

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF POCATELLO, A MUNICIPAL CORPORATION OF IDAHO, ESTABLISHING STANDARDS FOR FACE COVERINGS FOR INDIVIDUALS WHEN THEY ARE IN PUBLIC PLACES INCLUDING PENALTIES FOR VIOLATIONS AND PROVIDING THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT UPON POSTING IN AT LEAST FIVE (5) PUBLIC PLACES OF THE CITY, THE PROVISIONS HEREIN COMMENCING AT 12:00 A.M. ON NOVEMBER 21, 2020.

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 has not been previously identified in humans, and can 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 of the World Health Organization declared the outbreak of COVID-19 a public health emergency of international concern; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) reports that people are most contagious when they are most symptomatic (the sickest), however spread is possible before people show symptoms or by those that are asymptomatic; and

WHEREAS, on 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

WHEREAS, on or after March 13, 2020, Governor Little issued a series of Orders addressing public health measures to slow the spread of COVID-19 including a Stay at Home Order signed March 25, 2020 and subsequent orders including the Idaho Rebounds Plan; and

WHEREAS, on March 19, 2020, the Mayor and City Council of the City of Pocatello passed Resolution 2020-01 declaring a Local Disaster Emergency which is effective until such time as it is terminated by Resolution; and

WHEREAS, on November 13, 2020, Idaho Governor Brad Little moved Idaho back to a modified Stage 2 of the State's COVID-19 reopening plan; and

WHEREAS, the CDC recommends that people wear 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 and visitors in the City of Pocatello from the risks relating to the COVID-19 pandemic through the protection provided by wearing facial coverings; and

WHEREAS, the health and safety of all citizens of the City of Pocatello is the greatest priority and is of the utmost importance to the Mayor and the City Council; and

WHEREAS, the City of Pocatello Mayor and City Council find it necessary to enact regulations to slow the community spread and protect the health, safety and welfare of individuals living, working and visiting the City of Pocatello; and

WHEREAS, Idaho Code §50-901 allows such an ordinance to become effective upon proclamation by the Mayor or President of the City Council posted in at least five (5) public places of the city, such proclamation being contained within this ordinance; and

WHEREAS, the Mayor and City Council do hereby adopt the following regulations which shall be in effect until rescinded, superseded or amended by the City Council.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF POCATELLO AS FOLLOWS:

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 with persons other than household members.

1. **DEFINITIONS:** For purposes of this Ordinance “public place” shall mean any place open to members of public 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.
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 deaf or hard of hearing, or communicating with a person who is deaf or hard of hearing, 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 social distancing, as recommended by the CDC, from persons who are not members of the same household or party as the person.
 - g. Persons who are incarcerated.
 - h. Patrons of gyms so long as the gym is following the protocols as outlined in the Idaho Rebounds Business Specific Protocols for indoor gyms and recreational facilities.
 - i. Outdoor and/or indoor public places where people can maintain social distancing as recommended by the CDC.

SECTION 2. PENALTIES

Any person who is found to be in violation of any provision of this Ordinance shall be guilty of an infraction, punishable by a fine of \$50. However, no citations shall be issued for the first 30 days that this ordinance is in effect.

SECTION 3. EFFECTIVE DATE PROCLAMATION AND SUNSET DATE

The provisions of this Ordinance shall take effect at 12:00 a.m. on November 21, 2020, and is hereby proclaimed by the Mayor of the City of Pocatello to be effective upon posting in at least five (5) public places of the City, as required by Idaho Code §50-901, and shall remain in effect until repealed, superseded or amended by the City Council of the City of Pocatello. This ordinance shall be revisited at the first Regular City Council meeting of January 2021, and every first Regular City Council meeting of each month thereafter, unless sooner repealed.

PASSED AND APPROVED this _____ day of November, 2020.

CITY OF POCATELLO, a municipal corporation of Idaho

BRIAN C. BLAD, Mayor

ATTEST:

KONNI R. KENDELL, City Clerk

STATE OF IDAHO)
 ss:
County of Bannock)

On this _____ day of November, 2020, before me, the undersigned, a Notary Public for the State, personally appeared Brian C. Blad and Konni R. Kendell, known to me to be the Mayor and City Clerk, respectively, of the City of Pocatello, and acknowledged to me that they executed the foregoing instrument for and on behalf of said municipal corporation and that said municipal corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the date and year in this certificate first above written.

(SEAL)

NOTARY PUBLIC FOR IDAHO
Residing in: _____
My commission expires: _____