

EMERGENCY ORDINANCE 1247

AN EMERGENCY ORDINANCE TO LIMIT MASS GATHERINGS TO IMMEDIATELY PRESERVE AND PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE; DECLARING AN EMERGENCY, PROVIDING FOR AN EFFECTIVE DATE AND A TIME FOR TERMINATION.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JACKSON, WYOMING, IN REGULAR SESSION DULY ASSEMBLED, THAT:

SECTION I:

WHEREAS, on or about December 31, 2019, a new and significant outbreak of pneumonia with an unknown source was detected in Wuhan City, Hubei Province China. The cause associated with these cases was linked to a novel corona virus disease later named COVID-19. Since the initial detection in China, COVID-19 has spread worldwide.

WHEREAS, on January 30, 2020, the World Health Organization declared the outbreak of COVID-19 a public health emergency of international concern; and

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services declared a national public health emergency; and

WHEREAS, COVID-19 has rapidly spread around the globe. As of March 13, 2020 there are 137,445 confirmed cases of COVID-19 reported in 117 countries; and

WHEREAS, the United States has similarly experienced an increase in cases of COVID-19 with a total of 1,629 cases identified in at least 46 states; and

WHEREAS, on March 11, 2020 and March 13, 2020, two individuals within the State of Wyoming tested presumptive positive for COVID-19; and

WHEREAS, there is currently no vaccine or drug therapy available for COVID-19; and

WHEREAS, the State of Wyoming is experiencing a public health emergency in response to the evolving outbreak of the novel coronavirus as of March 11, 2020; and

WHEREAS, both travel-related cases and community spread transmission of COVID-19 have been documented in Utah; and

WHEREAS, Executive Order 2020-02 by Governor Mark Gordon proclaimed “this situation may become too large in scope to be handled by the normal county and local government services”; and

WHEREAS, Wyo. Stat. Ann. §15-1-103(a)(xviii) empowers “[t]he governing bodies of all cities and towns [to]: . . . [r]egulate, prevent or suppress riots, disturbances, disorderly assemblies or parades, or any other conduct which disturbs or jeopardizes the public health, safety, peace or morality, in any public or private place”; and Wyo. Stat. Ann. §15-1-103(a)(xli) empowers “[t]he governing bodies of all cities and towns [to]: . . . [a]dopt ordinances, resolutions and regulations, including regulations not in conflict with this act and necessary for the health, safety and welfare of the city or town, necessary to give effect to the powers conferred by this act”; and Wyo. Stat. Ann. §15-1-103(xix) empowers “[t]he governing bodies of all cities and towns [to]: . . . “declare and abate nuisances and impose fines upon parties who create, continue or permit nuisances to exist.”

1. Effective upon proclamation and continuing until 11:59 p.m. on April, 21 2020, public and private gatherings, as defined below, are limited to whichever is greater: a) a maximum of no more than one hundred (100) persons or b) if applicable, fifty percent (50%) of the maximum occupancy capacity allowed by the local fire marshal, up to a maximum of 250 people.
2. Gatherings in numbers above those maximums set forth in paragraph 1 are not prohibited if hosts or sponsors implement each of the COVID-19 risk mitigation measures; however, the Town Council strongly urges hosts and sponsors to cancel all such gatherings.

