

CITY OF HAILEY
PUBLIC HEALTH EMERGENCY ORDER NO. 2020-08

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 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, the State of Idaho continues to adhere to the Governor's Stay Healthy Order Guidelines, which Stages are amended periodically, and the COVID-19 response efforts are now localized in accordance with said order; and

WHEREAS, on March 20, 2020 the Mayor of the City of Hailey declared a local disaster emergency, and on March 23, 2020 the Hailey City Council approved and adopted the Declaration as per the Disaster Preparedness Act (Title 46, Chapter 10 of the Idaho Code), in the city of Hailey due to the threat that COVID-19 poses to the health and welfare of the residents of Hailey; and

WHEREAS, on March 24, 2020, the Council for the city of Hailey adopted Ordinance 1260 establishing emergency powers that provide the authority, purpose, and intent of emergency powers to address the threat of COVID-19, which ordinance was extended as Ordinance 1266 and remains in effect; and

WHEREAS, on September 14, 2020 the City Council, by unanimous consent, determined that future actions relating to exercise of its public health regulatory authority, and for purposes of general guidance, would be based upon the Covid-19 Blaine County Risk Level Plan for the City of Hailey, and

WHEREAS, Blaine County, according to the analytics provided by the adopted COVID-19 Blaine County Risk Level Plan for the City of Hailey, as of November 24, 2020 now places the City of Hailey within the Red Risk Level, being also labeled as the *Critical Risk Level*, in that the County is reported to have 7-day moving average incidence rate 53.4 per 100,000 residents and an 11.18% positive rate; and

WHEREAS, as of November 14, 2020, the Governor of the State of Idaho entered a Stage 2 Stay Healthy Order, reverting from Stage 3, whereby all gatherings are limited to no more than ten (10) persons, with exemptions, requiring patrons of bars and restaurants to remain seated, providing for mandatory physical distancing and sanitation requirements, which order is applicable to all persons within the State of Idaho, and

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

WHEREAS, the CDC and Governor's Order recommends that people wear cloth face coverings in public settings, especially when other social distancing measures are difficult to maintain; and

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

WHEREAS, the city of Hailey Mayor and City Council find it necessary to enact additional regulations to strengthen the regulations issued by the current Idaho State 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 Hailey; and

WHEREAS, this Order was considered and approved by the City Council in accordance with provisions of Emergency Powers Ordinance 1266, and analyzed based on matrix provided by the Harvard Global Health Institute's recommendations as adopted for use by the City of Hailey; and

NOW, THEREFORE, the Mayor and City Council do hereby adopt the following regulations, which shall supersede all prior Public Health Emergency Orders issued by the City of Hailey, and which shall be 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, 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 mean any place open to all members of public without specific invitation,

including but not necessarily limited to, retail business establishments, government offices, medical, educational, 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. Persons with a documented disability.
- b. Children under the age of 5, but parents are strongly encouraged to have children under 5 wear face coverings if they can tolerate same or to avoid bringing younger children to public places otherwise requiring a face covering.
- c. Persons who cannot medically tolerate wearing a cloth face covering must wear a face shield.
- d. 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, must wear a face shield.
- e. Persons, including on-duty law-enforcement officers, for whom wearing a face covering would create a risk to the person related to their work, as determined by local, state, or federal regulators or workplace safety guidelines.
- f. Persons who are obtaining a service involving the nose, face, or head for which temporary removal of the face covering is necessary to perform the service.
- g. Persons who are eating or drinking at a restaurant or other establishment that offers food or beverage service, so long as the person is able to maintain a distance of 6 feet away from persons who are not members of the same party as the person.
- h. Outdoor public places where people can employ social distancing as recommended by CDC, while continuing to recommend face covering.

3. MANDATORY COMPLIANCE: The owner of every public place, as defined by this order, shall require mandatory face covering by members of the public; and shall decline to enter into commerce with any non-exempt individual who refuses to abide by said requirements. Owners of any public place who continue to engage in commerce with non-exempt individuals who refuse to cover their faces are subject to closure orders.

4. MANDATORY SIGNAGE: Every public place, as defined by this order, shall post at every entrance thereto, and in conspicuous locations throughout said place signage in a form substantially the same as that attached hereto, incorporated herein and marked as Exhibit A.

SECTION 2 PENALTIES


Any person who violates any provisions of this Order, shall be guilty of an infraction, punishable by a fine of \$100.

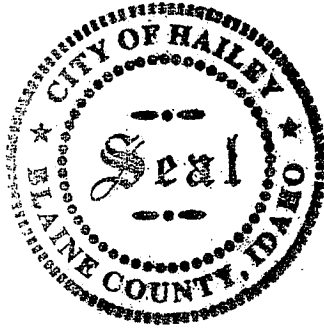
SECTION 3 EFFECTIVE DATE AND SUNSET DATE

This Emergency Order shall take effect upon execution as dated below and shall remain in effect until expiration, unless rescinded, superseded or amended by the Mayor or City Council.


APPROVED

November 24, 2020


Mayor, Martha Burke



ATTEST


Mary Cone, City Clerk