

EMERGENCY ORDINANCE XXXX

AN EMERGENCY ORDINANCE TO STAY-AT-HOME FOR OLDER ADULTS (65 YEARS OF AGE AND OLDER) AND PEOPLE WITH HIGH RISK MEDICAL CONDITIONS; AND OTHER RESTRICTIONS WITHIN THE TOWN OF JACKSON, WYOMING; 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, Teton County is an isolated rural community with a single small hospital with limited resources including only six (6) Intensive Care Unit beds and no critical care specialists, the University of Utah healthcare system, which usually accepts transfer of critically ill patients from Teton County, is closed to outside transfers due to the overwhelming case volume of COVID-19 in their community, other regional referral centers are expected to take similar measures soon, and Teton County Hospital District is therefore already taking on an increased caseload of critically ill patients with diagnoses other than COVID-19 who normally would be immediately transferred elsewhere; and

WHEREAS Teton County Hospital District routinely serves patients not only from within Teton County but also from Lincoln County, WY, Sublette County, WY, Fremont County, WY, and parts of Eastern Idaho who will further stress its capacity, making it critical that Teton County take steps to slow the spread of COVID-19 infection so as not to overwhelm the local healthcare system in such a way that would result in many preventable deaths; and

WHEREAS, Teton County presently has more than ten (10) confirmed cases of the Coronavirus (COVID-19) with documentation of community spread with over half of cases in the last 48 hours, indicating a rapidly increasing rate of transmission; and

WHEREAS, the Teton County Health Department has confirmed community spread in Teton County, Wyoming; and

WHEREAS, Dr. Travis Riddell, MD serves as the Teton District Health Officer pursuant to Wyoming Statute §35-1-306(a) and this Ordinance is enacted in accordance with his advice and expertise and the measures herein are the least restrictive measures necessary to protect the public from the COVID-19 pandemic and prevent the overwhelming of the community's medical resources; 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 will reduce the likelihood that most high-risk 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, 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. Each of the provisions of this Ordinance are effective **immediately upon passage** and continuing until **11:59 p.m. on XXXXXXX, 2020**.
2. Older adults (65 years of age and older), people who live in a nursing home or long-term care facility, people with **High Risk Medical Conditions**, and those that live with an older adult or a person with a high risk medical condition in Town of Jackson, Wyoming, shall limit their movement and gathering with other individuals who are not their immediate family. People with High Risk Medical Conditions, as defined by the U.S. Centers for Disease Control, include:
 - a. People with chronic lung disease or moderate to severe asthma;
 - b. People with heart disease with complication;
 - c. People who are immunocompromised including cancer treatment; and
 - d. People whose medical provider has deemed them to be at risk (for example, for reasons including but not limited to severe obesity, which is body mass index [BMI]≥40, or certain underlying medical conditions, particularly if not well controlled, such as those with diabetes, renal failure, or liver disease.
3. Persons described above may leave their residences only to perform any of the following determined to be **“Essential Activities”**:
 - a. To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members (including, but not limited to, pets) such as, by way of example only and without limitation, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies they need to work from home.

- b. To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation, canned food, dry goods, fresh fruit and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences.
 - c. To engage in outdoor activity, provided the individuals comply with Physical Distancing Requirements defined herein such as, by way of example and without limitation, walking, hiking, or running.
 - d. To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Order, including Minimum Basic Operations.
 - e. To care for a family member or pet in another household.
4. That that visitors to Jackson, Wyoming are directed to return home immediately upon the effective date of this ordinance by the fastest and safest available means, and persons considering visiting Jackson, Wyoming should remain home. Non-resident homeowners are expressly exempt from this paragraph; however, non-resident homeowners are strongly encouraged to leave or not travel to Jackson, Wyoming.
5. That residents of the Town of Jackson, Wyoming who leave the geographic area of the State of Wyoming, Bonneville County, Idaho and Teton County, Idaho shall limit movement and gathering with other individuals who are not their immediate family upon their return to the Town of Jackson, Wyoming. Persons may leave their residences only to perform any of the following determined to be Essential Activities as defined above for a period of self-quarantine lasting at least fourteen days or self-isolation until any fever or respiratory illness has resolved and they have returned to normal health for at least three days, whichever is longer.
6. Definitions for the purpose of this Ordinance are defined as follows:
 - a. **Essential Businesses:**
 - i. Healthcare Operations, Essential Governmental Functions and Essential Infrastructure (e.g. health departments; courts of law; jail; county, town and special district offices; medical providers for urgent care; public utilities; critical county, town and special district operations; coroner; and critical school operations, such as nutrition programs).
 - ii. Grocery stores, farmer's markets, food banks, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supplies, fresh meats, fish, poultry, and any other household consumer products (such as cleaning and personal care products). This includes stores that sell groceries and also sell other non-grocery products, wholesale items and products necessary to maintaining the safety, sanitation, and essential operation of residences.

