

**AMENDED PUBLIC HEALTH EMERGENCY ORDER No. 20-03**

**SOCIAL DISTANCING**

**March 24, 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 (Boise City), Lauren McLean, declared a local disaster emergency, as per the Disaster Preparedness Act (Title 46, Chapter 10 of the Idaho Code), in 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 Boise City adopted an ordinance enacting a new Chapter 15 to Title 1, setting forth the authority, purpose, and intent of providing the Mayor emergency powers to address the threat of COVID-19; and

**WHEREAS**, the risk of community spread throughout 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 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.

**WHEREAS**, CDC recommendations include that individuals practice social distancing by having individuals maintain six feet (6') of separation; and that organizations identify operations which might be limited or temporarily discontinued during the outbreak; and to find alternative solutions that will ensure continuity of service, especially for vulnerable populations. These policies, along with other information, are available on the CDC's official COVID-19 website. (<https://www.cdc.gov/coronavirus/2019-ncov/index.html>).

**WHEREAS**, as of March 24, 2020, there are fifty (50) confirmed cases of COVID-19 within Idaho, twenty (20) which are within Ada County, and COVID-19 is therefore an imminent public health hazard to the citizens of Boise; and

**WHEREAS**, on March 23, 2020, Boise City Mayor, Lauren McLean, issued Public Health Emergency Order 20-03 (“Original Emergency Order 20-03”) which ordered certain social distancing measures be taken for the health and safety of Boise City. Based on additional information, certain amendments and modifications to the Original Emergency Order 20-03 are necessary.

**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 issue this Amended Public Health Emergency Order 20-03as follows:


1. **Social Distancing – Required**. That the proprietor, manager, or organizer of any indoor or outdoor venue, business, or event, including, but not limited to, movie theaters, personal service facilities, and stores must comply with the following social distancing requirements:
  - a. Each individual invited into the venue must be accommodated at least six (6) feet away from each and every other individual, whether seated or standing; provided that immediate household members may sit or stand together.
  - b. Carry-out, drive-through, and delivery services shall be allowed, and personnel and employees are encouraged to take measures to maintain a distance of at least six (6) feet from the customer to whom they are delivering, and to practice all other CDC recommended measures.
  - c. Proprietors, managers or organizers must follow heightened cleanliness practices by disinfecting all frequently touched surfaces after human contact; and all staff must wash their hands frequently and in accordance with CDC guidelines, particularly after contact with potentially pathogenic sources.
  - d. Commercial and public transportation providers must follow heightened cleanliness practices by disinfecting all frequently touched surfaces after human contact; all drivers must wash their hands frequently and in accordance with CDC guidelines, particularly after contact with potentially pathogenic sources; and take measures to ensure social distancing requirements in their vehicles as practical.
2. **Closure of Venue**. That if the proprietor, manager, or organizer of a venue is unable to comply with the social distancing requirements set forth in Section 1 of this Amended Public Health Emergency Order 20-03, **the venue shall close to the public** for the duration of this Amended Public Health Emergency Order 20-03, and any subsequent extension thereof. All indoor recreation and fitness facilities shall be closed to the public

for the duration of this Amended Public Health Emergency Order 2-03, and any subsequent extension thereof.

3. **Exemptions.**

- a. That the social distancing requirements set forth in Section 1 of this Order shall not apply to essential business and services, provided such essential business and services shall comply with the requirements set forth in Section 1 to the extent feasible.
- b. Essential business and services includes, but is not limited to:
  - i. medical facilities and healthcare operations;
  - ii. essential governmental services;
  - iii. grocery stores, food cultivation, produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods, fruits, vegetables, pet supplies, meat, liquor, beer, wine, and other household consumer products;
  - iv. commercial and social services providing take-out or delivery food services;
  - v. stores that sell products necessary to maintain safety, sanitation, and essential operations;
  - vi. necessary office supplies for telecommuting, learning and working from home;
  - vii. goods or services needed for the operation of other essential businesses;
  - viii. social services;
  - ix. healthcare goods and services, including home-based care;
  - x. news and media services, including newspaper, television and radio;
  - xi. gas and service stations, automotive and bicycle repair services;
  - xii. airlines and airport operations;
  - xiii. hardware stores;
  - xiv. household services such as plumbers, electricians, exterminators, landscapers, and other related service providers;
  - xv. veterinary and animal care services;
  - xvi. laundry and dry cleaning services;
  - xvii. professional services such as legal or accounting services, when necessary to comply with legally required activities;
  - xviii. banks and financial institutions, wholesale funding, insurance services, and capital markets;
  - xix. mail, shipping, and delivery services;
  - xx. essential infrastructure services, such as public works construction, commercial and residential construction, airport operations, water, wastewater, solid waste, gas, electricity, telecommunication systems, internet, and other utility services;
  - xxi. taxis, public transit, and other transportation providers providing transportation for essential or exempted activities; and
  - xxii. emergency childcare for exempt workers.

- c. Public Health Emergency Order 20-02, Restaurants and Bars, shall still apply to restaurants and bars.
4. **No Costs.** That no person shall be entitled to recover from Boise City any costs incurred or profits lost as may be alleged to be attributed to the enactment of this Order.
  5. **Penalty.** 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.
  6. **Repeal and Replacement of Original Emergency Order 20-03.** Upon execution of this Amended Public Health Emergency Order 20-03, Original Emergency Order 20-03 issued on March 23, 2020, shall be repealed and replaced by this Amended Public Health Emergency Order 20-03.
  7. **Severability.** To the extent any provision of this Amended Public Health Emergency Order 20-03 or its application to any person or business is held to be invalid, the remainder of this Amended Public Health Emergency Order 20-03, including any application thereof, shall remain in full force and effect. To this end, provisions of this Amended Public Health Emergency Order 20-03 are severable.
  8. **Effective Date.** This Amended Public Health Emergency Order 20-03 shall take effect at 12:00 a.m. on March 25, 2020, and shall remain in effect for 30 days unless it is terminated or modified at an earlier date.

  
Lauren McLean, Mayor