

**ORDER OF THE BUTTE-SILVER BOW HEALTH OFFICER  
REGARDING COMMUNITY CLOSURES**

WHEREAS, the World Health Organization has declared the worldwide outbreak of COVID-19 Novel Coronavirus a pandemic;

WHEREAS, as of March 25, 2020, the U.S. Centers for Disease Control and Prevention (CDC) indicates there are more than 61,000 cases and more than 700 deaths in the United States;

WHEREAS, all states in the United States are experiencing confirmed cases of COVID-19;

WHEREAS, the Montana Department of Public Health and Human Services (DPHHS) recognizes COVID-19 as a threat to the residents of Montana;

WHEREAS, there are four confirmed cases of COVID-19 in Butte-Silver Bow;

WHEREAS, the Butte-Silver Bow Unified Health Command has activated response plans and protocols to prepare for additional cases of COVID-19 in Butte-Silver Bow;

WHEREAS, the Butte-Silver Bow Unified Health Command has also worked to identify, contact and test individuals in Butte-Silver Bow who have been potentially exposed to COVID-19 in coordination with the State of Montana Department of Public Health and Human Services and the CDC;

WHEREAS, proactively implementing mitigation measures to slow the spread of the virus is in the best interests of Butte-Silver Bow and its people;

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WHEREAS, COVID-19, a respiratory disease that can result in serious illness or death and is a new strain of Coronavirus that had not been previously identified in humans and can easily spread from person-to-person;

WHEREAS, the CDC identifies the potential public health threat posed by COVID-19 both globally and in the United States as "high" and has advised that person-to-person spread of the COVID-19 will continue to occur globally, including within the United States, Montana, and Butte-Silver Bow;

WHEREAS, the circumstances of this outbreak may exceed the capacity of the services, personnel, equipment, supplies and facilities of Butte-Silver Bow;

WHEREAS, the City-County of Butte-Silver Bow's Board of Health has the duty to protect the public from the introduction and spread of communicable disease or other conditions of public health importance, including through actions to ensure the removal of filth or other contaminants that might cause disease or adversely affect public health;

WHEREAS, the City-County of Butte-Silver Bow's Board of Health has determined that the potential spread of COVID-19 constitutes a public health emergency and actions must be taken to avert and minimize the outbreak of this communicable disease and;

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, the City-County Board of Health has determined that the local health officer should institute her authority to close buildings and facilities to prevent the spread of COVID-19 within the City-County of Butte-Silver Bow, Montana.

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to Title 50, Chapter 2, Part 1, and specifically Section 50-2-118 of the Montana Code Annotated,

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**All restaurants, food courts, cafes, coffeehouses, and other similar establishments offering food or beverage for on-premise consumption; alcohol beverage service businesses, including bars, taverns, brew pubs, breweries, microbreweries, distilleries, wineries, tasting rooms, special licenses, clubs, and other establishments offering alcoholic beverages for on-premise consumption, with the exception of drive-through, delivery and pick-up services.**

Also, cigar bars; health clubs, health spas, gyms, dance studios and classes, aquatic centers, pools and hot springs indoor recreational facilities; movie and performance theaters, nightclubs, concert halls, bowling alleys, bingo halls and music halls; churches (church services and groups, funerals, graveside services and memorial services are allowed with congregates of 10 or fewer attendees who are spaced at least six feet from each other); casinos; body art establishments, hair/cosmetic salons, barber shops and all massage services except those contained within state-licensed physical therapy or chiropractic practices.

This order pertains to the jurisdiction within the City-County of Butte-Silver Bow, Montana. These entities shall be closed to the public effective at 4:00 p.m. Tuesday, March 25, 2020 through FRIDAY, APRIL 10, 2020, subject to change and pending further notification.

In regard to penalties for violation of this order, please reference Montana statute, Sections 50-2-122 through 50-2-124 Montana Code Annotated (MCA), together with Section 45-7-302 MCA. Section 50-2122 MCA provides that it is **unlawful to hinder a local health officer in the performance of duties** under Chapter 2 of Title 50 of the MCA or to **remove or deface any placard of notice posted by the local health officer or violate a quarantine regulation**. Section 50-2-124 MCA provides the penalty for such conduct and states that a violation constitutes a misdemeanor, with a **penalty of a fine not less than \$10 or more than \$500 or be imprisoned for not more than 90 days, or both**.

Additionally, Section 50-2-123 MCA provides that if a person refuses or neglects to comply with a written order of a local health officer within a reasonable time specified in the order, the local health officer may cause the order to be complied with and initiate an action to recover any expenses incurred from the person who refused or neglected to comply with the order. Finally, Section 45-7-302 MCA provides that it is unlawful to obstruct a peace officer or **public servant** by knowingly obstructing, impairing or hindering the enforcement of the criminal law, the preservation of the peace or the **performance of a governmental function**. The **penalty for violation of this section is a fine not to exceed \$500.00 or a jail term not to exceed six months or both**.

*Karen Sullivan*

KAREN SULLIVAN

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

*Don Palmer*

ATTEST:

*Sally G. Hollie*

Clerk/Recorder