3. This Ordinance is enacted on the advice of leading national health authorities that no locality, regardless of whether they have already identified COVID 19 cases, will be immune from the spread of the virus, particularly given the absence of reliable testing protocols in most jurisdictions; scientific evidence regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically; as well as best practices as currently known and available to protect vulnerable members of the public from avoidable risk of serious illness or death resulting from exposure to COVID-19. The age, condition, and health of a portion of the population of the Town places it at risk for serious health complications, including death, from COVID-19. Although most individuals who contract COVID-19 do not become seriously ill, persons with mild symptoms and asymptomatic persons with COVID-19 may place other vulnerable members of the public at significant risk.
4. This Ordinance will reduce the likelihood that many individuals will be exposed to COVID- 19, and it will thereby slow the spread of COVID-19 in our community. By reducing the spread of COVID-19, this Ordinance will help preserve critical and limited healthcare capacity in the Town.
5. This Ordinance will reduce potential for new cases resulting from exposures at gatherings, whose origins and contacts are difficult to trace. Accordingly, the Ordinance will enhance the Town's ability to identify the source of new cases and contain further spread of COVID-19.
6. This Ordinance is issued in accordance with the March 13, 2020 Presidential Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak and Executive Order 2020-02 of the State of Wyoming, Declaration of a State of Emergency and a Public Health Emergency.
7. This Ordinance is issued in light of the existence of two (2) known cases of COVID-19 in the State of Wyoming, as of the morning of March 14, 2020, including a significant and increasing number of assumed cases of community transmission. As testing capacity increases, the known number of cases of COVID-19 is expected to further increase. This Ordinance is necessary to slow the rate of spread of COVID-19.
8. This Ordinance is enacted to prevent circumstances often present in gatherings that may exacerbate the spread of COVID-19, such as: (a) the increased likelihood that gatherings will attract people from a broad geographic area; (b) the prolonged time period in which significant numbers of people are in close proximity; (c) the difficulty in tracing exposure when many people attend a single event; and (d) the inability to ensure that attendees follow adequate hygienic practices for many gatherings.
9. This Ordinance comes after the release of substantial guidance and orders from the Centers for Disease Control and Prevention and the State of Wyoming Department of Health, and other public health officials throughout the United States and around the world, including our neighbor state of Utah prohibiting gatherings of more than 100 people. The Town Council of the Town of Jackson, relying on local, national, and global health and emergency operations experts, has determined that additional, stricter measures are necessary given the increasing scope and severity of the threat that COVID-19 poses.

10. Definitions

- a. For the purposes of this Ordinance, a "gathering" is any event or convening that brings together one hundred (100) or more persons in a single room at the same time, such as an auditorium, stadium, arena, conference room, meeting hall, cafeteria, theater, restaurant, bar, or any other confined indoor or confined outdoor space.
- b. A "gathering" does not include normal operations at airports or spaces where persons may be in transit. It also does not include office environments; classrooms; medical offices, hospitals, or clinics; or retail, pharmacy, or grocery stores where large numbers of people may be present, but it is unusual for them to be within six (6) feet of one another.

- c. For the purposes of this Ordinance, "COVID-19 risk mitigation measures" include all of the following:
- i. The space in which the gathering is held must accommodate social distancing by allowing all attendees to stand or sit at least six (6) feet from any other attendee and;
 - ii. Proper hand hygiene and sanitation material must be readily available to all persons at all times, including soap and waste receptacles. If soap and water are not available, alcohol-based hand sanitizer can be used; and
 - iii. Persons hosting gatherings must clean surfaces with disinfecting wipes or other standard cleaners before, during, and after the event.

SECTION II.

The provisions of this Ordinance are effective through April 21, 2020 unless sooner repealed, after which time they shall become null and void.

SECTION III.


If any section, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate distinct and independent provision and such holding shall not affect the validity of the remaining portions of the ordinance.

SECTION IV.

Adoption of this Ordinance shall be by emergency ordinance provisions under suspension of rules and approved by not less than three quarters (3/4) of the qualified members of the governing body as required and set forth in Section § 15-1-115 of the Wyoming Statutes. This Ordinance shall take effect immediately upon proclamation by the Mayor.

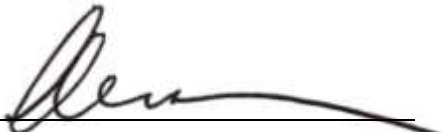
PASSED the 14th day of March 2020.

ATTEST:


Sandra P. Birdyshaw, Town Clerk



TOWN OF JACKSON

BY: 
Pete Muldoon, Mayor