

NO. 608362
AT THE REQUEST OF
CITY OF MOSCOW
DATE & HOUR
9.2.2020 3:50
HENRIETTA M. BOSTON
LATAH COUNTY RECORDER
FEE \$ 0 BY S. Chiquero

THE CITY OF MOSCOW
PUBLIC HEALTH EMERGENCY ORDER No. 20-04

TEMPORARY SUSPENSION OF DAYCARE AND ZONING REGULATIONS TO ASSIST WITH THE COVID-19 PANDEMIC RESPONSE AND MITIGATION

September 2, 2020

- WHEREAS,** the health and safety of all citizens of the city of Moscow is the greatest priority and is of the utmost importance of the Mayor and City Council; and
- WHEREAS,** the coronavirus (hereinafter, 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 Centers for Disease Control and Prevention (hereinafter “CDC”) identifies the potential public health threat posed by COVID-19 both globally and in the United States 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 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, pursuant to Idaho Code § 46-1008, declared a state of emergency due to COVID-19, which is still in effect; and
- WHEREAS,** on March 13, 2020, the President of the United States proclaimed that the COVID-19 outbreak in the United States constitutes a national emergency, beginning March 11, 2020 which is still in effect; and
- WHEREAS,** on March 13, 2020, Moscow Mayor Bill Lambert issued a Local Emergency Proclamation, declaring a local disaster emergency due to the occurrence and imminent threat to public health and safety arising from the effects of the 2019 novel coronavirus (COVID-19), pursuant to Idaho Code § 46-1011 and other relevant sections of Idaho Code; and

- WHEREAS**, on August 31, 2020, Whitman County, which is located at the western Moscow City limits, reported it has 498 confirmed cases of COVID-19; and
- WHEREAS**, on August 31, 2020, Spokane County, which is located less than 79 miles from Moscow, reported it has 5,307 confirmed cases of COVID-19; and
- WHEREAS**, on August 31, 2020, the state of Idaho reported 32,088 confirmed and probable cases of COVID-19, 2,168 of which are located in Kootenai County and where Kootenai County has been identified as a “hotspot” by the Idaho Department of Health and Welfare, which is located less than 80 miles to the north of Moscow; and
- WHEREAS**, on August 31, 2020, Latah County has 242 confirmed and probable cases of COVID-19; and
- WHEREAS**, on August 31, 2020, The Idaho North Central District, which includes Clearwater County, Idaho County, Latah County, Lewis County and Nez Perce County is reporting a total of 609 confirmed and probable cases of COVID-19; and
- WHEREAS**, the Department of Health and Human Services Centers for Disease Control (“CDC”) is reporting that as of August 31, 2020, the United States has 5,972,356 confirmed cases of COVID-19, and 182,622 total deaths; and
- WHEREAS**, Idaho is currently in Stage 4 of Governor Little’s Idaho Rebound Plan, which no longer has any mandatory requirements as the previous Stay Healthy Orders; and
- WHEREAS**, Governor Little has stated his office will continue to monitor statewide COVID-19 activity, but is relying on the public health districts and the local leaders to respond in a manner they deem appropriate to address their community’s needs; and
- WHEREAS**, both the CDC, the federal government, and the Idaho Department of Health and Welfare and the Idaho North Central Health District have recommended practices to prevent the rapid spread of COVID-19, including maintaining six (6) feet of physical distancing from non-household members and the wearing of face coverings when in public settings and the six feet of physical distancing from others cannot reliably be maintained. 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>); and
- WHEREAS**, the spread of COVID-19 continues to threaten 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**, Idaho cities are authorized by Idaho Constitution Article XII, Section 2, to enforce, within the city limits all such local police, sanitary and other regulations as are not in conflict with the city’s charter or with the general laws of the state; and

