

Resolution No. 2020-08

A RESOLUTION MANDATING THE REQUIREMENT TO WEAR FACE COVERINGS IN PUBLIC PLACES

WHEREAS, on July 29, 2020, the City Council passed and approved Resolution 2020-04 requiring face coverings when members of the public are physically present for otherwise unprotected social interaction; and

WHEREAS, Resolution 2020-04 remained in effect until August 29, 2020; and

WHEREAS, on September 9, 2020, the City Council passed and approved Resolution 2020-06 requiring face coverings when members of the public are physically present for otherwise unprotected social interaction; and

WHEREAS, Resolution 2020-06 remained in effect until October 14, 2020; and

WHEREAS, there were 42,549 confirmed cases of COVID-19 in Idaho as of October 1, 2020, and 213 confirmed cases of COVID-19 in Shoshone County as of October 1, 2020, as well as the presence of community spread in Idaho and Shoshone County. It is expected that more cases will be diagnosed; and

WHEREAS, Panhandle Health District ordered a face mask mandate for Kootenai County, Idaho on July 23, 2020; and

WHEREAS, decreased transmissibility due to face covering use could substantially reduce the death toll and economic impact while the cost of the intervention is low; and

WHEREAS, pursuant to Ordinance 611, the City Council does declare and issue a Public Health Emergency Order.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KELLOGG, SHOSHONE COUNTY, IDAHO, having duly met on October 14, 2020, at a City Council Meeting, which was properly noticed and open to the public, and having fully considered the matter at hand, that:

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.

1. DEFINITIONS: For purposes of this Public Health Emergency Order “public place” shall mean any place open to all members of 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, 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 a person can employ social distancing as recommended by Panhandle Health District and CDC where 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.
 - h. Persons who are engaged in indoor exercise, so long as they engage in social distancing.

SECTION 2. PENALTIES

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

SECTION 3. EFFECTIVE DATE AND SUNSET DATE

This Emergency Order shall take effect at 12:00 a.m., on October 15, 2020 and shall remain in effect until November 15, 2020 unless extended by the City Council.

PASSED and approved by the City Council of the City of Kellogg this 14th day of October, 2020.

APPROVED:

Mac Pooler

Mac Pooler, Mayor

ATTEST:

Nila Jurkovich

Nila Jurkovich, City Clerk/Treasurer