

Public Health Emergency Order 20-09

Closure of Bars; Group Size Limitation; and Airport and Public Meeting Restrictions

PUBLIC HEALTH EMERGENCY ORDER No. 20-09
CLOSURE OF BARS ; GROUP SIZE LIMITATION; AND AIRPORT AND PUBLIC MEETING RESTRICTIONS

June 23, 2020

WHEREAS, on March 11, 2020, the World Health Organization declared the worldwide outbreak of COVID-19 (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 Mayor of the city of Boise City (“Boise City”), Lauren McLean, declared a local disaster emergency, as per the Disaster Preparedness Act (Title 46, Chapter 10 of the Idaho Code), in Boise City due to the threat that COVID-19 poses to the health and welfare of the residents of Boise City, and on March 17, 2020, the Boise City Council ratified and extended the Declaration of Emergency; and

WHEREAS, on March 17, 2020, and repealed and replaced in full on April 7, 2020, the Council for Boise City adopted an ordinance enacting a new Chapter 15 to Title 1, setting forth the authority, purpose, and intent of emergency powers to address the threat of COVID-19; and

WHEREAS, on March 18, 2020, Governor Little issued a proclamation suspending certain public meetings laws, which permitted all public meetings to be held virtually (“Governor’s Order Suspending Meetings”); and

WHEREAS, on March 25, 2020, and amended on April 15, 2020, Governor Little, by way of the Idaho Department of Health and Welfare Order of the Director, issued an Order to Self-Isolate (“Order to Self-Isolate”), requiring all individuals living in the State of Idaho to self-isolate at their place of residence; and

WHEREAS, on April 30, 2020, Governor Little entered, in conjunction with the Idaho Department of Health and Welfare Order of the Director, an order titled, State of Idaho, Idaho Department of Health and Welfare Stay Healthy Order, dated May 1, 2020, providing requirements for reopening certain businesses and permitting certain activities in Stage 1 of the State’s reopening plan (“Stay Healthy Order – Stage One”); and

WHEREAS, on May 14, 2020, Governor Little entered, in conjunction with the Idaho Department of Health and Welfare Order of the Director, an order titled, State of Idaho, Idaho Department of Health and Welfare Stay Healthy Order, with an effective date of May 16, 2020, at 12:00 a.m., providing requirements for reopening certain businesses and permitting certain activities in Stage 2 of the State’s reopening plan (“Stay Healthy Order- Stage Two”); and

WHEREAS, on May 28, 2020, Governor Little entered, in conjunction with the Idaho Department of Health and Welfare Order of the Director, an order titled, State of Idaho, Idaho Department of Health and Welfare Stay Healthy Order, with an effective date of May 30, 2020, at 12:00 a.m., providing requirements for reopening certain businesses and permitting certain activities in Stage 3 of the State’s reopening plan (“Stay Healthy Order- Stage Three”); and

WHEREAS, on June 11, 2020, Governor Little entered, in conjunction with the Idaho Department of Health and Welfare Guidelines of the Director, guidelines titled, State of Idaho, Idaho Department of Health and Welfare Stay Healthy Guidelines, with an effective date of June 13, 2020, providing guidelines for reopening certain businesses and permitting certain activities in Stage 4 of the State’s reopening plan

(“Stay Healthy Guidelines - Stage Four”); and

WHEREAS, the risk of community spread throughout the city of Boise City impacts the life and health of the public and public health is imperiled by the person-to-person spread of COVID- 19, and the reduction of opportunities for the person-to-person transmission of COVID-19 is necessary to combat the spread of the disease; and

WHEREAS, both the Department of Health and Human Services Centers for Disease Control and Prevention ("CDC") and the White House have recommended practices to prevent the rapid spread of COVID-19. The recommendations have previously included that individuals practice social distancing by avoiding frequenting bars and taverns to curtail

WHEREAS as of June 11, 2020, Central District Health (“CDH”) has investigated a cluster of people whose exposure has been traced to frequenting bars within the Boise City on June 5 and 6, 2020; and

