

## EMERGENCY ORDINANCE 1248

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.

**WHEREAS**, the World Health Organization declared the outbreak of COVID-19 as a worldwide pandemic as of March 11, 2020; and

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

**WHEREAS**, the President of the United States declared a national emergency concerning the novel coronavirus disease (COVID-19) on March 13, 2020, specifically stating that in “December 2019 a novel (new) coronavirus known as SARS-CoV-2 (“the virus”) was first detected in Wuhan, Hubei Province, People’s Republic of China, causing outbreaks of the coronavirus disease (COVID-19) that has now spread globally. . . . The spread of COVID-19 within our Nation’s communities threatens to strain our Nation’s healthcare systems. . . . Additional measures . . . are needed to successfully contain and combat the virus in the United States.” The National Emergency Declaration went on to declare that the COVID-19 outbreak in the United States constitutes a national emergency, and 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**, Mark Gordon, Governor of the State of Wyoming, declared a State of Emergency for the State of Wyoming on March 13, 2020, stating that on March 11, 2020 an individual within the State of Wyoming tested presumptive positive for COVID-19 and 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. The Declaration of a State of Emergency directs the Director of the Wyoming Department of Health to take all appropriate and necessary actions and in the Director’s judgment any actions necessary to provide aid to those locations where there is a threat or danger to public health, safety and welfare”; and

**WHEREAS**, Dr. Anthony Fauci, the director of the National Institute of Allergy and Infectious Diseases, stated on March 14, 2020 that a best practice would be to have a “dramatic diminution of the personal interaction that we see” in restaurants and bars and that “whatever it takes to do that” is he’d like; and it has been determined by national experts, cities, states and local jurisdictions nationwide that a method to control the community spread of the coronavirus is to close certain public places; and

**WHEREAS**, on March 16, 2020 the President of the United States and the Coronavirus Task Force issued guidelines for the nation stating that “Even if you are young, or otherwise healthy, you are at risk and your activities can increase the risk for others. It is critical that you do your part to slow the spread of the coronavirus;” that people are advised to “avoid social gatherings of more than 10 people;” that people are advised to “avoid discretionary travel, shopping trips, and social visits;” that “in states with evidence of community transmission, bars, restaurants, food courts, gyms, and other indoor and outdoor venues where groups of people congregate should be closed;” and

**WHEREAS**, on March 15, 2020 Wyoming State Health Officer and epidemiologist, Dr. Alexia Harrist, stated that “our initial follow up with this individual found nothing that could be explained other than potential community spread of this virus in the Lander area;” and

**WHEREAS**, 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. 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; and

**WHEREAS**, given the Town’s prominence as a tourist destination for domestic and international travelers, and given the risk of transmission of COVID-19 through public contacts among visitors, locals, and the service providers in close contact where people gather, the Town Council has determined that the closure of venues and facilities where members of the public congregate within the Town is critical to minimize the risk of expedited transmission that would, if unimpeded, place an overwhelming burden and have devastating impacts on the community’s healthcare systems, facilities, supplies, and providers; and

**WHEREAS**, this Ordinance is issued in light of the existence of multiple known cases of COVID-19 in the State of Wyoming, as of the morning of March 16, 2020, and one case in Teton County, Idaho; and

**WHEREAS**, 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; and

**WHEREAS**, 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; 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 XXXXXXX, 2020**, the following are hereby closed within the City of Jackson, Wyoming:
  - a. All theaters (film or stage)
  - b. Bars
  - c. All coffee/tea shops
  - d. Employee Cafeterias
  - e. Self-serve or staff-served buffets
  - f. Salad bars
  - g. Unpackaged self-serve food services
  - h. Nightclubs/Saloons/Taverns
  - i. All communal pools, hot tubs, locker rooms, saunas, steam rooms, fitness centers, gyms, conference rooms, and spas
  - j. All museums
  - k. Tasting Rooms

2. Notwithstanding the above, and effective upon the same date and time, all restaurants are hereby closed within the City of Jackson, Wyoming unless they follow the following procedures, under which circumstances they may remain open:
  - a. Prohibit all dine-in food service, whether inside or outside the establishment and prohibition on admitting guests, patrons, customers inside the establishment.
  - b. Curbside take out or drive thru food service is permitted. Cash payments are strongly discouraged. Staff who take cash or credit card payments shall use cleansing measures between transactions, including use of best practices issued by the Teton County Environmental Health. Where possible, online (e.g. Venmo, Squarecash, Googlepay, and similar payment apps) and telephonic credit card transactions are highly encouraged. Staff who handle cash or credit cards shall not be involved in the preparation, handling, or delivery of food.
  - c. Employees must take food items to the curb and give the items to the patron or customer through the car window.
  - d. For hotel restaurants, food items may only be delivered as room service or curbside service as described above.
  - e. Third party food delivery services (i.e. Uber Eats, Door Dash, etc.) are prohibited.
  - f. Management shall and must ensure, on a daily basis, that no employee who presents symptoms of illness will be permitted to work.
  - g. ~~Violations of any of these rules will result in the immediate closure of that establishment.~~
3. The following are exempt from the provisions of this ordinance hospitals, and schools.

## SECTION II.

The provisions of this Ordinance are effective through ~~XXXXXX~~, 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 17th day of March 2020.

TOWN OF JACKSON

BY: \_\_\_\_\_

ATTEST:

Pete Muldoon, Mayor

\_\_\_\_\_

Sandra P. Birdyshaw, Town Clerk

ATTESTATION OF TOWN CLERK

STATE OF WYOMING )

) ss.

COUNTY OF TETON )

I hereby certify that the foregoing emergency Ordinance No. 1248 was duly published in the Jackson Hole News and Guide, a newspaper of general circulation published in the Town of Jackson, Wyoming on the 17th day of March 2020. I further certify that the foregoing ordinance was duly recorded on Page XXX of Book XXX of the Ordinances of the Town of Jackson, Wyoming.

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Sandra P. Birdyshaw, Town Clerk