

**CITY OF KETCHUM
PUBLIC HEALTH EMERGENCY ORDER 20-06
(REQUIRING FACE COVERINGS, LIMITING GROUP GATHERINGS,
REQUIRING SOCIAL DISTANCING AND SIGNAGE,
ISSUING STANDARDS FOR CONSTRUCTION SITES
AND CERTAIN TRADES OPERATING WITHIN
CITY OF KETCHUM, REGULATIONS AND
RECOMMENDATIONS FOR SPECIFIC
OCCUPANCIES)**

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 2020-06 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 and within six (6) 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. 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 or outdoor gathering may exceed ten (10) persons. Limitations shall apply to all public and private property, private residences, business establishments of any and all type, unless herein below exempted. 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.” (See Section 3 for specific regulations on businesses.)

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. Gatherings of more than ten (10) members of the same household. Household is defined as an individual or a group of individuals who reside in the same residence.
 - d. 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

- e. Institutional facilities operated by government, taxing districts and/or registered non-profit organizations.

SECTION 3. REGULATIONS AND RECOMMENDATIONS FOR SPECIFIC OCCUPANCIES

- a. Fitness centers, public gyms and recreational facilities are limited to ten (10) persons in any room or area or limited to no more than one person per sixty-four (64) square feet. Fitness equipment must be located at least six feet apart, or alternating fitness machines must be marked as not useable. All persons must be required to wear a mask while inside the facility at any time except during an aerobic activity. All fitness equipment must be cleaned between each. Indoor group sports such as basketball are discouraged.
- b. All offices and work locations that are not open to the public shall restrict occupancy to no more than one employee per sixty-four (64) square feet. Employers shall be required to maintain six feet between employees or shall mandate that masks be worn when six feet cannot be maintained. Employers should encourage employees to work from home when feasible.
- c. Churches and religious gatherings are recommended to reduce capacity to allow six feet between all persons or household groups or to conduct activities remotely when possible.
- d. Any other private business, open to the public without specific invitation, must adopt, implement and post written instructions at all entrances, and in other prominent public places, clearly visible throughout the business, COVID-19 mitigation strategies must be enforced by the business, including at a minimum, provision of hand sanitizer or hand washing stations at all entrances and the ability to maintain sixty-four (64) square feet of space per person in every indoor and outdoor space therein and on said premises.
- e. Bars and restaurants are required to follow the guidelines outlined in the State of Idaho's Stage 2 opening protocols.

SECTION 4. STANDARDS AND LIMITATIONS FOR CONSTRUCTION SITES AND CERTAIN TRADES OPERATING WITHIN CITY OF KETCHUM

APPLICABILITY

The following standards and limitations shall apply to all commercial and residential building and construction work sites and all individuals performing work such as, but not limited to, painting, plumbing, mechanical, electrical and landscaping work. The primary contractor shall be responsible for compliance for all individuals performing work on the job site or work location.

Prior to resuming construction activity at any location, the primary contractor shall provide certification to the City that the contractor, all sub-contractors and all individuals working on the job site have read the standards and agree to comply with the standards at all times while on the job site.

CONSTRUCTION SITE AND WORKER STANDARDS

1. The owner/contractor shall designate a site specific COVID-19 supervisor to enforce these standards. The designated COVID-19 supervisor shall be present on the job site at all times while construction activities are taking place. The COVID-19 supervisor can be an on-site worker who is designated to carry this role. If there is no job site, the supervisor shall enforce the rules from the office, yard, or workplace.
2. The job site shall have at least, soap and water stations and/or alcohol based hand sanitizer that contains at least 60% alcohol. Adequate supplies shall be maintained at all times. Such stations shall be placed at the primary entrances to the building or job site, and elsewhere on the site as needed. For landscape companies and trades that do not have recurring job sites, all vehicles shall contain soap and water or alcohol-based hand sanitizer that contains at least 60% alcohol, one of which shall be used upon entering and exiting the vehicle.
3. Individuals on the job site shall be instructed to clean their hands upon arrival and departure from the job site and to clean their hands often, especially if hands are visibly dirty.
4. All individuals on the job site shall be provided with personal protective equipment (PPE) such as gloves, goggles, face shields, or face coverings. All individuals shall wear such PPE, including face coverings, at all times while on the job site.
5. Individuals shall maintain a distance of six (6) feet from one another at all times on the job site, including, but not limited to, while eating lunch, taking breaks, and work consultations.
6. Equipment with an enclosed cab shall only be operated by one person during the whole day and the cab shall be sanitized at the end of each workday.
7. Trades shall be staggered as necessary to reduce the density of workers on site and to maintain social distancing. Each individual shall maintain a distance of six (6) feet from any other individual.
8. Deliveries shall be staggered to minimize interactions with individuals and maintain the six (6) foot separation.
9. Individuals shall be discouraged from traveling to or from the site by carpool unless they are carpooling with individuals who reside in the same residence or using public transportation and practicing social distancing.
10. Individuals shall not share any tools or equipment while on the job site. Table saws and large equipment shall be wiped down after each use.

11. On-site portable toilets shall be sanitized and disinfected every day by each user after use. The date when the portable toilet was last disinfected and sanitized by the portable toilet installer shall be posted outside the toilet.
12. There shall be no communal water cooler, water dispenser or microwave on site. Individuals shall bring their own personal water bottles and all food and beverages they will consume during the day. During the period when construction activity is taking place, individuals are strongly encouraged to remain on the site during work hours. Any individual leaving the job site to obtain lunch, food or beverages from a local business shall wear a face covering.
13. Each job site shall post in at least two areas visible to all individuals on the job site, on work vehicles, or in the place of work, the following required hygienic practices:
 - a. Wash hands often for twenty (20) seconds
 - b. Cough into elbow
 - c. Do not touch your face
 - d. Stay at home if you are sick
 - e. Regularly disinfect high touch surfaces such as handrails, elevator control buttons, doorknobs, and counters
14. On a daily basis, the COVID-19 supervisor shall inspect on-site workers and ensure no individual is permitted on the job site who presents any symptoms of illness such as fever, cough, runny nose, or sore throat. Any individual presenting any symptoms of illness shall be required to stay home. The individual may return to work in conformance with CDC Guidelines.
15. All individuals on the job site shall inform the COVID-19 supervisor if a family member is presenting any symptoms of illness as identified in #14. If so, the reporting individual shall remain off the job in conformance with CDC Guidelines.
16. The owner or primary contractor shall maintain a daily attendance log of all individuals entering the work site.

PENALTIES FOR VIOLATIONS OF CONSTRUCTION SITE AND WORKERS STANDARDS

Any primary contractor, individual or entity providing labor, material, equipment or services to a project failing to comply with the construction standards set forth in this Order, is guilty of an infraction and shall be fined \$100.00 per occurrence on the same day. Multiple or repeat violations may result in the building official issuing a stop work order ("red tag") on the project suspending all work or other activities on the project until such failure is corrected.

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 November 23, 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 23rd day of November 2020.

APPROVED:

Neil Bradshaw
Mayor

ATTEST:

Katrin Sharp, Deputy City Clerk