020 and 91 deaths to date, and the rate of positive tests in Teton County, Idaho and the surrounding region has spiked in recent days; and

WHEREAS, on March 18, 2020 the Mayor of the City of Driggs declared a local disaster emergency, and on March 19, 2020 the Driggs City Council affirmed, and adopted the Declaration as per the Disaster Preparedness Act (Title 46, Chapter 10 of the Idaho Code), in the City of Driggs due to the threat that COVID-19 poses to the health and welfare of the residents of Driggs; and

WHEREAS, the local emergency services and healthcare facilities have limited capacity to handle a significant increase in COVID-19 confirmed cases in Teton County; and

WHEREAS, the CDC recommends that people wear cloth face coverings in public settings, especially when other social distancing measures are difficult to maintain, and the Eastern Idaho Public Health District and Teton Valley Health Care management and medical staff have likewise recommended the use of face coverings to reduce the spread of COVID-19; and

WHEREAS, there is a continuing and urgent need to protect all residents, employees and visitors in the City of Driggs from the risks relating to the COVID-19 pandemic through the protection provided by wearing facial coverings; and

WHEREAS, the Mayor finds it necessary to enact additional regulations beyond those outlined in the May 30, 2020 Department of Health and Welfare Stay Healthy Order to slow the community spread and protect the health, safety, and welfare of individuals living, working and visiting the City of Driggs; and

WHEREAS, the Mayor, in consultation with Eastern Idaho Public Health, and local Health Care Professionals has determined it is necessary and appropriate to act to ensure that COVID-19 remains controlled and that residents and visitors in the city remain safe and secure, and the health care facilities in the city are not overwhelmed; and

WHEREAS, the Mayor finds that a shutdown event, similar to that enacted in March, April, and May of this year would likely devastate our local businesses, and can likely be avoided by taking measures to mitigate the spread of COVID-19 within our community such as wearing of face coverings; and

NOW, THEREFORE, the Mayor does hereby declare and state that a Public Health Disaster Emergency exists within the City of Driggs, and that the city does hereby adopt by emergency declaration the following regulations, which shall supersede all prior Public Health Emergency Orders or Resolutions issued by the Mayor or Council of the City of Driggs, and which shall be in effect for a minimum of seven (7) days, or, upon affirmation by action of the City Council, shall otherwise remain in effect until rescinded, superseded or amended by the Mayor or City Council.

SECTION 1 FACE COVERINGS

Every person shall, when in any indoor or outdoor public place, completely cover their nose and mouth with a cloth or similar face covering, when members of the public are physically present for otherwise unprotected social interaction.

1. **DEFINITIONS:** For purposes of this Public Health Emergency Order “public place” shall denote any place open to members of public without specific invitation, including but not necessarily limited to, retail business establishments, restaurants and bars, government offices, facilities, and property, including parks, medical facilities, educational (school) facilities, fields, and spaces, religious facilities, arts

and recreational institutions, public transportation, including taxi cabs and ridesharing vehicles. "Members of the public" shall mean persons not therein employed, present without invitation.

2. EXEMPTIONS:

- a. Children under the age of 5.
- b. Persons who cannot medically tolerate wearing a face covering. A person is not required to provide documentation demonstrating that the person cannot medically tolerate wearing a face covering.
- c. Persons who are hearing impaired, or communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication.
- d. Persons, including on-duty law-enforcement officers, pharmacists, or others, for whom wearing a face covering would create a risk, or significant impairment to the person related to their work, as determined by local, state, or federal regulators or workplace safety guidelines.
- e. Persons who are obtaining a service involving the nose, mouth, face, or head for which temporary removal of the face covering is necessary to perform the service.
- f. Persons who are seated at a table in a restaurant, bar, or any establishment that offers food or beverage service, for the purpose of eating or drinking, so long as the person is able to maintain a distance of 6 feet (2 meters) from persons who are not members of the same household or party as the person. This exemption does NOT apply to entry, exit, or other movement through the facility.
- g. Outdoor public places where people can, and consistently do, employ social distancing (6 feet/2 meters) as recommended by CDC.

3. DUTY TO ENFORCE: Every registered business is required to enforce this requirement on his/her premises for all who enter, whether they be employee, vendor, patron, or any other person.

