

ORDINANCE NO. 2020-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, AMENDING TITLE 6 OF TWIN FALLS CITY CODE, ADDING CHAPTER 14, REQUIRING THE USE OF FACE COVERINGS IN PUBLIC PLACES; AND PROVIDING AN EFFECTIVE DATE THEREFOR.

WHEREAS, on October 27, 2020 the Governor and Director of the Idaho Department of Health and Welfare issued a “Stay Healthy Order” stating the following:

“The virus that causes Coronavirus 2019 Disease ("COVID-19") has resulted in a global pandemic, is present in Idaho, and has infected nearly 60,000 Idahoans, resulting in 573 deaths to date. The virus is easily transmitted, especially in group settings, and it is essential that the spread of the virus be slowed to protect public health and safety and safeguard the ability of public and private healthcare providers to handle an influx of new patients.

This Order is based on evidence of a significant increase of cases of COVID-19 within the State of Idaho; as well as, the advice and input of state epidemiologists, public health experts, and guidelines provided by the Centers for Disease Control and Prevention ("CDC") and the White House. This order is also based on the scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, and evidence that the age, condition, and health of a significant portion of the population of the state places its citizens at risk for serious health complications, including death, from COVID-19.

Some individuals who contract the COVID-19 virus have no symptoms or have mild symptoms, which means they may not be aware they carry the virus. Because even people without symptoms can transmit the disease, and because evidence shows the disease is easily spread, gatherings can result in transmission of the virus.

The most recent state report for Idaho from the White House Coronavirus Task Force states that ‘Idaho is in the red zone for cases, indicating 101 or more new cases per 100,000 population [for the week ending October 16, 2020], with the 7th highest rate in the country. Idaho is in the red zone for test positivity, indicating a rate at or above 10.1 %, with the 2nd highest rate in the country.’

Cases in Idaho have risen sharply in the past several weeks and are rising in most counties in the state. The number of individuals hospitalized with COVID-19 in Idaho has increased 55% in the past two weeks. As a result, hospitals across the state of Idaho, including the Veterans Affairs Medical Center, are at or nearing capacity. In some instances, hospitals have diverted patients to other hospitals within the state and in neighboring states.

Local health districts have traced reported infections to gatherings of people, including school-related events, social gatherings, and recreational events. In the judgment of public health officials, reducing the size of these gatherings will reduce spread of the virus in communities and protect vulnerable Idahoans.

Since June 2020, there has been a significant and concerning increase in cases of COVID- 19 among residents and staff at long-term care facilities in Idaho. Outbreaks often start with a staff member or a visitor and spreads to other staff members and residents. Many staff members and all residents of long-term care facilities are at a higher risk of severe complications associated with contracting CO VID-19.

Currently, over 100 residential facilities are investigating one or more COVID-19 cases, and four new outbreaks were declared at long-term care facilities on October 24, 2020.

The scientific evidence shows that at this stage of the pandemic, it is necessary to slow virus transmission to protect Idaho's vulnerable population and to prevent the healthcare system from being overwhelmed. In consultation with state and federal epidemiologists and healthcare experts, this Order is intended to protect the lives and safety of Idahoans, preserve capacity in our healthcare system and slow the spread of COVID-19 by limiting public and private gatherings, requiring patrons to remain seated at bars and restaurants, mandating masks in long-term care facilities, and requiring individuals to maintain physical distancing whenever possible."

WHEREAS, as of November 4, 2020 Twin Falls County has had 4,079 confirmed cases of COVID-19 with another 592 likely. Furthermore, 52 people in Twin Falls County have died as a result of COVID-19.

WHEREAS, St. Luke's Magic Valley, because of the number of COVID-19 patients and staffing levels, has had to divert patients out of our area for medical treatment.

WHEREAS, the City of Twin Falls is concerned that if this trend continues more lives will be lost, and businesses will be forced to close, particularly if the State of Idaho goes back to "Stage 2" of the Governors rebound plan.

WHEREAS, guidelines published by the U.S. Centers for Disease Control (CDC) on April 3, 2020, recommend that all people wear cloth face coverings in public settings where other physical distancing measures may be difficult to maintain. CDC also advises the use of simple cloth face coverings to slow the spread of the virus, particularly from asymptomatic carriers of the virus.

WHEREAS, Section 3, paragraph b of the "Stay Healthy Order" states, "Individuals should: ... Wear face coverings while in public, especially when six-foot distancing is not always possible."

WHEREAS, decreased transmissibility due to face covering use could substantially reduce the death toll among and economic impact on the citizens of Twin Falls and surrounding communities.

WHEREAS, Article XII, Section 2, authorizes the City to "make and enforce...local police, sanitary and other regulations" that do not conflict with other laws.

WHEREAS, Title 50, Chapter 3 outlines the municipal powers of cities in Idaho. Specifically, Section 50-304 authorizes the City to "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 five (5) miles of the city."

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL
OF THE CITY OF TWIN FALLS, IDAHO:**

Section 1: That Twin Falls City Code is amended by the addition of a new Chapter 14 of Title 6, as follows:

"6-14-1: 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.

6-14-2: DEFINITIONS. For purposes of this Ordinance “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, or present without invitation.

6-14-3: EXEMPTIONS:

1. Children under the age of 5.
2. Persons who cannot medically tolerate wearing a face covering. A person is not required to provide documentation demonstrating that the person cannot medically tolerate wearing a face covering.
3. 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.
4. 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.
5. 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.
6. 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.
7. Outdoor public places where a person can employ physical distancing as recommended by CDC where the person is able to maintain a distance of 6 feet from persons who are not members of the same household or party as the person.
8. Youth or adult athletes actively competing in a sporting event where masking is not possible.
9. Persons who are engaged in indoor exercise or recreational activity, so long as they engage in physical distancing.
10. Persons who are participating in a court proceeding wherein the presiding judge authorizes the face covering to be removed.
11. Persons who are participating in Educational Activities. Educational Activities means activities involving students taught by an educator in a school or equivalent setting.
12. Persons who are participating in religious activities.

6-14-4: PENALTY AND ENFORCEMENT. The City will make efforts to educate individuals and businesses to achieve compliance. Violation of this Ordinance shall constitute an infraction, punishable by a fine of \$50.

Section 2: EFFECTIVE DATE AND SUNSET DATE

This Ordinance shall take effect (upon publication or immediately) and shall remain in effect for 60 days from the date passed.

PASSED BY THE CITY COUNCIL, November ____, 2020.

SIGNED BY THE MAYOR, November ____, 2020.

MAYOR

ATTEST:

DEPUTY CITY CLERK

DRAFT