WHEREAS, as of June 22, 2020, Central District Health reports a significant increase in confirmed cases of COVID-19 illnesses in Ada County, reporting twenty three (23) new cases on June 15, 2020, thirty two (32) new cases on June 16, 2020, thirty nine (39) new cases on June 17, 2020, 111 new cases on June 18, 2020, 128 new cases on June 19, 2020, and 135 new cases on June 20, 2020, indicating community spread; and

WHEREAS, as of June 22, 2020, test results at both Boise City wastewater renewal facilities show an increased presence of SARS-CoV-2 virus in waste water units per liter; and

WHEREAS, on June 22, 2020, Central District Health Director, Mr. Russ Duke, issued an Order Regarding Quarantine and Restriction, and entitled “Order of the District Board of Health, Central District Health, State of Idaho” (“CDH Order: Quarantine and Restriction ”); and

WHEREAS, the Mayor of Boise City, Lauren McLean, finds it necessary to implement certain requirements to build on and strengthen the strategy set forth in the CDH Order: Quarantine and Restriction and Stay Healthy Guidelines- Stage Four to protect the health, safety, and welfare of the citizens of Boise City by mitigating any negative repercussions of reopening the community due to Boise City’s large population, size, and scope of Boise City services offered, and status as the State of Idaho’s business and transportation hub.

NOW, THEREFORE, I, Lauren McLean, Mayor of Boise City, Idaho, by virtue of the authority vested in me by Boise City Code 1-15-05, 1-15-08, Idaho Code Title 50, Chapters 3 and 6, and Article XII, Section 2 of the Idaho Constitution, to protect the public hereby issue this Public Health Emergency Order 20-09 –Closure of Bars; Group Size Limitation; and Airport and Public Meeting Restrictions (“Emergency Order 20-09”):

Section 1. Stay Healthy Guidelines - Stage Four – Incorporated Herein. The Stay Healthy Guidelines – Stage Four is hereby incorporated in its entirety in this Emergency Order 20-09 except as otherwise specifically set forth herein.

Section 2. CHD Order: Quarantine and Restriction. The CDH Order: Quarantine and Restriction is hereby incorporated in its entirety in this Emergency Order 20-09 except as otherwise specifically set forth herein.

Section 3. Businesses - Required Compliance. With the exception of bars as defined and prohibited in Section 8 of this Emergency Order 20-09, all businesses that are eligible to reopen pursuant to the Stay Healthy Guidelines – Stage Four must comply with all social distancing and sanitation recommendations and requirements as provided in the Stay Healthy Guidelines – Stage Four and Section 4 of this Emergency Order 20-09. Additionally, all businesses that are eligible to reopen pursuant to the Stay Healthy Guidelines – Stage Four and this Emergency Order 20-09 must comply with all relevant business protocol recommendations and requirements for Stage 4 business reopening as provided for by Central District Health (“CDH”) and as found at <https://rebound.idaho.gov/>.

Section 4. Individuals - Social Distancing and Sanitation Requirements- Required Compliance. To the extent individuals are outside of their residence, individuals must comply with Section 4 of Stay Healthy Guidelines – Stage Four, including, but not limited to:

A. Individuals shall maintain at least six (6) feet minimum physical distancing from other individuals, whenever possible.

B. Individuals shall:

- i. Wash hands with soap and water for at least 20 seconds as frequently as possible or use hand sanitizer;
- ii. Cover coughs or sneezes (into the sleeve or elbow, not hands);
- iii. Regularly clean high- touch surfaces; not shake hands;
- iv. Stay home if sick; and
- v. Strongly consider the use of face coverings while in public.

Section 5. Group Gatherings. Public and private gatherings of individuals in groups of more than fifty (50) are prohibited. All group gatherings of less than fifty (50) people must be held in accordance with the provisions of the Stay Health Guidelines - Stage Four and Section 4 of this order.

