

CITY OF KETCHUM
PUBLIC HEALTH EMERGENCY ORDER 21-02
(REQUIRING FACE COVERINGS INDOORS AND
REQUIRING SOCIAL DISTANCING WHEN
POSSIBLE)

WHEREAS, COVID-19 is a respiratory disease that can result in serious illness or death, and can be spread from person to person who are in close contact; 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, Idaho Code 50-304 authorizes cities to provide for public health and Idaho Code 50-606 authorizes the Mayor to provide for the enforcement of any health or quarantine ordinance and regulation; and

WHEREAS, infection rates in Idaho have significantly increased in recent weeks, and Blaine County and the City of Ketchum are experiencing an increase in the numbers of verified cases of COVID-19 and the number of hospitalizations are increasing throughout the state; 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, Blaine County School District has mandated mask wearing for students and staff, and a modified schedule to ensure in-school learning throughout the entire school year; 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, while healthcare facilities statewide are reaching capacity; and

WHEREAS, healthcare facilities operating at or above capacity may result in reduced healthcare availability to persons with COVID or with any other illness; and

WHEREAS, Ketchum’s labor shortage could be amplified with more local COVID exposure.

WHEREAS, this Public Health Emergency Order 21-02 was considered and approved by the City Council.

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 public place, completely cover their nose and mouth when members of the public are physically present and within six (6) feet. Persons, when in outdoor public places, are recommended to completely cover their nose and mouth when members of the public are present and within six feet.

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. Persons who are engaged in indoor exercise so long as they engage in social distancing as recommended by the CDC.

SECTION 2. SOCIAL DISTANCING

All gatherings of non-household members shall be organized to maintain 6 feet of separation between parties in every indoor public space. All gatherings of non-household members in outdoor spaces are recommended to maintain 6 feet of separation between non-household parties. As defined by the CDC, “gathering” means “a planned or spontaneous event, indoors or outdoors, with a small number of people participating or a large number of people in attendance such as a community event or gathering, concert, festival, conference, parade, wedding, or sporting event.”

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. Gatherings for political expression and religious activities are not subject to the provisions of this Section; provided, however, that gatherings for purposes of political expression and religious activities must adhere to physical distancing and sanitation requirements per CDC guidelines.
 - b. Gatherings as defined in this Section do not include “educational activities.” The term “educational activities” means activities involving students taught by an educator in a school or equivalent setting.
 - c. Extra-curricular activities, including athletics, practice, matches, performances and games may continue. Participants necessary for the extra-curricular activity to occur include, but are not limited to players, instructors, coaches, officials, and personnel to broadcast the activity. Attendance by non-participants, including spectators, remains subject to the requirements specified in this Order.
 - d. Institutional facilities operated by government, taxing districts and/or genuine non-profit organizations.

- e. 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.

SECTION 5. PENALTIES

Any person who violates any provision of this Order, shall be guilty of an infraction, punishable by a fine of \$100.

SECTION 6. EFFECTIVE DATE AND SUNSET DATE

This Emergency Order shall take effect at 12:00 a.m., on September 15, 2021, 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 14th day of September 2021.

APPROVED:

Neil Bradshaw
Mayor

ATTEST:

Tara Fenwick, City Clerk