

ORDINANCE NO. 2020-05

AN ORDINANCE OF BLAINE COUNTY, IDAHO, PROVIDING FURTHER RESTRICTIONS TO STATEWIDE ORDERS; SETTING FORTH APPLICABLE JURISDICTIONAL AUTHORITY; PROVIDING ADDITIONAL RESTRICTIONS; PRESCRIBING PENALTIES FOR VIOLATIONS; PROVIDING THAT THE ORDINANCE IS ENACTED ON AN EMERGENCY BASIS; AND ESTABLISHING EFFECTIVE AND SUNSET DATES.

WHEREAS, the Board of County Commissioners is empowered pursuant to Idaho Code § 31-714, to pass all ordinances and rules and make regulations, not repugnant to law, necessary for the carrying into effect or discharging the powers and duties conferred by the laws of the state of Idaho, and such as are necessary or proper to provide for the safety, promote the health and prosperity, improve the peace and good order, comfort and convenience of the county and the inhabitants thereof, and for the protection of property therein; 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 concerns; and

WHEREAS, the CDC reports that people are most contagious when they are most symptomatic (the sickest); however, some spread might be possible before people show symptoms although that is not the main way the virus spreads; and

WHEREAS, on March 11, 2020, the World Health Organization declared the worldwide outbreak of COVID-19 (aka coronavirus) a pandemic, and on March 13, 2020, the President of the United States issued an emergency declaration for the country in response to the increasing number of COVID-19 cases within the U.S.; 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 March 16, 2020, the Board of County Commissioners enacted Resolution No. 2020-12, declaring a disaster in Blaine County due to the COVID-19 pandemic; and

WHEREAS, those disaster declarations were followed by several emergency state orders (Statewide Orders) and Blaine County ordinances that curtailed travel, businesses, trades, and activities in order to slow the spread of the COVID-19 virus in Blaine County; and

WHEREAS, in response to Statewide Orders, and faced with an immediate threat to health and safety requiring more stringent standards, the Board of County Commissioners

enacted Ordinance No. 2020-01 on an emergency basis on March 27, 2020, Ordinance No. 2020-02 on an emergency basis on April 11, 2020, and Ordinance No. 2020-03 on an emergency basis on July 8, 2020; and

WHEREAS, the increase in infections is likely to result in an increase in hospitalizations and usage of ICU beds and ventilators; and

WHEREAS, the risk of community spread throughout Blaine County imperils public health by the person-to-person transmission of COVID-19; and

WHEREAS, the risk of increased community spread of the COVID-19 virus throughout Blaine County continues to critically imperil the public health, safety and welfare of Blaine County citizens; and

WHEREAS, emergency services and local healthcare facilities are nearing capacity due to the number of COVID-19 confirmed cases in Blaine County and additional measures are necessary to slow the spread of COVID-19 within Blaine County; and

WHEREAS, Section 11 of the current Statewide Order expressly authorizes local counties to enact more stringent requirements to decrease the spread of the COVID-19 virus; and

WHEREAS, despite the Statewide Orders and local ordinances, stricter measures are necessary to respond to the imminent threat posed by the spread of the COVID-19 virus within Blaine County; and

WHEREAS, the Board finds that these measures must be enacted on an emergency basis due to the imminent peril posed by the further spread of the COVID-19 virus.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BLAINE COUNTY IDAHO:

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.

Section 2: GROUP SIZE LIMITATIONS & SOCIAL DISTANCING MANDATE

All gatherings of non-household members shall maintain 64 square feet of space per person in every indoor and outdoor space. No indoor gathering may exceed 10 persons, and no outdoor gathering may exceed 50 persons, which limitations shall apply to all public and private property, private residences, business establishments of any and all type, unless herein below exempted.

1. DEFINITIONS: For purposes of this Public Health Order, “indoor” space shall mean any roofed space with two or more walls or impermeable vertical barriers preventing natural airflow and/or confining natural movement of air through said space, whether public or private. Rooms within a building, are separate “indoor” spaces. An “Outdoor” space is any other place, not an indoor space, that is owned by any single entity, public or private.
2. EXEMPTIONS:
 - a. Schools and school property.
 - b. Grocery stores.
 - c. Healthcare facilities.
 - d. Households with family units of more than ten (10) people that permanently reside together.

- e. Institutional facilities operated by government, taxing districts and/or genuine non-profit organizations.
- f. Any other private business, open to the public without specific invitation, that has adopted, implemented and posted written instructions at all entrances, and in other prominent public places, clearly visible throughout the business, COVID-19 mitigation strategies, enforced by the business, including at a minimum, provision of hand sanitizer or hand washing stations at all entrances and the ability to maintain 64 square feet of space per person in every indoor and outdoor space therein and on said premises, as provided for in Exhibit A, of the Addendum hereto.

Section 3: PENALTIES

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

Section 4: EMERGENCY, EFFECTIVE DATE AND SUNSET DATE

The Board of County Commissioners hereby finds that an impending danger exists due to the spread of a contagious disease, resulting in an emergency necessitating the immediate operation of this Ordinance upon its passage and posting in five public places pursuant to Idaho Code Section 31-715. This Ordinance shall remain in effect until it is repealed by the Board of County Commissioners.

Regularly passed, approved and adopted by the County Board of Commissioners on the _____ day of October, 2020

BOARD OF COUNTY COMMISSIONERS OF BLAINE COUNTY, IDAHO

(seal)

Jacob Greenberg, Chairman

ATTEST:

Angenie McCleary, Vice-Chair

JoLynn Drage, Clerk

Dick Fosbury, Commissioner