

## **THE CITY OF ELK RIVER**

### **PUBLIC HEALTH EMERGENCY ORDER No. 20-01**

#### **MASS GATHERINGS, RESTAURANTS AND BARS**

**March 27, 2020**

**WHEREAS,** COVID-19, is a respiratory disease 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, which can result in serious illness or death thereby threatening widespread and/or severe damage to life or property thereby creating an “emergency” as defined by Idaho Code § 46-1002; and

**WHEREAS,** the Department of Health and Human Services Centers for Disease Control and Prevention (“CDC”) identifies the potential public health threat posed by COVID-19 both globally and in the United State as “high”, and has advised that person-to-person spread of COVID-19 will continue to occur globally, including within the United States; and

**WHEREAS,** on January 30, 2020, the International Health Regulations Emergency Committee of the World Health Organization declared the outbreak a “public health emergency of international concern”; and

**WHEREAS,** on January 31, 2020, Health and Human Services Secretary Alex M. Azar II declared a public health emergency for the United States to aid the nation’s healthcare community in responding to COVID-19; and

**WHEREAS,** on February 29, 2020, Washington Governor Jay Inslee proclaimed a State of Emergency exists in all counties in the State of Washington; and

**WHEREAS,** on March 11, 2020, The World Health Organization (WHO) made the assessment that COVID-19 can be characterized as a pandemic; and

**WHEREAS,** on March 13, 2020, the Idaho Governor Brad Little declared a state of emergency due to COVID-19. State officials say more than 100 people have been tested for COVID-19 in Idaho, but no one has been positive for COVID-19; and

**WHEREAS,** on March 13, 2020, the President of the United States issued an emergency declaration for the country in response to the increasing number of COVID-19 cases within the U.S.; and

**WHEREAS,** on March 13, 2020, the Idaho Department of Health and Welfare and the Idaho North Central Health District issued recommendations for mass gatherings and public events in order to contain and slow the spread of COVID-19; and

**WHEREAS,** a local disaster emergency may be declared by the Mayor within a political subdivision, pursuant to Idaho Code § 46-1011 and other relevant sections of Idaho Code; and

**WHEREAS,** on March 27, 2020, Potlatch Mayor Dave Brown issued a Local Emergency Proclamation, declaring a local disaster emergency, pursuant to Idaho Code § 46-1011 and other relevant sections of Idaho Code; and

**WHEREAS,** on March 27, 2020, the Elk River City Council adopted Resolution 03-27-2020.1, authorizing continuation of Mayor Brown's Local Emergency Proclamation until May 5, 2020; and

**WHEREAS,** on March 27, 2020, the Council for the city of Elk River adopted an ordinance enacting a new Chapter 8 to Title 1 of the Elk River City Code, setting forth the authority, purpose, and intent of emergency powers to address the threat of COVID-19; and

**WHEREAS,** the risk of community spread throughout the city of Elk River impacts the life and health of the public and public health is imperiled by the person-to-person spread of COVID-19, and the reduction of opportunities for the person-to-person transmission of COVID-19 is necessary to combat the spread of the disease; and

**WHEREAS,** both the CDC, the federal government, and our local public health district have recommended practices to prevent the rapid spread of COVID-19, including social distancing, and on March 18, 2020, Governor Brad Little adopted these recommendations for the state of Idaho. The recommendations include that individuals practice social distancing by not gathering in groups of more than ten (10) people and that they avoid eating at bars, restaurants and food courts. The recommendations further include that individuals use drive-up, take-out and delivery options for meals. The policies, along with other information, are available on the CDC's official COVID-19 website. (<https://www.cdc.gov/coronavirus/2019-ncov/index.html>). Additionally, as of March 24, 2020 there are Fifty (50) cases of COVID-19 within Idaho;

**NOW, THEREFORE,** I, Dave Brown, Mayor of the City of Elk River, Idaho, by virtue of the authority vested in me by Elk River City Code and the common law authority to protect the public in the event of an emergency hereby order as follows:

1. There shall be no gatherings in groups of more than ten (10) persons within the boundaries of the City of Elk River.
2. **Bars.** All bars, taverns, nightclubs, private liquor clubs, taprooms, tasting rooms, mobile bars, cabarets and saloons, as well as all other alcohol licensed premises for by the glass sales of alcoholic beverages as defined by IDAPA 11.05.01, or I.C. §§ 39-5502, 23-941, or 23-902, within the city limits of the City of Elk River shall close to members, guests, patrons, customers, and the general public. There shall be no on-



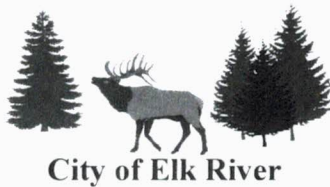
premises, whether inside or outside the establishment, food or drink consumption. However, the following is permitted:

- A. Curbside pick-up, take-out, and drive-through of food and/or drink service is permitted. Where possible, online (e.g., Venmo, Squarecash, Google Pay, ApplePay) and telephonic credit card transactions are strongly encouraged. Cash payments are strongly discouraged. Employees who handle cash or credit cards shall use cleansing methods between each transaction.
  - B. Delivery food and beverage service is permitted. Where possible online and telephonic credit card transactions are strongly encouraged. Cash payments are strongly discouraged. Employees who handle cash or credit cards shall use cleansing methods between each transaction.
  - C. All employees are strongly encouraged to wear protective clothing while preparing, delivering, or completing transactions.
3. **Restaurants.** All restaurants and dine-in food service within the city limits of the City of Elk River, as defined by I.C. 23-942 or I.C. 39-5502, whether inside or outside the establishment, are prohibited from serving on-site meals and beverages. Restaurants and dine-in service means any eating establishment including, but not limited to, coffee shops, cafes, private dining clubs, and cafeterias that give or offer for sale food to the public, guests or employees. Restaurants shall not admit members, guests, patrons or customers inside the establishment. However, the following is permitted:
- A. Curbside take-out, pick-up and drive-through food service is permitted. Where possible, online (e.g., Venmo, Squarecash, Google Pay, ApplePay) and telephonic credit card transactions are strongly encouraged. Cash payments are strongly discouraged. Employees who handle cash or credit cards shall use cleansing methods between each transaction.
  - B. Delivery food and beverage service is permitted. Where possible online and telephonic credit card transactions are strongly encouraged. Cash payments are strongly discouraged. Employees who handle cash or credit cards shall use cleansing methods between each transaction.
  - C. All employees are strongly encouraged to wear protective clothing while preparing, delivering, or completing transactions.
4. **Exemptions.** This order shall not apply to grocery stores, gas stations, and pharmacies, nor to emergency overnight or day shelters that provide food service to persons experiencing homelessness.

5. **Penalty.** In accordance with Elk River City Code any person who knowingly violates the provisions of this order shall be guilty of a misdemeanor.

This Emergency Order shall take effect at 12:00 a.m. on March 28, 2020, and shall remain in full force and effect for seven (7) days, subject to be extended by City Council through Resolution unless it is terminated or modified at an earlier date.

**IN WITNESS WHEREOF**, I have hereunto set my hand on this 27 day of March, 2020.



Dave Brown, Mayor

ATTEST:



Christina Bartlett, City Clerk

