

**CITY OF KETCHUM**  
**PUBLIC HEALTH EMERGENCY ORDER 20-05**  
**(REQUIRING FACE COVERINGS, LIMITING GROUP GATHERINGS,**  
**REQUIRING SOCIAL DISTANCING AND SIGNAGE)**

**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**, on and after 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 issued a series of Orders addressing public health measures to slow the spread of COVID-19 including the Idaho Rebounds Plan; and

**WHEREAS**, on March 18, 2020 the Mayor of the City of Ketchum declared a local disaster emergency, and on March 23, 2020 the Ketchum City Council adopted the Declaration as per the Disaster Preparedness Act (Title 46, Chapter 10 of the Idaho Code), due to the threat that COVID-19 poses to the health and welfare of the residents of Ketchum; and

**WHEREAS**, on March 23, 2020, the Council adopted Ordinance 1207 establishing emergency powers that provide the authority, purpose, and intent of emergency powers to address the threat of COVID-19; and

**WHEREAS**, on September 29, 2020, the Council adopted Ordinance 1212 renewing the emergency powers and providing for the authority, purpose, and intent of emergency powers to address the threat of COVID-19; and

**WHEREAS**, infection rates in Idaho have significantly increased in urban areas in recent weeks, and Blaine County and the City of Ketchum are experiencing a rise in the numbers of verified cases of COVID-19; 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 recommends that people maintain social distancing and 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 Ketchum from the risks relating to the COVID-19 pandemic through the protection provided by wearing facial coverings and practicing social distancing; and

**WHEREAS**, the Mayor and City Council find it necessary to enact additional regulations to strengthen guidelines, to slow the community spread, and to protect the health, safety, and welfare of individuals living, working and visiting the city of Ketchum; and

**WHEREAS**, this Public Health Emergency Order 2020-05 was considered and approved by the City Council in accordance with provisions of Ordinance 1212.

**NOW, THEREFORE**, the Mayor and City Council do hereby adopt the following regulations, which shall supersede and replace all prior Public Health Emergency Orders issued by the City of Ketchum, 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 the 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.
2. **EXEMPTIONS:**
  - a. Children under the age of 5.
  - b. 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.
  - c. 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.
  - d. 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.

- e. 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.
- f. 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.
- g. Outdoor public places where people can employ social distancing as recommended by CDC.

## **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. No indoor gathering may exceed ten (10) persons, and no outdoor gathering may exceed fifty (50) persons or 25% of the maximum permitted occupancy of the space. 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. 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.

- g. Businesses who have submitted a detailed plan, approved by the city, which demonstrates additional actions/measures utilizing CDC best practice mitigation measures for that specific industry.
- h. Bars and restaurants following the State of Idaho’s Stage Three Guidelines. Failure to do so will result in the business being required to follow the sixty-four (64) square feet regulation outlined above in item f.

**SECTION 3. PENALTIES**

Any person who violates any provision 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 at 12:00 a.m., on November 3, 2020 and shall remain in effect until rescinded, superseded or amended by the Mayor or City Council.

Passed and approved by the Ketchum City Council on the 3<sup>rd</sup> day of November 2020.

APPROVED:

\_\_\_\_\_  
Neil Bradshaw  
Mayor

ATTEST

\_\_\_\_\_  
Katrin Sharp, Deputy City Clerk