

THE CITY OF VICTOR, IDAHO EMERGENCY ORDINANCE 0568

AN EMERGENCY ORDINANCE OF THE CITY OF VICTOR, IDAHO, REQUIRING THE USE OF FACE COVERINGS IN PUBLIC PLACES; SETTING FORTH APPLICABLE JURISDICTIONAL AUTHORITY; PRESCRIBING PENALTIES FOR VIOLATIONS; PROVIDING THAT THE ORDINANCE IS ENACTED ON AN EMERGENCY BASIS AND ESTABLISHING EFFECTIVE AND SUNSET DATES.

WHEREAS, the City of Victor is empowered pursuant to Idaho Code §50-302, 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 City of Victor and the inhabitants thereof, and for the protection of property therein; and

WHEREAS, Idaho Code Title 50, Chapter 3, Section 304 provides that cities may pass all ordinances and make all regulations necessary to preserve the public health; prevent the introduction of contagious diseases into the city; make quarantine laws for that purpose and enforce the same within the city; 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, the risk of increased community spread of the COVID-19 virus throughout Teton County, ID critically imperils the public health, safety and welfare; and

WHEREAS, The Covid-19 pandemic is the worst public-health crisis the United States has faced in a century. It has caused over 125,000 deaths in the United States and infected over 2.5 million people, though the actual numbers of infections are very likely higher. Many of those who survive Covid-19 will do so only after experiencing serious illness and lengthy hospitalization; and

WHEREAS, additional measures are immediately necessary to slow the spread of COVID-19 within Teton County to lessen the detrimental impact on local emergency services and healthcare facilities; and

WHEREAS, accordingly, in addition to social-distancing and sanitation measures, the Centers for Disease Control (CDC) "recommends wearing cloth face coverings in public settings where other social distancing measures are difficult to maintain especially in areas of significant community-based transmission."; and

WHEREAS, the City Council 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 CITY COUNCIL OF THE CITY OF VICTOR IDAHO:

SECTION 1: Definitions: For purposes of this Ordinance, the following definitions shall apply:

- A. "Face Covering" means a covering made of cloth, fabric, or other soft or permeable material, without holes, that covers the nose and mouth and surrounding areas of the lower face. A Face Covering may be factory-made or may be handmade and improvised from ordinary household materials. Face Coverings need to cover the nose and mouth in compliance with the Center for Disease Control and Prevention's guidance on wearing Face Coverings.
- B. "Public place" means any place, indoor or outdoor, that is open to the public and includes, but is not limited to, businesses or other establishments where people assemble or members of the general public may enter, offices, public buildings, and parks.
- C. "School or School Districts" means any public, private, or charter school or institution that provides education ranging from daycare through grade 12.

SECTION 2: Face Coverings required. Every person must wear a Face Covering that completely covers the person's nose and mouth when the person is in a Public Place and cannot easily maintain a continuous distance of at least six feet from all other persons.

SECTION 3: Exempt persons. Section 2 of this Ordinance does not apply to:

- A. Any individual who cannot wear a Face Covering because of a medical condition, mental health condition or developmental disability, and any individual who should not wear Face Coverings under the CDC guidance. A person is not required to provide documentation demonstrating that the person cannot medically tolerate wearing a Face Covering. Persons with disabilities who are unable to wear a mask must be provided reasonable accommodations per the Americans with Disabilities Act.
- B. Children under the age of 5. Parents or guardians are responsible for ensuring that children between the ages of 5 and 17 wear appropriate Face Coverings when required under this Ordinance.
- C. Persons participating in youth activities, sports, camps, and daycares in accordance with State Health Orders and Guidelines, as amended.
- D. Persons actively exercising in a gym in accordance with State Health Orders and Guidelines, as amended.
- E. School individuals (including students, administrators, and teachers) on or in School or School District facilities.
- F. Persons in his or her work office and able to maintain a physical distance of at least 6 feet from all other persons.
- G. Persons 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.
- H. 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.

- I. 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 household or party as the person.
- J. Any member of a group of persons who are in a public place together and live in the same household, so long as the group can easily maintain a continuous physical distance of at least 6 feet from all other persons not part of the household.
- K. Persons who are swimming.

SECTION 4. Establishments.

- A. Establishments that are open to the public must provide Face Coverings to their employees and require them to wear them unless exempted in Section 3 of this Ordinance.
- B. Establishments that are open to the public must provide signage stating that Face Coverings are required to enter the establishment pursuant to Victor City Code or a copy of this Ordinance or its approved summary in a conspicuous place at all public entrances to their facilities.
- C. Establishments that are open to the public and in which continuous physical distancing of at least six feet between persons cannot be easily maintained may refuse to allow a person who is not exempt under Section 3 and who is not wearing a Face Covering to enter the establishment and may request that a person inside the establishment leave if the person is not exempt under Section 3 and is not wearing a Face Covering.
- D. 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.

SECTION 5: PENALTIES

Any person who violates any provision of this Ordinance shall be guilty of an infraction with a fine of \$250.00 (fixed penalty \$193.50, court costs \$56.50).

SECTION 6: EMERGENCY, EFFECTIVE DATE AND SUNSET DATE

The City Council of the City of Victor 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 50-901. This Ordinance shall remain in effect until 11:59 p.m. on October 1, 2020 unless sooner repealed.

SECTION 7: SEVERABILITY

If any section, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate distinct and independent provision and such holding shall not affect the validity of the remaining portions of the ordinance.

SECTION 8: WAIVER OF READINGS

The Council waives the requirement of any reading of this ordinance and adopts it by title only pursuant to Idaho Code 50-902.

PASSED BY THE COUNCIL OF THE CITY OF VICTOR, IDAHO, THIS 8TH DAY OF JULY, 2020.

APPROVED BY THE MAYOR OF THE CITY OF VICTOR, IDAHO, THIS 8TH DAY OF JULY, 2020.

CITY OF VICTOR

ATTEST:

BY: _____

Will Frohlich, Mayor

Michelle Smith, City Clerk