- WHEREAS,** under Idaho Code § 50-301, the City, as a municipal corporation of the State of Idaho, has the authority to exercise all powers and perform all functions of local self-government in city affairs that are not in conflict with the general laws or the constitution of the state of Idaho; and
- WHEREAS,** under Idaho Code § 50-302, the City is empowered to make all such ordinances, bylaws, rules, regulations and resolutions not inconsistent with the laws of the state of Idaho as may be expedient, in addition to the special powers in this act granted, to maintain the peace, good government and welfare of the corporation and its trade, commerce and industry; and
- WHEREAS,** under Moscow City Code section 2-1-7 and Idaho Code § 50-304, the City may pass all ordinances and make all regulations necessary to preserve the public health; prevent the introduction of contagious diseases into the city; make quarantine laws for that purpose and enforce the same within five (5) miles of the city; and
- WHEREAS,** under Idaho Code § 50-606, the Mayor shall have such jurisdiction as may be vested in him/her by ordinance over all places within five (5) miles of the corporate limits of the city, for the enforcement of any health or quarantine ordinance and regulation thereof, and shall have jurisdiction in all matters vested in him/her by ordinance, except taxation, within one (1) mile of the corporate limits of said city and over such properties as may be owned by the city without corporate limits; 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 August 3, 2020, the Moscow City Council passed Resolution 2020-17 continuing the Amended Public Health Emergency Order 20-03, ordering every person in the City of Moscow to wear a face covering when in a public setting when the 6-foot physical distancing cannot be maintained; and
- WHEREAS,** the Moscow School District has elected to have kindergarten through 12th grade students attend in-class instruction for two days per week with three days of on-line instruction due to the COVID-19 pandemic, while also allowing families to elect all on-line instruction without in-class instruction; and
- WHEREAS,** the City has received repeated requests from daycare providers and other community members expressing the desire to open tutoring centers or offer tutoring services to assist children and parents during this extraordinary event; and
- WHEREAS,** City staff is proposing a temporary suspension of certain regulations to allow for a Temporary Child Care/Tutoring Facility License Program to assist in meeting the

immediate needs facing the community, while still having a process to retain the life and safety protections that are currently in place; and

WHEREAS, the risk of community spread throughout the city of Moscow is a continued threat, especially due to our unique location in Idaho and our close proximity to states and locations where there is a large number of confirmed COVID-19 cases and evidence of community spread.

NOW, THEREFORE, I, Bill Lambert, Mayor of the City of Moscow, Idaho, by virtue of the authority vested in me by the Constitution and laws of the state of Idaho, Moscow City Code Title 1-11-05(B), and the common law authority to protect the public in the event of an emergency, in order to encourage and enforce Social/Physical Distancing of non-household members and reduce the potential for spread of the COVID-19 virus, and to meet the immediate and emergency needs of the community to support its kindergarten through 12th grade students as reduced in-class instruction is mandated by Moscow School District, hereby order as follows:

1. The Temporary Child Care/Tutoring Facilities will fall under the definition of a Day Care Facility and will follow the current City Code requirements with the following exceptions:

- **Day Care Ordinance**

- The outdoor play area requirement under Moscow City Code 9-10-19. A. 2.g., will be waived for these temporary facilities to expand the number of available facilities and buildings that would be suitable for the temporary use.
- The 4-hour training and continuing educational requirement for day care providers under Moscow City Code 9-10-19. H., will be waived during the temporary program.
- All Day Care providers will be required to complete the on-line CPR and First Aid training program, however during the temporary license period the full Red Cross, American Heart Association, or equivalent first aid treatment certification and child/infant cardiopulmonary resuscitation (CPR) and pediatric rescue breathing certification required under Moscow City Code 9-10-19. F., will be waived for the temporary facilities.
- All other Day Care Ordinance requirements and standards shall apply.

- **Zoning Code**

- The City shall temporarily waive the requirement to obtain a Conditional Use Permit as may be required under Moscow City Code 4-3-4 for all temporary child care/tutoring center facilities in all commercial zoning districts, and temporary child care/tutoring center facilities (up to 20 children) in all residential zoning districts.
- Screening of outdoor play areas required by Moscow City Code 4-3-5. C. 2., shall be waived during the temporary license period.
- All other Moscow Zoning Code standards shall apply.

• **Duration**

- All temporary child care/tutoring facilities will be issued a temporary day care facility license to expire on September 8, 2020 at 12:59 p.m., unless extended by resolution of City Council.
- Following, or prior to the expiration of the temporary period, the facility operator may apply for a conditional use permit (where required) to allow the permanent continuation of the facility in accordance with all standards and requirements of Moscow City Code.

2. **Exemptions.** Nothing in this order shall constrain the duties and powers of the City, the Mayor, or other governmental agencies.

This Emergency Order shall take effect at 12:00 a.m. on September 2, 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 2nd day of September, 2020.

Bill Lambert

Bill Lambert, Mayor



ATTEST:
Laure M. Hopkins

 Laurie M. Hopkins, City Clerk