

**CITY OF HAILEY**  
**PUBLIC HEALTH EMERGENCY ORDER NO. 2021-01**

**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 February 2, 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 February 3, 2021 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 82.5 per 100,000 residents and an 13.08% positive rate; which rates remain higher than averages in the State of Idaho generally, and

**WHEREAS**, as of February 2, 2021, the Governor of the State of Idaho moved to Stage 3 Stay Healthy Order, loosened from Stage 2, and raised group size limitations from the mandate that all gatherings be limited to no more than ten (10) persons, now to fifty (50) persons, with exemptions, but maintaining the directive 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.

## **SECTION 2 GROUP SIZE LIMITATIONS & SOCIAL DISTANCING MANDATE**

All gatherings of non-household members shall maintain sixty-four (64) square feet of space per person in every indoor and outdoor space, unless specifically exempted hereunder. No indoor gathering may exceed ten (10) persons, and no outdoor gathering may exceed fifty (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. Eating and drinking establishments must maintain six (6) feet of space between seated table-top groups of customers, but not necessarily maintain 64 square feet of space per person.
  - g. 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 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.

ATTEST:

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 Mary Cone, City Clerk



**APPROVED**

February 8, 2021

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 Martha Burke  
 Mayor, Martha Burke