



ADVISORY PUBLIC HEALTH EMERGENCY ORDER NO. 20-08
FOR
THE CITY OF LEWISTON
SOCIAL DISTANCING AND FACE COVERINGS
July 28, 2020

WHEREAS, on March 13, 2020, Idaho Governor Brad Little declared a state of emergency due to the 2019 novel coronavirus (COVID-19), which declaration remains in effect;

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., which declaration remains in effect;

WHEREAS, on March 17, 2020, Mayor Michael Collins, with the approval of the City Council, through Resolution 2020-14, declared a local disaster emergency exists in the City of Lewiston due to the occurrence and imminent threat to public health and safety arising from the effects of COVID-19 and appointed the Lewiston City Manager as the Director of Civil Defense pursuant to Lewiston City Code § 12-6;

WHEREAS, on March 23, 2020, the Lewiston City Council adopted Ordinance No. 4774, which amended and enacted various sections of Chapter 12 of the Lewiston City Code related to disasters and Civil Defense;

WHEREAS, on March 25, 2020, Idaho Governor Brad Little issued a Stay at Home Order for all of Idaho State and an Extreme Emergency Declaration, which allows the State to more effectively increase health care capacity, take steps to reduce and slow the spread of COVID-19, and take rapid and decisive steps to improve the condition of Idahoans whose job and incomes are being harmed by the pandemic;

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 business and permitting certain activities in Stage 4 of the State's reopening plan ("Stay Health Guidelines – Stage Four");

WHEREAS, the risk of widespread community transmission throughout the City of Lewiston impacts the life and health of the public, and imperils public health by the person-to-person spread of COVID-19, and it is, therefore, necessary to reduce

opportunities for the person-to-person transmission of COVID-19 to combat the spread of the disease;

WHEREAS, 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, which recommendations include that people wear cloth face coverings in public settings, especially when other social distancing measures are difficult to maintain; and

WHEREAS, pursuant to Lewiston City Code § 12-25(a)(1), the Director of Civil Defense has the authority to issue advisory orders providing information and recommended guidelines for preventing, detecting, and/or mitigating the onset or spread of a public health emergency.

NOW, THEREFORE, I, Alan Nygaard, City Manager and Director of Civil Defense of the City of Lewiston, by virtue of the authority vested in me by Lewiston City Code § 12-25(a)(1), hereby order as follows:

1. **Definitions:** For purposes of this Order:
 - a. “Household Members” means people who: (a) reside in the same residence, regardless of familial relation; and (b) enter a residence to provide a caretaking function.
 - b. “Face Covering” means: (a) a cloth, paper, or disposable face covering that completely covers a person’s mouth and nose; or (b) a clear, plastic face shield that covers a person’s forehead, extends below the person’s chin, and wraps around the sides of a person’s face.
 - c. “Public Place” means any place open to all members of the public without specific invitation, including, but not limited to, retail business establishments; restaurants; bars; government offices; medical, educational, arts, and recreational institutions; public transportation, including public buses, taxi cabs, and ridesharing vehicles; City of Lewiston parks; and other outdoor public spaces.
2. **Social Distancing Required:** Every person in the City of Lewiston, when in a Public Place, shall maintain at least six (6)-foot physical distancing from non-Household Members, whenever possible.
3. **Face Coverings Required:** Every person in the City of Lewiston shall wear a Face Covering when in any indoor or outdoor Public Place where six (6)-foot physical distancing is not able to be maintained with non-Household Members, except as set forth herein.
 - a. Exemptions: The requirement for wearing a Face Covering shall not apply to the following:

- i. Children under the age of five (5); provided that the City strongly recommends such children wear Face Coverings when in a Public Place where six (6)-foot social distancing cannot be maintained, with the assistance and close supervision of an adult.
 - ii. Persons with a medical condition, mental health condition, or disability that prevents wearing a Face Covering. Documentation demonstrating that one of these exceptions applies shall not be required.
 - iii. Persons who are Deaf/Hard of Hearing, or who are communicating with a person who is Deaf/Hard of Hearing, where the ability to see the mouth is essential for communication; provided, however, the City strongly recommends that such persons wear a clear face shield if doing so would not impede communication.
 - iv. 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 guidelines.
 - v. Persons who are obtaining a service involving the nose, face, or head for which temporary removal of the Face Covering is necessary to perform the service.
 - vi. 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 six (6) feet away from non-Household Members.
 - vii. Persons who are incarcerated.
 - viii. Circumstances where local, state, or federal law prohibits wearing a Face Covering or requires the removal of a Face Covering.
 - ix. Circumstances where there is a need to confirm a person's identity.
4. **Notice of Order:** A copy of this Order shall be posted on or near the front door of Lewiston City Hall, on the City's website, and on the City's social media accounts. Additionally, a copy of this Order shall be e-mailed to all persons subscribed to the City's e-mail notification services and provided

to the Lewiston City Council, the City Attorney, the Fire Chief, the Chief of Police, the Nez Perce Board of County Commissioners, the Nez Perce County Sheriff, the Nez Perce County Prosecutor, the Director of the Idaho Public Health North Central District, and all news media that have requested notification of such order.

5. **Enforcement:** Individuals and businesses within the City of Lewiston are urged to voluntarily comply with this Order. The City of Lewiston will make efforts to educate individuals and businesses to achieve compliance.
6. **Governing Language:** If this Emergency Order No. 20-08 is in conflict with any official action of any agency or official that has jurisdiction over the City of Lewiston, then the most protective and restrictive requirement shall govern, unless prohibited by an applicable State of Idaho or federal statute or rule.
7. **Severability:** To the extent any provision of this Emergency Order No. 20-08 or its application to any person or business is held to be invalid, the remainder of this Emergency Order No. 20-08, including any application thereof, shall remain in full force and effect. To this end, provisions of this Emergency Order No. 20-08 are severable.

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8. **Duration of Order:** This Order shall take effect at 12:00 a.m. on July 28, 2020 and shall remain in effect until it is rescinded, superseded, or amended, or until the City of Lewiston Declaration of Local Disaster Emergency is terminated, whichever occurs first.

ISSUED this 28th day of July 2020.

DIRECTOR OF CIVIL DEFENSE



Alan Nygaard, City Manager, City of Lewiston