

**EMERGENCY ORDINANCE NO. 2818
REQUIRING FACE COVERINGS FOR INDOOR SPACES OF PUBLIC
ACCOMMODATION PURSUANT TO SECTION 2.64 OF
THE ST. CLOUD CITY CHARTER AND SECTION 210 OF THE
2007 CODE OF ORDINANCES OF THE CITY OF ST. CLOUD**

WHEREAS, on March 13, 2020, Governor Tim Walz issued Emergency Executive Order 20-01 declaring a Peacetime Emergency and Coordinating Minnesota's Strategy to Protect Minnesotans from COVID-19; and

WHEREAS, on March 16, 2020, Mayor Dave Kleis declared a local emergency as set forth in Declaration No. 20-01; and

WHEREAS, on March 17, 2020, the St. Cloud City Council determined that immediate action was needed to respond to the local emergency resulting from the COVID-19 pandemic, to protect the health, safety, and welfare of the Community and extended the period of the Mayor's local emergency until April 16, 2020, and through a series of resolutions, extended it further to August 17, 2020; and

WHEREAS, since issuing Executive Order 20-48, Governor Tim Walz has strongly encouraged Minnesotans, "to wear a manufactured or homemade cloth face covering when they leave their homes and travel to any public setting where social distancing measures are difficult to maintain (e.g., grocery stores and pharmacies) and to follow face covering guidelines issued by the Minnesota Department of Health (MDH) and the Centers for Disease Control and Prevention (CDC). Such face masks and coverings are for source control (to help limit the person wearing the covering from infecting others);" and

WHEREAS, pursuant to the authority granted in Minnesota Statutes Section 12.29 and Section 210 of the St. Cloud City Ordinances that authorizes the Mayor to declare an existence of a local emergency, invoke necessary portions of the City's Emergency Operations Plan and authorizes aid; and

WHEREAS, as provided in the 2007 Code of Ordinances of the City of St. Cloud Section 210:11, whenever necessary to meet a declared emergency or to prepare for such an emergency for which adequate regulations have not been adopted by the governor of the State of Minnesota or the City, the City Council may by resolution promulgate emergency regulations, consistent with the applicable Federal or State Law or regulation, respecting the conduct of persons and the use of property during emergencies; the repair, maintenance, and safeguarding of essential public services; emergency health, fire, and safety regulation; drills or practice periods required for preliminary training; and all other matters which are required to protect public safety, health, and welfare in declared emergencies; and

WHEREAS, health officials are increasingly urging non-medical workers to wear non- medical grade cloth face coverings to help curb the spread of COVID-19, by preventing the transmission of respiratory droplets that contain the virus; and

WHEREAS, public health experts have determined that it is possible for asymptomatic people to transmit COVID- 19; and

WHEREAS, public health experts have determined that the use of cloth face coverings may reduce the risk of transmission by an infected person as a force multiplier for physical distancing, hand washing, and other prevention measures, understanding that face coverings are not recommended as a replacement for these activities; and

WHEREAS, the CDC recommends that people wear face coverings in public settings, especially when social distancing measures are difficult to maintain; and

WHEREAS, additional regulations are needed to preserve the public health, safety, and welfare and to slow community spread of COVID-19 and avoid unnecessary strain on our medical system.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of St. Cloud that the following emergency regulations be enacted effective July 20, 2020:

1. **Definitions.**

- a. A space of public accommodation means a business, refreshment, entertainment, or recreation facility, or an institution of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public. Examples include retail stores, rental establishments, City of St. Cloud government buildings in spaces that are accessible to the public, public transportation, service establishments, recreational facilities, and service centers.
- b. Face covering means manufactured or homemade cloth covering that fully covers an individual's nose and mouth and is secured on the face.

2. **Face Covering Required Indoors.**

- a. All individuals shall wear a face covering while inside a space of public accommodation as defined in this regulation.
- b. It shall be unlawful for a space of public accommodation to allow a person to enter or remain indoors at their space of public accommodation without wearing a face covering.
- c. It shall also be unlawful for a person to enter and remain indoors at a space of public accommodation without wearing a face covering.

- d. Required Notices. Spaces of public accommodation shall post notice of this face covering requirement in conspicuous locations inside and outside entrances to their space of public accommodation that are at least 8 ½ x 11 inches in size.

3. **Exceptions. A face covering shall NOT be required for the following:**

- a. Individuals under the age of five (5);
- b. Individuals unable to wear a face covering due to medical, disability, or developmental reasons;
- c. Individuals who have trouble breathing, are unconscious or incapacitated, or otherwise unable to remove the mask without assistance;
- d. Individuals speaking to someone who is deaf or hard of hearing and requires the mouth to be visible to communicate;
- e. Individuals temporarily removing the face covering for identification purposes;
- f. Restaurant and bar patrons who are eating or drinking while seated at a table with at least six (6) feet of distance from other patrons, provided they wear face coverings when interacting with individuals not at their tables or when they are not seated and walking through public areas;
- g. Business owners, managers, and employees who are in an area of a business establishment that is not open to customers, patrons, or the public, provided there is at least six (6) feet of distance between individuals;
- h. Employees in City owned buildings and facilities, who are in an area of the building that is not open to customers, patrons, or the public, provided there is at least six (6) feet of distance between individuals;
- i. Health care facilities, child care facilities, educational institutions, residential care facilities, and congregate care facilities, that have written preparedness plans in compliance with state guidelines;
- j. Individuals in gyms, fitness centers, and athletic facilities that are actively engaging in fitness or athletic activities, provided individuals wear face coverings at all other times while they are inside the facility, and the facilities have written preparedness plans in compliance with state guidelines;
- k. Individuals at entertainment venues, meeting venues and places of worship are not required to wear face coverings when seated if they can maintain a distance of at least (6) feet from other individuals, but must wear face coverings when walking to or from their seat and while standing in or walking through public areas, such as lobbies and restrooms;
- l. Individuals in their private rooms of a lodging establishment, such as a hotel or motel, but face coverings must be worn in all indoor common areas;
- m. Individuals speaking to an audience, whether in person or through a broadcast, if the speaker can maintain at least six (6) feet of distance from other individuals;
- n. In settings where it is not feasible to wear a face covering, including swimming,

- or while actively participating in organized youth or adult sports;
- o. Facilities operated by the County, State or Federal Government; and
- p. Police officers, fire fighters and other first responders when it is not practical to wear a face covering or they are engaged in a public safety matter.

4. **Enforcement.**

- a. Violations may be punishable by one or more of the following:
 - (1) Issuance of warning letter(s);
 - (2) Administrative citation(s) in a fine amount of \$250.00;
 - (3) Businesses licensed by the City of St. Cloud found in violation may also face adverse licensing actions under the City Code.
- b. The City is seeking voluntary compliance from individuals and businesses and will only cite individuals or businesses when they refuse to comply with the request for compliance.

5. **Duration.**

- a. The City Council may rescind this emergency regulation by resolution at any time.
- b. If not sooner rescinded, this emergency regulation will terminate automatically at the end of 30 days after its effective date of July 20, 2020, unless renewed by the Council.
- c. If the local emergency is rescinded or expires, then this emergency regulation will also become null and void.
- d. If Governor Tim Walz enacts a statewide order requiring face coverings, then this emergency regulation will become null and void.
- e. If Governor Tim Walz's Peacetime Emergency is rescinded, then this emergency regulation will also become null and void.

This Emergency Ordinance shall, in accordance with Sections 2.64 and 2.67 of the St. Cloud City Charter, be enacted after one reading and take effect immediately upon passage by the Council.

Adopted this 20th day of July, 2020.