Section 6. Airport Public Area Access. Access to the public areas of the Boise Airport terminal is restricted to individuals who can demonstrate they fall within one of the following categories:

- A. Ticketed airline passengers;
- B. An individual accompanying a ticketed airline passenger, provided the passenger needs assistance with arrival or departure;
- C. Individuals whose employment requires access to public areas;
- D. Individuals who have been authorized by airport officials or have a business appointment with an airport employee;
- E. Individuals in vehicles who are at the passenger pick up and drop-off location for airport employees and their passengers; and
- F. Individuals in rental vehicles at the airport pick up and/or drop off rental car locations.

Section 7. Public Meetings. All meetings of Boise City commissions, committees, and boards are suspended except as provided in this Section 7. The following commissions, committees, and boards shall meet, but personal attendance at such meetings shall be waived as set forth in the Governor's Order Suspending Meetings:

- A. Boise City Council (B.C.C. Title 1, Chapter 6);
- B. Planning and Zoning Commission (B.C.C. Title 2, Chapter 4);
- C. Design Review Committee (B.C.C. Title 11, Chapter 2);
- D. Historic Preservation Commission (B.C.C. Title 11, Chapter 2); and
- E. Other commissions, committees, and boards as deemed necessary in the Mayor and Department Director's discretion or as otherwise legally required.

Section 8. Bars. All bars, taverns, nightclubs, private liquor clubs, taprooms, tasting rooms, mobile bars, cabarets, and saloons, as well as all other licensed premises for the sale of alcoholic beverages as defined by B.C.C. 5-11-6, 3-3-5, IDAPA 11.05.01, or Idaho Code Sections 39-5502, 23-941, or 23-902, and including non-motorized commercial touring services (i.e. bicycle bars) as defined in B.C.C. 3-13B-2, within the Boise City limits shall close to members, guests, patrons, customers, and the general public for on-site consumption.

Section 9. Penalty and Enforcement. Individuals and businesses within Boise City are urged to voluntarily comply with the Stay Healthy Guidelines - Stage Four, CDH Order: Quarantine and Restriction and this Emergency Order No. 20-09. Boise City will make efforts to educate individuals and businesses to achieve compliance. Any person who knowingly violates the provisions of CHD Order: Quarantine and Restriction may be guilty of a misdemeanor, punishable by fine, imprisonment, or both in accordance with Idaho Code, Sections 56-1003(7)(c) and 39-419. In accordance with Boise City Code Section 1-15-10, any person who knowingly violates the provisions of this Emergency Order No. 20-09 shall be guilty of a misdemeanor, punishable by fine, imprisonment, or both.

Section 10. Governing Language. To the extent this Emergency Order No. 20-09 is more stringent than the Stay Healthy Guidelines – Stage Four or the CDH Order: Quarantine and Restriction, the language of this Emergency Order No. 20-09 shall govern.

Section 11. Costs. No person shall be entitled to recover from Boise City any costs incurred, or profits lost as may be attributed to the enactment of this Emergency Order No. 20-09.

Section 12. Severability. To the extent any provision of this Emergency Order No. 20-09 or its application to any person or business is held to be invalid, the remainder of this Emergency Order No. 20-09, including any application thereof, shall remain in full force and effect. To this end, provisions of this Emergency Order No. 20-09 are severable.

Section 13. Other Public Health Emergency Orders. This Emergency Order No. 20-09 supersedes and replaces Public Health Emergency Order 20-08, Reopening Boise City: Stage Four.

Section 14. Effective Date. This Emergency Order No. 20-09 shall take effect at 12:01 a.m. on June 24, 2020, and remain in full force and effect pursuant to the provisions of Boise City Code Section 1-15-6 (E) unless it is terminated, modified or extended at an earlier date. In anticipation of the Governor, or CDH Director issuing future Stay Healthy Guidelines or Orders, the Mayor, in consultation with CDH and local healthcare providers, will monitor the state of Boise City pursuant to the gating criteria outlined at <https://rebound.idaho.gov/>, specifically the syndromic, epidemiologic, and healthcare indicators to determine whether this Emergency Order No. 20-09 should be amended, modified or terminated.

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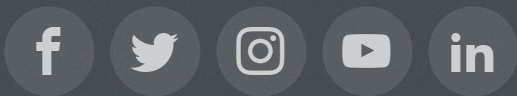
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