

AGENDA
CITY COUNCIL SPECIAL MEETING
July 22, 2020
6:30 P.M.

A. 6:30 Call to Order

B. Roll Call

C. Emergency Face Covering Ordinance

D. Adjourn

EMERGENCY ORDINANCE NO. _____

AN EMERGENCY ORDINANCE REQUIRING FACE COVERINGS IN INDOOR SPACES OF PUBLIC ACCOMODATION AND CERTAIN OUTDOOR SPACES

The City Council of the City of Grand Marais hereby ordains as follows:

Section 1. PREAMBLE - STATEMENT OF EMERGENCY. An emergency exists due to the COVID-19 pandemic, which has resulted in the declaration of a local emergency by the Mayor and City Council of the City of Grand Marais by adoption of Resolution No. 2020-03 on March 18, 2020, which Resolution is incorporated herein by reference. The COVID-19 pandemic has also resulted in the declaration of a Peacetime Emergency and the issuance of successive executive orders by Minnesota Governor Walz. In Executive Order 20-56, Governor Walz rescinded the Stay at Home order put in place by Executive Order 20-48, and included in the order that all Minnesotans are strongly encouraged to wear a manufactured or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by the Minnesota Department of Health (“MDH”) and the Center for Disease Control (“CDC”) until this Executive Order is rescinded. According to the Executive Order, “Such face masks and coverings are for source control (to help limit the person wearing the covering from infecting others).”

On June 28, 2020, the CDC issued the following guidance on face coverings:

- CDC recommends that people wear cloth face coverings in public settings and when around people who don’t live in your household, especially when other social distancing measures are difficult to maintain;
- Cloth face coverings may help prevent people who have COVID-19 from spreading the virus to others;
- Cloth face coverings are most likely to reduce the spread of COVID-19 when they are widely used by people in public settings;
- Cloth face coverings should NOT be worn by children under the age of 2 or anyone who has trouble breathing, is unconscious, incapacitated, or otherwise unable to remove the mask without assistance.

Public health officials are actively encouraging residents to follow the CDC guidance on face coverings. According to the CDC, COVID-19 is primarily transmitted by respiratory droplets. Many individuals infected with COVID-19 show no symptoms, yet risk transferring the disease to others through respiratory droplets. Wearing a face covering reduces the risk of COVID-19 being spread throughout the community. Further, a primary purpose of the above-mentioned State Executive Orders requiring limitation on business operations is to prevent hospitals and supplies from being overrun. Consequently, there is an urgent and emergent need not only to

protect the health and safety of Grand Marais’s residents and visitors, but to minimize the potential risk of economic degradation that could result should local businesses and employers need to reclose due to an increase in state or local COVID-19 cases.

Section 2. FACE COVERINGS REQUIRED IN INDOOR SPACES OF PUBLIC ACCOMMODATION AND CERTAIN OUTDOOR SPACES

- A. All individuals shall wear a face covering in indoor spaces of public accommodation or while in outdoor spaces that are open to the general public, unless one or more of the following exceptions apply to an individual:
 - i. Individuals within facilities for election purposes operated by the City;
 - ii. Individuals within facilities operated by the County, State or Federal Government;
 - iii. Individuals within personal care services/salons that already have State face covering requirements;
 - iv. Individuals within medical facilities that already have face covering requirements;
 - v. Individuals receiving service inside a crisis shelter, soup kitchen, or similar establishment;
 - vi. A customer dining in a restaurant, while that customer is sitting at his or her table actively eating or drinking;
 - vii. Children five years of age or younger;
 - viii. Individuals actively eating or drinking;
 - ix. Individuals temporarily removing the face covering for identification purposes;
 - x. Individuals unable to wear a face covering due to medical, disability, or developmental reasons;
 - xi. Individuals speaking to an audience, whether in person or through broadcast, as long as the speaker remains six feet or more away from other individuals;
 - xii. Individuals speaking to someone who is deaf or hard of hearing and requires the mouth to be visible to communicate;
 - xiii. Participants in youth sports who are subject to all requirements under State Executive Orders;
 - xiv. A law enforcement officer or any emergency responder who reasonably deems it necessary to remove a face covering in the course of his or her duties;
 - xv. A person who reasonably deems it necessary to remove his or her face covering for safety reasons or in order to carry out his or her job duties;
 - xvi. Persons in settings where it is not practical or feasible to wear face coverings, including when obtaining or rendering goods or services, such as the receipt of dental services or medical treatments.

- B. Restaurants and Bars must include in their COVID-19 Preparedness Plan that all customers wear a face covering when not seated at their table.

- C. Retail Businesses must include in their COVID-19 Preparedness Plan that all employees wear a face covering when the individual is within any indoor spaces of public

accommodation or within six feet of another person. Customers are required to wear a face covering before entering the retail business and must wear the face covering until exiting the retail business.

- D. Public Transportation users are required to wear a face covering before boarding a bus and wear the face covering until the user exits the bus.
- E. Gyms, Fitness Centers, and Sports Facilities participants, staff, and spectators are required to wear a face covering at all times when the individual is within six feet of another person. For purposes of this declaration, gymnastics facilities, hockey/skating arenas and climbing walls are considered Sports Facilities.
- F. Entertainment Venue users are required to wear a face covering when the user is within six feet of another person. When the user is seated and not within six feet of a person they may remove the face covering, but must wear the face covering when walking to or from their seat and while standing in or walking through public areas such as lobbies and restrooms.
- G. Definitions. For purposes of this emergency ordinance, the following terms or phrases have the meanings ascribed to them:
 - a. “Face covering” means a manufactured or homemade cloth covering or other covering that is not a medical-grade mask, but otherwise fully covers a person’s nose and mouth secured to the head with ties or straps or simply wrapped around the lower face and head. The terms “mask” and “face covering” are synonymous.
 - b. “Medical-grade mask” means an N95, KN95, surgical, or other mask that would be appropriate for a healthcare setting, or a setting in which direct patient care is provided.
 - c. “Indoor spaces 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 but are not limited to retail businesses, stores, rental establishments, restaurants, bars, City of Grand Marais government buildings, service establishments, service centers, recreational facilities, as well as other establishments and facilities that offer food and beverage not for on-premises consumption, including grocery stores, markets, convenience stores, pharmacies, drug stores, and food shelves.
 - d. “Outdoor spaces” means any outdoor location where people are unable to distance themselves a minimum of six feet.

section 3. PENALTY; ENFORCEMENT. Any person violating this Ordinance shall be

subject to a civil penalty in an amount not to exceed \$100. Each day on which a violation occurs shall be a separate offense and may be otherwise enforced in the same manner as any violation of City Code.

- A. Any individual who fails to comply with this emergency ordinance will be asked to leave by an authorized representative of the business or organization. If the individual continues to refuse to leave, law enforcement may enforce trespassing laws or any other law the individual may violate. Businesses and organizations may rely on an individual's statements if they claim meet one or more of the above exceptions.
- B. Any business violating this emergency ordinance shall be subject to administrative action for any licenses they possess with the City

Section 4. EFFECTIVE DATE. This emergency ordinance shall be effective from and after July ____, 2020.

Section 5. EXPIRATION DATE. This emergency ordinance shall expire upon the earlier of the following:

- A. The date on which the local emergency due to the COVID-19 pandemic expires or is repealed; or
- B. The enactment of a statewide order by Governor Walz requiring face coverings in indoor spaces of public accommodation.

Passed by the City Council of the City of Grand Marais, Minnesota, this _____ day of July, 2020.

Mayor

ATTEST:

City Administrator