

EMERGENCY
ORDINANCE O563

AN EMERGENCY ORDINANCE TO LIMIT GATHERINGS AND TO RESTRICT DINING AT RESTAURANTS AND ANY SELF SERVE FOOD TO IMMEDIATELY PRESERVE AND PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE; DECLARING AN EMERGENCY, PROVIDING FOR AN EFFECTIVE DATE AND A TIME FOR TERMINATION.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VICTOR, IDAHO, THAT:

SECTION I:

WHEREAS, on or about December 31, 2019, a new and significant outbreak of pneumonia with an unknown source was detected in Wuhan City, Hubei Province China.

WHEREAS, the World Health Organization declared the outbreak of COVID-19 as a worldwide pandemic as of March 11, 2020; and

WHEREAS, there is currently no vaccine or drug therapy available for COVID-19; and

WHEREAS, the President of the United States declared a national emergency concerning the novel coronavirus disease (COVID-19) on March 13, 2020, specifically stating that in “December 2019 a novel (new) coronavirus known as SARS-CoV-2 (“the virus”) was first detected in Wuhan, Hubei Province, People’s Republic of China, causing outbreaks of the coronavirus disease (COVID-19) that has now spread globally. . . . The spread of COVID-19 within our Nation’s communities threatens to strain our Nation’s healthcare systems. . . . Additional measures . . . are needed to successfully contain and combat the virus in the United States.” The National Emergency Declaration went on to declare that the COVID-19 outbreak in the United States constitutes a national emergency, and the State of Idaho is experiencing a public health emergency in response to the evolving outbreak of the novel coronavirus as of March 11, 2020; and

WHEREAS, Brad Little, Governor of the State of Idaho, declared a State of Emergency for the State of Idaho on March 13, 2020, stating that on March 13, 2020 “We need to slow down the spread of Coronavirus so healthcare facilities are not overwhelmed with too many patients at once”; and

WHEREAS, Dr. Anthony Fauci, the director of the National Institute of Allergy and Infectious Diseases, stated on March 14, 2020 that a best practice would be to have a “dramatic diminution of the personal interaction that we see” in restaurants and bars and that “whatever it takes to do that” is what he would like to see; and it has been determined by national experts, cities, states and local jurisdictions nationwide that a method to control the community spread of the coronavirus is to close certain public places; and

WHEREAS, on March 16, 2020 the President of the United States and the Coronavirus Task Force issued guidelines for the nation stating that “Even if you are young, or otherwise healthy, you are at risk and your activities can increase the risk for others. It is critical that you do your part to slow the spread of the coronavirus;” that people are advised to “avoid social gatherings of more than 10 people;” that people are advised to “avoid discretionary travel, shopping trips, and social visits;” that “in states with evidence of community transmission, bars, restaurants, food courts, gyms, and other indoor and outdoor venues where groups of people congregate should be closed;” and

WHEREAS, this Ordinance is enacted on the advice of leading national health authorities that no locality, regardless of whether they have already identified COVID 19 cases, will be immune from the spread of the virus, particularly given the absence of reliable testing protocols in most jurisdictions; scientific evidence regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically; as well as best practices as currently known and available to protect vulnerable members of the public from avoidable risk of serious illness or death resulting from exposure to COVID-19. Although most individuals who contract COVID-19 do not become seriously ill, persons with mild symptoms and asymptomatic persons with COVID-19 may place other vulnerable members of the public at significant risk; and

WHEREAS, the City Council has determined that the closure of venues and facilities where members of the public congregate within the CITY is critical to minimize the risk of expedited transmission that would, if unimpeded, place an overwhelming burden and have devastating impacts on the community’s healthcare systems, facilities, supplies, and providers; and

WHEREAS, this Ordinance is issued in light of the existence of multiple known cases of COVID-19 in the State of Idaho, as of the morning of March 16, 2020, and one case in Teton County, Idaho; and

WHEREAS, this Ordinance will reduce the likelihood that many individuals will be exposed to COVID- 19, and it will thereby slow the spread of COVID-19 in our community. By reducing the spread of COVID-19, this Ordinance will help preserve critical and limited healthcare capacity in the City; and

WHEREAS, this Ordinance is enacted to prevent circumstances often present in gatherings that may exacerbate the spread of COVID-19, such as: (a) the increased likelihood that gatherings will attract people from a broad geographic area; (b) the prolonged time period in which significant numbers of people are in close proximity; (c) the difficulty in tracing exposure when many people attend a single event; and (d) the inability to ensure that attendees follow adequate hygienic practices for many gatherings; 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.

SECTION I

1. The following are hereby closed within the City of VICTOR:

- a. All theaters (film or stage)
- b. Bars, Nightclubs/Saloons/Taverns or Tasting Rooms
- c. All coffee/tea shops, except for drive-through, or take-out service
- d. Self-serve or staff-served buffets or Salad bars
- e. Unpackaged self-serve food services
- f. All communal pools, hot tubs, locker rooms, saunas, steam rooms, fitness centers, gyms, conference rooms, and spas
- g. All museums

2. Notwithstanding the above, and effective upon the same date and time, all restaurants are hereby closed within the City of Victor, Idaho unless they follow the following procedures, under which circumstances they may remain open:

- a. Prohibit all dine-in food service, whether inside or outside the establishment and prohibition on admitting guests, patrons, customers inside the establishment.
- b. Curbside take out or drive thru food service is permitted. Cash payments are strongly discouraged. Staff who take cash or credit card payments shall use cleansing measures between transactions, including use of best practices issued by the Centers for Disease Control (CDC) or Eastern Idaho Health. Where possible, online (e.g. Venmo, Squarecash, Googlepay, and similar payment apps) and telephonic credit card transactions are highly encouraged. Staff who handle cash or credit cards shall not be involved in the preparation, handling, or delivery of food.
- c. Employees must take food items to the curb and give the items to the patron or customer through the car window.
- d. For hotel restaurants, food items may only be delivered as room service or curbside service as described above.
- e. Third party food delivery services (i.e. Uber Eats, Door Dash, etc.) are prohibited.
- f. Management shall and must ensure, on a daily basis, that no employee who presents symptoms of illness will be permitted to work.

SECTION II.

The following are prohibited within the City of VICTOR: Gatherings of 10 people or more for social, spiritual, or recreational activities, including but not limited to, community, civic, public, leisure, faith based, or sporting events, parades, concerts, festivals, conventions, fundraisers, and similar activities. Excepted from the prohibition in this SECTION II are businesses and the hospital. All businesses that remain open will accommodate all employees and patrons with at least 6 feet of separation from one another.

The following are exempt from the provisions of this section.

Hospitals and Health Clinics

School District food services

Government Buildings while conducting Public Meetings

SECTION III.

This ordinance is effective immediately by proclamation of the Mayor and will continue until 11:59 p.m. on April 30 2020, unless sooner modified or repealed, pursuant to Idaho Code 50-901, which states “that in cases of riot, infections or contagious disease, or other impending danger requiring immediate enforcement, such ordinances shall take effect upon the proclamation of the mayor or president of the council, posted in at least five (5) public places of the City”.

SECTION IV.

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 V.

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

PASSED the _____ day of March 2020.

CITY OF VICTOR

BY: _____

ATTEST:

Will Frohlich, Mayor

Michelle Smith, CITY Clerk