

TOWN OF BLUFF EMERGENCY ORDINANCE NO. 2020-76-4

**AN ORDINANCE ORDERING EMERGENCY CLOSURE OF LODGING BUSINESSES;
ORDERING THE EMERGENCY CLOSURE OF RESTAURANTS, SUBJECT TO CERTAIN EXCEPTIONS;
ORDERING CLOSURE OF BUSINESSES SUBJECT TO EXCEPTIONS FOR CRITICAL SERVICES;
PROHIBITING CERTAIN GATHERINGS; AND PROVIDING GUIDANCE FOR PERSONS WITH
RESPECT TO THE COVID 19 VIRUS**

The following describes the intent and purpose of this ordinance.

- a. On January 31, 2020 the United States Department of Health and Human Services declared a public health emergency pertaining to the COVID 19 virus. On March 6, 2020 the Governor of the State of Utah declared a similar COVID 19 state of emergency. And on March 13, 2020 the San Juan County Public Health Department declared a public health emergency pertaining to the disease. Additionally, the San Juan School District has ordered closure of all public schools in San Juan County until May 1, 2020.
- b. As of March 27, 2020, there are 85,935 COVID 19 cases in the United States, including 396 cases in the State of Utah. Total deaths from COVID 19 infections now stand at 1,298 in the United States. As of March 27, 2020, one COVID 19 infection has been confirmed in San Juan County.
- c. The COVID 19 virus is a serious respiratory disease that can result in serious illness or death. There is currently no known vaccine or effective treatment for the disease, which is highly contagious and is transmitted by close person-to-person contact.
- d. There are limited health care facilities in the Town of Bluff and the surrounding region, which makes the spread of the COVID 19 virus a particularly serious threat to the Town and its residents.
- e. The Town has recently seen a surge in tourist visitation, partially in response to COVID 19 closures in neighboring communities. Visitation by persons from outside the Bluff area increases the risk of spread of the virus to persons in the Bluff community.
- f. The Town finds that the COVID 19 pandemic presents a serious and immediate threat to public health and safety that requires an emergency response by the Town.
- g. Pursuant to U.C.A. § 10-8-84 Utah municipalities may enact all ordinances and rules not repugnant to law as may be necessary or proper to preserve the public health, safety, or welfare.

Therefore, the Town enacts the following ordinance:

1. **Overnight Lodging Closure.** For purposes of this ordinance the term "Overnight Lodging" means a dwelling, room, space, housing unit, or land provided to persons for occupancy on a short-term basis of 30 days or less in exchange for compensation. For purposes of this ordinance Overnight Lodging includes hotels, lodges, motels, guest homes, or guest rooms within a dwelling (e.g. Air BnB, VRBO, or the like), recreational vehicle parks, campgrounds, or similar accommodations. Commencing no later than twelve p.m. (MST) on Saturday, March 28, 2020 all Overnight Lodging facilities within the Town of Bluff are ordered to close and cease doing business. All guests present in Overnight Lodging within the Town must vacate no later than that time. All Overnight Lodging within the Town shall remain closed until this ordinance expires or is repealed, as set forth below.
2. **Restaurant Closure; Exception for Takeout Service.** For purposes of this ordinance, a "Restaurant" is any place where cooked or prepared food or beverages are provided to persons for consumption on the premises, whether inside or outside, in exchange for compensation. Commencing no later than twelve p.m. (MST) on Saturday, March 28, 2020 all Restaurants within the Town of Bluff are ordered to close and cease doing business. All Restaurants within the Town shall remain closed until this ordinance expires or is repealed, as set forth below.
 - a. Notwithstanding this closure order, Restaurants may operate on a limited basis provided that: i) all food or beverages are packaged for and consumed off the premises; ii) patrons are served one at a time, are separated by at least six (6) feet of distance, and are not permitted to congregate; iii) persons serving food or beverages are different from the persons handling payment transactions with customers; iv) all surfaces and equipment in the facility are regularly cleaned and disinfected during hours of operation; v) employees are directed to periodically wash their hands during shifts; and vi) management of the Restaurant assures each day that no employee who is ill or who presents symptoms of illness is permitted to work. By way of an illustration, and not of limitation, fuel stations, convenience stores, or restaurants offering "to-go" service that otherwise meet these requirements may remain open.
3. **Business and Institution Closure; Exception for Critical Services.** Commencing no later than twelve p.m. (MST) on Saturday, March 28, 2020 all businesses, including offices, retail or wholesale stores, manufacturing facilities, professional offices, cultural facilities (e.g. museums, historic sites, theaters, meeting halls, gyms or recreation facilities, and government offices or facilities within the Town of Bluff are ordered to close and cease

