

Mayor's Proclamation Requiring Face Coverings in Indoor Areas Accessible to the Public

WHEREAS, Novel Coronavirus Disease 2019, commonly known as "COVID-19," which is a respiratory disease that can result in serious injury or death, is spreading globally and has been identified by the World Health Organization ("WHO") as a pandemic; and

WHEREAS, on March 13, 2020, Governor Tim Walz declared a Peacetime State of Emergency to authorize any and all necessary resources to be used in support of the COVID-19 response; and

WHEREAS, the Governor's declaration of a Peacetime State of Emergency constitutes a civil defense emergency under White Bear Lake Municipal Code §503.020, subd. 2, which activated the City's emergency powers under §503 of the Municipal Code; and

WHEREAS, on March 23, 2020, Mayor Jo Emerson and the City Council declared a local emergency regarding COVID-19 that continues in effect until its rescission by the City Council; and

WHEREAS, Governor Walz signed Executive Order 20-56 to rescind 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by the Minnesota Department of Health ("MDH") and the Center for Disease Control ("CDC") until this Executive Order is rescinded. Such face masks and coverings are for source control to help limit the person wearing the covering from infecting others; and

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

1. 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;
2. Cloth face coverings may help prevent people who have COVID-19 from spreading the virus to others;

3. Cloth face coverings are most likely to reduce the spread of COVID-19 when they are widely used by people in public settings;
4. 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; and

WHEREAS, Governor Walz's Emergency Executive Order 20-74 makes clear his order does not "prohibit or prevent political subdivisions from implementing, within their jurisdictions and pursuant to applicable law and authority, restrictions beyond the restrictions contained in this Executive Order" and that "cities and other political subdivisions may take actions that are more protective of the public health"; and

WHEREAS, §503.070 of the Municipal Code authorizes the Mayor promulgate regulations by proclamation as may be required to protect public safety, health and welfare in civil defense emergencies, to file the proclamation in the office of the City Clerk, and to have the regulations imposed by the proclamation to remain in effect for 30 days or the end of the emergency, whichever occurs first; and

WHEREAS, following CDC recommendations regarding the wearing of face coverings is important to protect public health and safety and to reduce the spread of COVID-19 to vulnerable adults; and

WHEREAS, many individuals infected with COVID-19 show no symptoms, yet risk transferring the disease to others. Wearing a face covering greatly reduces the risk of COVID-19 being spread through the community; and

WHEREAS, a primary purpose of the above-mentioned State Executive Orders requiring limitation on business operations is to prevent hospitals and supplies from being overrun. The purpose of this declaration is to protect health and safety, and minimize the potential that local businesses and employers may need to reclose due to an increase in state or local COVID-19 cases; and

WHEREAS, many businesses have already required masks within their premises.

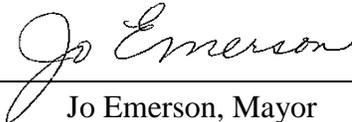
NOW, THEREFORE, BE IT RESOLVED, I, Jo Emerson, Mayor of the City of White Bear Lake, hereby declare:

1. All individuals shall wear a face covering in indoor areas accessible to the public, unless exempted as follows:
 - a. Individuals within facilities operated by the County, State or Federal Government;

- b. Individuals within personal care services/salons that already have specific State requirements for face covering;
 - c. Individuals within medical facilities that already have specific face covering requirements;
 - d. Children two years of age or younger;
 - e. Individuals actively eating or drinking;
 - f. Individuals temporarily removing the face covering for identification purposes;
 - g. Individuals unable to wear a face covering due to medical, disability, or developmental reasons;
 - h. 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;
 - i. Individuals speaking to someone who is deaf or hard of hearing and requires the mouth to be visible to communicate; or
 - j. Participants in youth sports who are already subject to all requirements under State Orders.
2. Restaurants and Bars must include in their COVID-19 Preparedness Plan that all customers wear a face covering when not seated at their table.
3. Retail Businesses must include in their COVID-19 Preparedness Plan that all employees wear a face covering when the individual is within any area open to the public 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.
4. Public and for hire transportation users are required to wear a face covering before boarding and entering a bus or for hire vehicle and wear the face covering until the user exits the vehicle.
5. 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.
6. 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 can 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.
7. Violation of this emergency proclamation is not a criminal offense. However:
 - a. Any individual who fails to comply with this proclamation 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 to be exempt from the proclamation due to medical, disability, or developmental reasons;

- b. Any business violating this proclamation shall be subject to administrative action for any licenses they possess with the City.
8. For purposes of this proclamation, "face covering" shall mean a manufactured or homemade cloth covering that fully covers an individual's nose and mouth. The terms "mask" and "face covering" are synonymous.
 9. Effective Date. This emergency proclamation shall take effect at 12:01 a.m., Friday, July 17, 2020. This proclamation shall continue in effect for the effective date until the earlier of the following:
 - a. The enactment of a statewide order by Governor Walz requiring face coverings in indoor areas accessible to the public;
 - b. The State's Peacetime Emergency Declaration ends;
 - c. The White Bear Lake City Council resolves to rescind this declaration; or
 - d. Thirty days from the enactment of this emergency proclamation.
 10. The emergency proclamation shall be filed in the office of the City Clerk, it shall be posted on the City's website and at City Hall, and such further notice shall be provided so as to reasonably inform the public of the regulations contained herein.



Jo Emerson, Mayor

July 14, 2020

Date Signed