

PUBLIC HEALTH EMERGENCY ORDER No. 20-02

RESTAURANTS AND BARS

March 17, 2020

WHEREAS, on March 11, 2020, the World Health Organization declared the worldwide outbreak of COVID-19 (coronavirus) a pandemic, and 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, 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 March 16, 2020, the Mayor of the city of Boise City, Lauren McLean, declared a local disaster emergency, as per the Disaster Preparedness Act (Title 46, Chapter 10 of the Idaho Code), in the city of Boise City due to the threat that COVID-19 poses to the health and welfare of the residents of Boise City, and on March 17, 2020, the Boise City Council ratified and extended the Declaration of Emergency; and

WHEREAS, on March 17, 2020, the Council for the city of Boise City adopted an ordinance enacting a new Chapter 15 to Title 1, 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 Boise City 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.

WHEREAS, both the Department of Health and Human Services Centers for Disease Control and Prevention ("CDC") and the White House 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 in 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 18, 2020 there are eleven (11) cases of COVID-19 within Idaho, three (3) of which are within Ada County.

NOW, THEREFORE, I, Lauren McLean, Mayor of the City of Boise, Idaho, by virtue of the authority vested in me by Boise City Code Title 1-15-05(B), and the common law authority to protect the public in the event of an emergency hereby order as follows:

Section 1. 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 B.C.C. 5-11-6, 3-3-5, or IDAPA 11.05.01, or I.C. sections 39-5502, 23-941, or 23-902, within the City limits of the City of Boise shall close to members, guests, patrons, customers, and the general public.

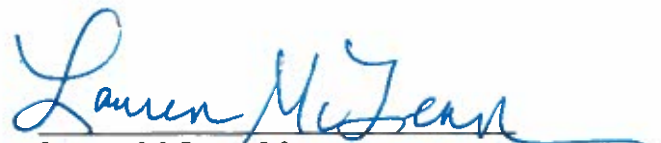
Section 2. Restaurants. All restaurants and dine-in food service within the City limits of the City of Boise, as defined by I.C. 23-942 or I.C. 39-5502, whether inside or outside the establishment, is prohibited. Restaurants and dine-in service means any eating establishment including, but not limited to, coffee shops, cafes, private dining clubs, and cafeterias that give or offer for sale food to the public, guests or employees. Restaurants may not admit members, guests, patrons or customers inside the establishment except to pick up food for take-out.

- Curbside take-out and drive-through food service (in addition to pickup service as noted above) 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.
- Delivery food 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.
- Parking meter spaces, if any, in front of a food service establishment shall be reserved for the temporary use by individuals for curbside take-out.
- All employees are strongly encouraged to wear protective items when preparing, delivering, or completing transactions.

Section 3. Exemptions. This order shall not apply to emergency overnight or day shelters that provide food service to persons experiencing homelessness, grocery stores, or gas stations.

Section 4. In accordance with Boise City Code Section 1-15-10, any person who knowingly violates the provisions of Sections 1 or 2 of this order shall be guilty of a misdemeanor.

Section 5. This Emergency Order shall take effect at 12:00am on March 20, 2020, and shall remain in effect for 30 days unless it is terminated or modified at an earlier date.


Lauren McLean, Mayor