operations until this ordinance expires or is repealed, as set forth below. This provision applies to the designated facilities regardless of whether activities therein are carried on for-profit or on a non-profit basis.

- a. Notwithstanding this closure order, the following are deemed Critical Services: i) fire/rescue, police, or emergency medical services; ii) medical facilities or medical offices; iii) grocery stores or food pantries; iv) pharmacies; v) fuel stations or repair garages; and vi) public utility providers.
 - b. All Critical Services shall implement measures to ensure that: i) to the extent practicable, employees are physically separated by at least six (6) feet; ii) where practicable, non-critical staff are allowed to work from home; iii) persons who are ill or who present symptoms of illness are not permitted to work; and iv) employees are directed to periodically wash their hands during shifts.
4. **Definition of Closure.** The term "closure" or "close" as provided in this ordinance shall not be deemed to preclude employees from working from home, electronic conferencing, or the performance of routine administrative tasks at the closed institution, business, or facility, provided that the location remains closed to the public and all provisions of Section 3(b), above, are met.
5. **Gatherings Prohibited; General Health Recommendations.** Gatherings of ten (10) or more persons are prohibited. All persons are encouraged to engage in social distancing by maintaining a separation of at least six (6) feet from others. All persons are encouraged to frequently engage in handwashing. All persons are encouraged to stay home if they are ill, experience symptoms, or suspect exposure to the COVID 19 virus. Additionally, all persons are encouraged to restrict all non-essential travel and to remain at home as much as possible.
6. **Duration; Review Bi-Monthly; Public Comment.** This ordinance takes effect upon signature below. It shall have a duration of forty-five (45) days from the date of signature, unless renewed or extended by action of the Town. The Town shall review this ordinance every fifteen (15) days from the date of enactment and may amend or modify provisions based on then-prevailing conditions. Members of the public who have concerns or comments regarding this ordinance or its scope are encouraged to provide written comments to the Town via email to the following: office@townofbluff.org.
7. **Enforcement.** All persons are encouraged to recognize the common threat and to use good judgment to protect themselves and others; at this time the Town does not intend to engage in mandatory enforcement. That said, if circumstances warrant the Town

may enforce this ordinance by first issuing a written warning to the person in violation. If a violation continues the Town may commence a civil enforcement action as set forth below.

- a. The Town may enforce this ordinance in a civil action against any person in violation by seeking injunctive relief, damages, or both as may fit the circumstances. The Town need only show proof of a violation of this ordinance in order to obtain an injunction, which shall be issued without bond. In any such judicial action to enforce this ordinance the Court shall award reasonable attorney fees and court costs to the prevailing party, in addition to any other form or type of relief.
- b. In addition to injunctive or other relief, in any enforcement action where it is shown that the violation of this ordinance is willful, wanton, or deliberate the court may award civil damages to the Town of up to three hundred dollars (\$300) per violation. Each day that a particular violation is maintained may be treated as a separate violation.

Passed and adopted upon a majority vote of the Bluff Town Council this 7th day of April, 2020. This ordinance shall take effect immediately upon publication.

SIGNED:

By: 

Mayor Ann Leppanen

ATTEST:

By: 

Linda Sosa, Clerk/Recorder

4-8-20

Date