

RESOLUTION NO. 20-059

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, PROVIDING THAT ALL PERSONS IN THE CITY OF COEUR D'ALENE SHALL BE REQUIRED TO WEAR A FACE COVERING, WITH CERTAIN EXCEPTIONS; PROVIDING THAT A VIOLATION OF THIS RESOLUTION SHALL CONSTITUTE AN INFRACTION; PROVIDING FOR A PENALTY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE AND DURATION.

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 United States; 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 were imminent in Idaho; and

WHEREAS, on October 5, 2020, Governor Little, issued a Proclamation by way of the Idaho Department of Health and Welfare Order of the Director, issued multiple state-wide orders, all with the purpose of protecting the health, safety, and welfare of the citizens of Idaho identifying a state of emergency exists in the State of Idaho, due to the occurrence and imminent threat to public health and safety arising from the effects of COVID-19; and the Proclamations of March 13, 18, 23, 25, 27, April 1, 2, 22, 23, May 12, June 11, July 10, August 7, and September 4, 2020 are superseded.

WHEREAS, on June 11, 2020, Governor Little entered, in conjunction with the Idaho Department of Health and Welfare Guidelines of the Director, guidelines titled "State of Idaho, Idaho Department of Health and Welfare Stay Healthy Guidelines," with an effective date of June 13, 2020, providing guidelines for reopening certain businesses and permitting certain activities in Stage 4 of the State's reopening plan ("Stay Healthy Guidelines - Stage Four");

WHEREAS, the risk of community spread throughout Coeur d'Alene and Kootenai County impacts the life and health of the public, and imperils public health by the person-to-person spread of COVID-19; and

WHEREAS, it is deemed necessary to reduce opportunities for the person-to-person transmission of COVID-19 to combat the spread of the disease; and

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 the recommendation that people wear cloth face coverings in public settings, especially when other social distancing measures are difficult to maintain; and

WHEREAS, recently, the Panhandle Health District (“PHD”) reports a significant increase in confirmed cases of COVID-19 in Kootenai County on October 22, 2020 with 3,724 combined confirmed and probable cases, Cumulative Incident Rate 2,219.1; 48 deaths and Daily 7-Day Moving Average Incidence Rate 40.8, and most recently reporting ninety-six (96) new cases on October 22, 2020, resulting in Kootenai County being placed at Stage Four; and

WHEREAS, there is a continuing and urgent need to protect all residents of, employees in, and visitors to the City of Coeur d’Alene from the risks relating to the COVID-19 pandemic through the protection provided by wearing face coverings; and

WHEREAS, the Mayor and City Council of the City of Coeur d’Alene finds it necessary to implement a requirement to wear facial coverings under certain circumstances to build on and strengthen the strategies of PHD, the CDC, and the State of Idaho to protect the health, safety, and welfare of the citizens of Coeur d’Alene by mitigating any negative repercussions of reopening the community due to Coeur d’Alene’s population, tourism industry, and the scope of services offered by the City; and

WHEREAS, under Idaho Code § 50-304, the City is authorized to pass all ordinances and make all regulations necessary to preserve the public health, prevent the introduction of contagious diseases into the City, and to make quarantine laws for that purpose and enforce the same within the City limits, any health or quarantine ordinance and regulation thereof.

NOW, THEREFORE,

BE IT RESOLVED by the Mayor and City Council of the City of Coeur d’Alene that:

**Section 1. Face Coverings Required.** Every person shall, when in any indoor or outdoor public place, wear a cloth or surgical face covering that completely covers the nose and mouth, which includes a disposable face mask, a disposable or reusable cloth mask or covering, a surgical mask, or a face shield, except as provided herein.

**Section 2. Definition.** For purposes of this Resolution, the term “public place” shall mean any place open to members of public without specific invitation, including but not necessarily limited to, retail business establishments, government offices, medical, arts and recreational institutions, and public transportation, including taxi cabs and ridesharing vehicles.

**Section 3. Exceptions.** The following are excepted from the requirement of covering their nose and mouth in any indoor or outdoor public place:

- A. Children under the age of ten (10) years.
- B. Persons who cannot medically tolerate wearing a face covering. Such persons may not be asked for documentation to support the medical condition.



- C. Persons who are hearing impaired, or who are communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication.
- D. Persons, including on-duty first responders, 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.
- E. Persons who are obtaining a service involving the nose, face, or head during 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 people can employ social distancing as recommended by CDC.
- H. Indoor facilities where people can employ social distancing as recommended by the CDC.

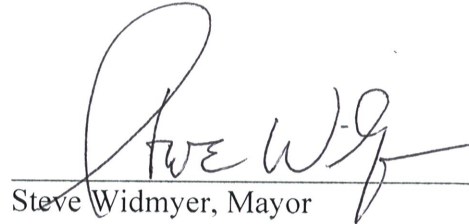
**Section 4. Penalty and Enforcement.** Individuals and businesses within the City of Coeur d'Alene are urged to voluntarily comply with this Resolution. The City will make efforts to educate individuals and businesses to achieve compliance. Violations of this Resolution shall constitute an infraction and will be subject to a fine of One hundred dollars (\$100.00).

**Section 5. Costs.** No person shall be entitled to recover from the City of Coeur d'Alene any costs incurred, or profits lost, as may be attributed to the enactment of this Resolution.

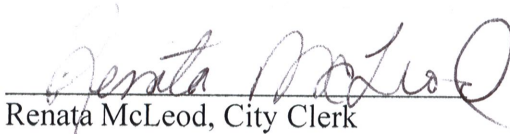
**Section 6. Severability.** To the extent any provision of this Resolution or its application to any person or business is held to be invalid, the remainder of this Resolution, including any application thereof, shall remain in full force and effect. To this end, provisions of this Resolution are severable.

**Section 7. Effective Date.** This Resolution shall take effect at 12:01 a.m. on October 27, 2020, and remain in full force and effect for ninety (90) days unless it is terminated, modified, or extended at an earlier date.

DATED this 26th day of October, 2020.

  
Steve Widmyer, Mayor

ATTEST:

  
Renata McLeod, City Clerk

Motion by Evans, Seconded by Wood, to adopt the foregoing resolution.

ROLL CALL:

COUNCIL MEMBER MCEVERS	Voted	No
COUNCIL MEMBER MILLER	Voted	Aye
COUNCIL MEMBER GOOKIN	Voted	No
COUNCIL MEMBER EVANS	Voted	Aye
COUNCIL MEMBER ENGLISH	Voted	Aye
COUNCIL MEMBER WOOD	Voted	Aye

was absent. Motion .