- iii. Food cultivation, including greenhouses, farming and livestock operations, and fishing.
- iv. Businesses that provide food, shelter, social services, and other necessities of life for economically disadvantaged or otherwise needy individuals.
 - v. Newspapers, television, radio, and other media services.
 - vi. Gas stations and auto supply, auto repair, and auto-related facilities.
 - vii. Banks and related financial institutions.
 - viii. Hardware stores.
 - ix. Sporting goods stores.
 - x. Plumbers, electricians, exterminators, internet or broadband providers and others who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, and Essential Businesses.
 - xi. Businesses providing mailing and shipping services, including post office boxes.
 - xii. Educational Institutions – including public and private K-12 schools, colleges, and universities – for purposes of facilitating distance learning or performing essential functions, provided that physical distancing of six-feet per person is maintained to the greatest extent possible.
 - xiii. Laundromats, dry cleaners, and laundry service providers.
 - xiv. Restaurants and other facilities that prepare and serve food, but only for delivery or curbside carry out, as per Teton District Public Health Order #2.
 - xv. Businesses that ship or deliver groceries, food, goods, or services directly to residences or other businesses.
 - xvi. Airlines, taxis, and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order.
 - xvii. Home-based care for seniors, adults, or children.
 - xviii. Residential facilities and shelters for seniors, adults, and children.
 - xix. Professional services such as legal and accounting services, when necessary to assist in compliance with legally mandated activities.
 - xx. Funeral homes, mortuaries, crematoriums, cemeteries, graveyards and other postmortem services.
 - xxi. Liquor stores.
 - xxii. Appraisal services.
 - xxiii. Security services.
 - xxiv. Overnight Lodging and short-term lodging facilities (including but not limited to hotels, motels, condos, townhomes, guest homes, RV parks, and all camping on public or private lands) within the Town of Jackson, Wyoming that check-in, rent, or lease to Essential Visitors and Primary Residents.

b. **Essential Governmental Functions** means all services needed to ensure the continuing operation of the government agencies. All Essential Governmental Functions shall be performed in compliance with Physical Distancing Requirements as defined herein, to the greatest extent possible.

- c. **Essential Visitor** means any individual renting lodging or camping for an amount of time less than thirty days for the purposes of work within Teton County, Wyoming.
 - d. **Primary Residents** are individuals renting lodging for periods of thirty days or more or, no matter the length of stay, whose primary address is within the Town of Jackson, Wyoming.
 - e. **Essential Infrastructure** includes, but is not limited to, public works, construction, construction of housing or buildings, airport operations, water, sewer, gas, electrical, roads/highways, pathways, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national and local infrastructure for computing services, business infrastructure, communications, and web-based services), provided that they carry out these services or that work in compliance with Physical Distancing Requirements as defined by this Order, to the greatest extent possible.
 - f. **Healthcare Operations** including hospitals, clinics, dentists (for emergency care only), pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, health-related laboratory services, healthcare suppliers, home healthcare service providers, physical therapy, mental health providers, or any related and/or ancillary healthcare services. "Healthcare Operations" also includes veterinary care and all healthcare services provided to animals. This exemption shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. "Healthcare Operations" does not include fitness, exercise gyms, one-on-one or group trainers.
 - g. **Minimum Basic Operations** includes the following, providing that employees comply with the Physical Distancing Requirements as defined herein, to the extent possible, while carrying out such operations:
 - i. The minimum necessary activities to maintain the value of the business's inventory, ensure security, process payroll and employee benefits, or for related functions.
 - ii. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.
 - h. **Physical Distancing Requirements** includes maintaining at least six-foot distancing from other individuals for no longer than ten minutes, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high touch surfaces and not shaking hands.
7. For clarity, businesses not listed as an Essential Business may also continue operations consisting exclusively of employees or contractors performing activities remotely or can provide pick-up or delivery service as long as such business are otherwise in compliance with this Ordinance. All Essential Businesses are strongly encouraged to remain open. To the

greatest extent feasible, Essential Businesses shall comply with Social Distancing Requirements as defined herein for both employees and members of the public, including, but not limited to, when any customers are standing in line.

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 _____ day of March 2020.

TOWN OF JACKSON

BY: _____

Pete Muldoon, Mayor

ATTEST:

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. XXXXX was duly published in the Jackson Hole News and Guide, a newspaper of general circulation published in the Town of Jackson, Wyoming on the XXXXX 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.

Sandra P. Birdyshaw, Town Clerk

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