

RESOLUTION NO. 2020-06

A RESOLUTION OF THE CITY OF MOSCOW, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AUTHORIZING THE ACCEPTANCE AND EXTENSION OF THE MAYOR'S PUBLIC HEALTH EMERGENCY ORDER 20-01 MADE EFFECTIVE MARCH 21, 2020; AND PROVIDING THIS RESOLUTION SHALL BE IN EFFECT UPON ITS PASSAGE AND APPROVAL.

WHEREAS, the health and safety of all citizens of the city of Moscow is the greatest priority and is of the upmost importance of the Mayor and City Council; and

WHEREAS, pursuant to Moscow City Code, Title 1, Chapter 11 and the authority pursuant to Idaho Code, in order to effectively preserve the health and safety of the public, the Mayor is granted the emergency powers to issue public health emergency orders; 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, pursuant to the authority granted under Idaho Code § 46-1011, Bill Lambert, Mayor of the City of Moscow, Idaho, proclaimed and declared a local disaster emergency in the City of Moscow, Latah County, Idaho due to the COVID-19 pandemic and authorized the furnishing of aid and assistance thereunder; and

WHEREAS, on March 16, 2020 the Council of the City of Moscow signed Resolution 2020-05 Authorizing Continuation of the Local Emergency Proclamation until May 5, 2020; and

WHEREAS, on March 18, 2020, Public Health-Idaho North Central District and Idaho Department of Health and Welfare issued an Update Guidance for Mass Gatherings and Public Events, recommending the President's Coronavirus Guidelines for America be implemented for the next 15 days through March 31 to slow the spread of COVID-19; and

WHEREAS, The President's Coronavirus Guidelines for America recommends:

1. Work or engage in schooling from home whenever possible.
2. Avoid social gatherings in groups of more than 10 people.
3. Avoid eating or drinking at bars, restaurants, and food courts; use drive-thru, pickup or deliver options.
4. Avoid discretionary travel, shopping trips, and social visits.
5. Do not visit nursing homes or retirement or long-term care facilities unless to provide critical assistance; 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 19, 2020 there are twenty-three (23) cases of COVID-19 within Idaho; and

WHEREAS, due to Idaho being a diverse and expansive state, Governor Brad Little is not mandating categorical closures at this time. Governor Little is trusting the local leaders to make the decisions regarding mandates appropriate for their community; and

WHEREAS, on March 20, 2020 Bill Lambert, Mayor of the City of Moscow, Idaho proclaimed and declared Public Health Emergency Order No. 20-01; and

WHEREAS, it is deemed necessary by the Council of the City of Moscow to extend such Public Health Emergency Order No. 20-01 to provide for the ongoing threat to public life and property and the Council wishes to continue to be proactive and help reduce the spread of COVID-19 and to encourage our community members and community businesses to do their part to prevent and limit the spreading of COVID-19;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Moscow as follows:

The Public Health Emergency Order 20-01, ordering limitations on mass gatherings, restaurants and bars within the City of Moscow, Latah County, Idaho, signed into effect on March 20, 2020, by Mayor Bill Lambert, attached as Exhibit A, shall be continued and remain in effect until May 5, 2020.

That this Resolution shall become effective as of the 20<sup>th</sup> day of March, 2020.

**PASSED BY THE CITY COUNCIL AND APPROVED** by the Mayor of the City of Moscow, Idaho, this 20<sup>th</sup> day of March, 2020.

  
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Bill Lambert, Mayor

ATTEST:

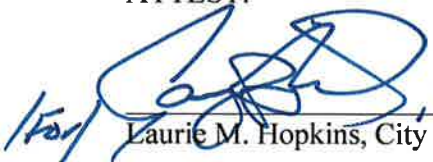
  
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Laurie M. Hopkins, City Clerk

Exhibit A

THE CITY OF MOSCOW

PUBLIC HEALTH EMERGENCY ORDER No. 20-01

MASS GATHERINGS, RESTAURANTS AND BARS

March 20, 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 13, 2020, Moscow Mayor Bill Lambert 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 16, 2020, the Moscow City Council adopted Resolution 2020-05, authorizing continuation of Mayor Lambert's Local Emergency Proclamation until May 5, 2020; and

**WHEREAS,** on March 20, 2020, the Council for the city of Moscow adopted an ordinance enacting a new Chapter 11 to Title I of the Moscow 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 Moscow 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 19, 2020 there are twenty-three (23) cases of COVID-19 within Idaho;

**NOW, THEREFORE,** I, Bill Lambert, Mayor of the City of Moscow, Idaho, by virtue of the authority vested in me by Moscow City Code Title I-11-05(B), 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 Moscow.
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 Moscow shall close to members, guests, patrons, customers, and the general public. There shall be no on-

PUBLIC HEALTH EMERGENCY ORDER No. 20-01 - Page 2 of 4

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. Parking meter spaces, if any, in front of a food/beverage service establishment shall be reserved for the temporary use by individuals for curbside take-out.
  - D. 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 Moscow, 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. 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.

D. 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 Moscow City Code Section 1-11-10, 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 21, 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 20<sup>th</sup> day of March, 2020.



*Bill Lambert*

Bill Lambert, Mayor

ATTEST:

*Laurie M. Hopkins*, Acting City Clerk  
For / Laurie M. Hopkins, City Clerk