



ORDINANCE NO. _____
Establishing Standards for Face Coverings in Public Places

AN ORDINANCE OF THE CITY OF REXBURG, 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 COMMENCING AT 12:00 A.M. ON _____, 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 20, 2020 the Mayor of the City of Rexburg declared a local disaster emergency, and on March 23, 2020 the Rexburg City Council affirmed, and adopted the Declaration as per the Disaster Preparedness Act (Title 46, Chapter 10 of the Idaho Code), in the City of Rexburg due to the threat that COVID-19 poses to the health and welfare of the residents of Rexburg; 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 Rexburg 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 Rexburg is the greatest priority and is of the utmost importance to the Mayor and the City Council; and

WHEREAS, the City of Rexburg 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 Rexburg; 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 COUNCIL OF THE CITY OF REXBURG, IDAHO AS FOLLOWS:

SECTION I. FACE COVERINGS

Every person shall, when in any indoor or outdoor public place, completely cover their nose and mouth with a cloth or similar face covering, when members of the public are physically present for otherwise unprotected social interaction.

1. **DEFINITIONS:** For purposes of this Public Health Emergency Ordinance "public place" shall denote any place open to members of public without specific invitation, including but not necessarily limited to, retail business establishments, restaurants and bars, government offices, facilities, and property, including parks, medical facilities, educational (school) facilities, fields, and spaces, religious facilities, arts and recreational institutions, public transportation, including ridesharing vehicles. "Members of the public" shall mean all persons, present in any area accessible to the public.
2. **EXEMPTIONS:**
 - a. Children under the age of 5.
 - b. Persons who cannot medically tolerate wearing a face covering. Any persons with a diagnosed medical condition, mental health condition or disability which prevents 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, pharmacists, or others, for whom wearing a face covering would create a risk, or significant impairment 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, mouth, face, or head for which temporary removal of the face covering is necessary to perform the service.
 - f. Persons who are seated at a table in a restaurant, bar, or any establishment that offers food or beverage service, for the purpose of eating or drinking, so long as the person is able to maintain a distance of 6 feet (2 meters) from persons who are not members of the same household or party as the person. This exemption does NOT apply to entry, exit, or other movement through the facility.
 - g. Outdoor public places where people can, and consistently do, employ social distancing (6 feet/2 meters) as recommended by CDC.
3. **DUTY TO ENFORCE:** Every registered business is required to enforce this requirement on his/her premises for all who enter, whether they be employee, vendor, patron, or any other person.
 - a. It is acknowledged that businesses may encounter aggressive or angry patrons not wishing to wear face coverings, and in some instances patrons who are unable to wear a face covering due to a known medical condition as exempted above. The city acknowledges that businesses operate under the principles of private property, and may address these conflicts as they see appropriate, provided those measures make a reasonable effort to comply with this requirement. The city encourages businesses to provide

masks for sale (or free of charge) or make other accommodations for such patrons, such as curbside service. Businesses may choose to turn such patrons away without service, as is their constitutional right, provided that they do not discriminate against patrons on the basis of a protected class.

- 4. **REQUIREMENT TO NOTIFY GUESTS:** Every provider of short-term lodging, including hotels, Airbnb, VRBO, or similar, shall notify incoming guests of this requirement prior to arrival and upon arrival, and advise them that face coverings are mandatory in this locale.
- 5. **REQUIREMENT TO POST AND ENFORCE:** Every business must post this provided sign together with Declaration, or the approved summary of it in a conspicuous place at all public entrances to their facilities and must make a reasonable effort to enforce these requirements of all who enter their premises.

SECTION II. PENALTIES

Any person violating any provision of this Ordinance, shall be guilty of an infraction, punishable by a fine of \$100 for first offense and \$300 for second offense. Any person who knowingly and willfully violates any provision of this Ordinance a third time may be guilty of the misdemeanor disorderly conduct. In addition, any person who refuses to comply and refuses to leave the premises once notified of the violation shall be guilty of trespass.

Any business violating any provision of this Ordinance, shall be guilty of an infraction, punishable by a fine of \$100 for first offense and \$300 for second offense. Any business who knowingly and willfully violates any provision of this Ordinance a third time may be guilty of the misdemeanor disorderly conduct. In addition to the above, any business which fails to comply with this Ordinance a third time, must close their business immediately upon notification until compliance is achieved. Failure to comply or come into full compliance before reopening shall result in cancellation of City issued Business Registration, and any other City issued license, including liquor and other alcohol licenses.

Owners and managers of businesses are responsible for compliance and will be held personally responsible for business violations as noted above.

SECTION III. EFFECTIVE DATE AND SUNSET DATE

This Ordinance shall take effect at 12:00 a.m., on _____ and shall remain in full force and effect until repealed, superseded or amended by the Mayor or City Council.

PASSED AND APPROVED this _____ day of November, 2020.

City of Rexburg, a municipal corporation of
Idaho

(SEAL)

Jerry L. Merrill, Mayor

ATTEST:

Deborah Lovejoy, City Clerk