

**ORDER OF HEALTH OFFICER REGARDING
COVID-19 MITIGATION REQUIREMENTS FOR BUSINESSES AND EVENTS
IN BUTTE-SILVER BOW COUNTY**

Nov. 10, 2020

WHEREAS, the State of Montana and the City-County of Butte-Silver Bow are in a declared state of emergency due to the COVID-19 pandemic;

WHEREAS, on May 19, 2020, the Montana governor issued a directive with requirements and guidance for Phase Two of the phased reopening of Montana, to begin on June 1, 2020 and the state remains in a partially opened phase;

WHEREAS, local jurisdictions can enact requirements that are more restrictive than state guidelines and the governor on several occasions has publicly urged more restrictive local action in view of the increasing rate of COVID-19 spread in numerous Montana counties;

WHEREAS, pursuant to Section 50-2-118 of the Montana Code Annotated, a local health officer in carrying out the purpose of the public health system shall take steps to limit contact between people in order to protect the public health from imminent threats, including but not limited to ordering the closure of buildings or facilities where people congregate and cancelling events;

WHEREAS, cases of COVID-19 in Butte-Silver Bow began rising in late August 2020 and are continuing to ascend to an incidence rate of 84 cases per 100,000 population (new cases on a rolling seven-day average) on Nov. 9, 2020;

WHEREAS, an incidence rate greater than 25 cases per 100,000 population has been identified by the Harvard Global Health Institute as the highest "red zone" risk level beyond which a locality may tip into uncontrolled spread;

WHEREAS, Butte-Silver Bow has a positivity rate of 19.60 percent on Nov. 9, 2020;

WHEREAS, a positivity rate of greater than 10.00 percent has been identified by the Centers for Medicare and Medicaid Services as the highest "red zone" risk level beyond which a locality may tip into uncontrolled spread;

WHEREAS, Butte-Silver Bow leaders are committed to keeping schools and campuses open for as much in-person learning time as

can be safely provided during the long duration of this pandemic;

WHEREAS, Butte-Silver Bow is home to a regional hospital that Butte-Silver Bow residents and Southwestern Montanans rely on for COVID and non-COVID acute and critical care;

WHEREAS, Butte-Silver Bow is home to a regional economic and service hub that Butte-Silver Bow residents and regional residents rely on for goods, services and their livelihoods;

WHEREAS, Butte-Silver Bow residents have largely shown cooperation and compliance with state and local COVID-19 restrictions, yet the rising case incidence threatens the ability of the local hospital to fully deliver care and businesses to remain open;

WHEREAS, epidemiological studies indicate that non-contagion strategies deployed to reduce the rate of transmission, such as limited group sizes, distancing and decreasing the activity level in a community, have achieved large, beneficial and measurable health outcomes, and that measures restricting crowd size and limiting contact between people in particular have had a large effect on reducing transmission;

WHEREAS, Butte-Silver Bow residents have largely shown good cooperation with COVID-19 mitigation measures, and epidemiological evidence suggests that structured environments, such as schools and structured events and business safety plans provide more protection against transmission than non-structured social environments and events, yet spread is threatening even these more-protected environments;

WHEREAS, the Butte-Silver Bow health officer, upon monitoring the local and state epidemiological trends of COVID transmission, researching additional mitigation measures and consulting with local experts and officials, has determined that additional measures are required to limit contact between people in order to protect the public and community from uncontrollable spread of COVID-19.

THEREFORE, IT IS HEREBY ORDERED THAT EFFECTIVE WEDNESDAY, NOV. 11, 2020 AT 8 A.M.:

- 1) Events and gatherings, including but not limited to receptions, conventions, parties, meetings, fairs, festivals, craft fairs, outdoor markets, vendor events,

concerts, sporting events, organized youth activities, organized adult activities, tournaments and races, whether they take place at a "place of assembly" or other venue, must meet the following requirements:

- a. Events and gatherings are limited to a total of 25 people in circumstances that do not readily allow for appropriate physical distancing for the duration of the event, including but not limited to wedding and other receptions, dances, sports, parades and other events that are inherently non-conducive to maintaining physical distancing except as follows:
 - i. Events and gatherings that will have total of 26 to 250 people, including attendees, staff and volunteers, are allowed under the requirements listed in Appendix A. A written COVID-19 safety plan is required to ensure that the event or gathering will meet the minimum requirements for events and gatherings in Appendix A. Organizers must consult with the Environmental Health Division of the Butte-Silver Bow Health Department (jrolich@bsb.mt.gov or 406-497-5027) before the event, and submit the written plan for review, if requested by the Health Department. If the Health Department reviews the plan and finds that it does not meet the requirements in Appendix A, the event organizer must modify the plan or cancel the event.
 - ii. Events that will have a total of more than 250 people, including attendees, staff and volunteers, must develop and submit a written COVID-19 safety plan to the Health Department for review and approval 10 or more days prior to the event or gathering. The plan must show how the event or gathering meets the requirements in Appendix A. The event or gathering shall not take place without written approval from the Health Department.
 - iii. Event organizers must follow their plan during the event, and make adjustments during the event or gathering, if necessary, to meet the requirements in Appendix A.
 - iv. Event organizers must modify, scale back, postpone or cancel the event if notified by the health officer or designee that further

restrictions for gatherings and events are necessary based on the epidemiological situation at the time the event will take place.

- b. Limits on gathering size do not apply to students in classrooms or at other school-related activities. However, limits on gathering size do apply to spectators or audience members at those activities.
 - c. Childcare facilities, in recognition of their critical role in supporting a necessary workforce, must limit group size of students and staff to no more than 50 people, if six-foot physical distancing cannot be reliably maintained.
- 2) Businesses and individuals providing grooming, beauty, body art, piercing, massage, spa and similar services, including but not limited to barbers (including barbers and barbers-nonchemical), cosmetologists, electrologists, estheticians, manicurists and massage therapists must meet the minimum requirements in Appendix B.
 - 3) Retail businesses, gyms and places of assembly, such as conference centers, bowling alleys and theaters, shall:
 - a. Limit customers inside the business, gym or place of assembly to no more than 50 percent of the typical number of customers during highest volume hours. "Typical highest volume hours" is not the same as fire code capacity limits;
 - b. Have visible cues in place to alert customers of the physical distancing requirements and to denote the required six-foot separation distances;
 - c. Develop and implement a plan addressing the requirements in the governor's re-opening directives and this order. The completed plan must be maintained on site and be made available to the department upon request. Appendix C gives an example format for the plan; and
 - d. Train staff on applicable COVID-19 requirements and the contents of the COVID-19 plan.
 - 4) In restaurants, bars, breweries, distilleries and casinos:
 - a. Capacity must be limited to 50 percent of normal operating capacity to allow for adequate group spacing.
 - b. For bars, breweries, distilleries and casinos, tables must be limited to six people per table. Customers at the bar must be seated.

- c. For restaurants, tables must remain limited to eight people per table.
 - d. A sign must be posted at entrances listing the symptoms of COVID-19, and instructing customers not to enter if they are experiencing any COVID-19 symptoms.
 - e. The requirements and guidelines in the governor's April 22, 2020 and May 19, 2020 directives must be met in order to be open to the public.
 - f. At least six feet of separation must be provided between diners, or groups of diners, including those sitting in booths.
- 5) Restaurants, bars, breweries, distilleries and casinos shall close at 10 p.m. or earlier if required by state liquor license requirements. In establishments that serve both food and alcohol, all alcohol sales must cease at 10 p.m., or earlier, if required by state liquor license requirements.
- 6) This order shall remain in effect until it is revoked or revised, based on the following epidemiological and resource indicators:
- a. Seven-day average of new case incidence rate lowers to 25 per 100,000 population for a period of at least two weeks;
 - b. Positivity rate lowers to 10 percent or below for a period of at least two weeks;
 - c. Local hospital capacity to admit both COVID-19 and non-COVID patients for necessary care is maintained; and
 - d. No significant diminishment in testing resources, test analysis turn-around time that affect timely isolation of positive cases occurs; or
 - e. Case incidence trend, hospital or resource status worsens, and more restrictive requirements are necessary to control spread.
- 7) The first review of this order shall be Dec. 1, 2020, weekly thereafter.
- 8) This order supersedes the Sept. 3, 2020 health officer order that addresses mass gatherings.
- 9) The requirements and restrictions in this order are in addition to existing directives by the governor. Individuals and businesses should rely on this order where any inconsistencies exist between this order and an existing governor's directive.

DocuSigned by:

Karen Sullivan

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Karen Sullivan

**HEALTH OFFICER FOR
THE CITY AND COUNTY
OF BUTTE-SILVER BOW, MONTANA**

November 10, 2020 | 2:00:39 PM PST

Date

DocuSigned by:

Sally J. Hoelle

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