- a. It is acknowledged that businesses may encounter aggressive or angry patrons not wishing to wear face coverings, and in some instances patrons who are unable to wear a face covering due to a known medical condition as exempted above. The city acknowledges that businesses operate under the principles of private property, and may address these conflicts as they see appropriate, provided those measures make a reasonable effort to comply with this requirement. The city encourages businesses to provide masks for sale (or free of charge) or make other accommodations for such patrons, such as curbside service. Businesses may choose to turn such patrons away without service, as is their constitutional right, provided that they do not discriminate against patrons on the basis of a protected class.

4. REQUIREMENT TO NOTIFY GUESTS: Every provider of short-term lodging, including hotels, Airbnb/VRBO, or similar, shall notify incoming guests of this requirement prior to arrival and upon arrival, and advise them that face coverings are mandatory in this locale.

5. REQUIREMENT TO POST AND ENFORCE: Every business must post this Declaration, or the approved summary of it in a conspicuous place at all public entrances to their facilities, and must make a reasonable effort to enforce these requirements of all who enter their premises.

SECTION 2 PENALTIES

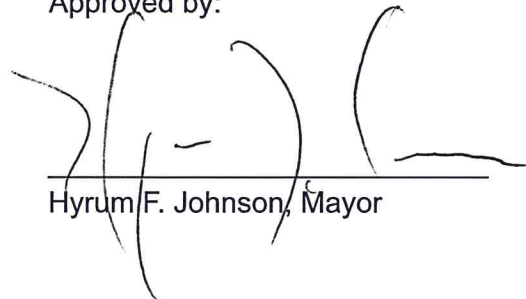
Any person who violates any provision of this Order, shall be guilty of an infraction, punishable by a fine of \$100. Any person who knowingly and willfully violates any provision of this Order shall be guilty of misdemeanor disorderly conduct. In addition, any person who refuses to comply and refuses to leave the premises once notified of the violation shall be guilty of trespass.

Any business which fails to comply with this Order, will be warned only once, and must close their business immediately upon notification until compliance is achieved. Failure to comply, or come into full compliance before reopening shall result in cancellation of city issued Business Registration, and any other City issued license, including liquor and other alcohol licenses. Owners and managers of businesses are responsible for compliance, and will be held personally responsible for business violations as noted above.

SECTION 3 EFFECTIVE DATE AND SUNSET DATE

This Emergency Order shall take effect at 12:00 a.m., on July 3, 2020 and shall remain in full force and effect until allowed to expire without Council affirmation within seven (7) days, rescinded, superseded or amended by the Mayor or City Council.

Approved by:



Hyrum F. Johnson, Mayor

ATTEST:



Kreslyn Schuehler, City Clerk



CITY OF DRIGGS Public Health Order 2020-02

Official Summary & Notice

July 2, 2020

(By Order of the City, this page MUST be posted at all entrances.)

This is a summary of the order, and does not include all information. The complete order should be reviewed to ensure full compliance. This summary may be posted by each business in lieu of posting the full order. The full order may be obtained at Driggs City Hall, at 60 South Main Street, and on Driggs City Website, at www.DriggsIdaho.org.

Order: Every person within a public place must wear a face covering which covers the nose and mouth. Certain exceptions apply for age, medical conditions, and other circumstances.

Where does this order apply: All public, and publicly accessible places, including: Parks, government buildings, religious buildings, schools, and any other gathering locations. All retail businesses and stores. All restaurants and bars. All medical facilities. All exercise facilities, both indoor and outdoor, where 6 foot/2 meter social spacing is not readily achievable.

Special Requirements:

Restaurants: Patrons entering, exiting, or moving about within a restaurant must comply. Patrons are only exempted while sitting at a table or bar, provided that a minimum 6 foot (2 meter) distance between parties is achieved.

Hotels, Airbnb's, Short Term Rentals, etc.: All lodging providers must notify incoming guests in advance, AND upon arrival that face coverings are mandatory.

Business Owners Responsible To Post This Notice and Enforce Compliance: Business owners and managers are responsible to insure that all within their premises are in compliance, whether employees, vendors, contractors, patrons, or any other person.

Penalties: Penalties for business violation may include revocation of Business Registration and Alcohol Permits, infraction, or misdemeanor charges. Penalties for individuals may include \$100 fine, as well as misdemeanor charges for disorderly conduct and trespass.

Noticing Requirements: All affected locations must post this summary in a conspicuous place at all entrances. All locations must have a copy of the full order available, or know how to access it on the city's website at www.DriggsIdaho.org.