RESOLUTION 20- 20

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DUNEDIN SETTING CITY FACILITY PUBLIC SAFETY REQUIREMENTS; MANDATING THAT INDIVIDUALS WEAR A FACE COVERING IN CITY FACILITIES; ESTABLISHING EXCEPTIONS; ESTABLISHING PROHIBITIONS; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE AND SUNSET.

WHEREAS, according to the Centers for Disease Control (the "CDC"), Novel Coronavirus Disease 2019 ("COVID-19") is a severe acute respiratory illness that can spread among humans through respiratory transmission; and

WHEREAS, on March 9, 2020, pursuant to executive order 20-52, the Governor of the state of Florida ("Governor") declared a state of emergency throughout the state for the purpose of responding to COVID-19. That statewide emergency has been extended by subsequent order of the Governor (specifically, executive order 20-114), and it remains in effect at this time; and

WHEREAS, On March 13, 2020, the City Commission of the City of Dunedin ("Commission") adopted Resolution 20-06 to declare a state of emergency in Dunedin, Florida, (the "City") for the purpose of responding to COVID-19. That state of emergency has been extended in seven-day increments by subsequent resolutions, and it remains in effect at this time; and

WHEREAS, the Governor has begun the process of relaxing restrictions on businesses and personal interactions pursuant orders implementing provisions of the Safe. Smart. Step-by-Step Plan for Florida's Recovery ("State Plan"); and

WHEREAS, testing for COVID-19 has recently shown dramatic increases in infection rates within Pinellas County – particularly within the 18-34 age group; and

WHEREAS, the Commission finds that COVID-19 continues to present an increasing danger to the health, safety, and welfare of the public; and

WHEREAS, the Centers for Disease Control (CDC) advises that COVID-19 spreads mainly from person to person through respiratory droplets produced when an infected person coughs, sneezes, or talks; these droplets can land in the mouths or noses of people who are nearby or possibly be inhaled into the lungs; and studies and evidence on infection control report that these droplets usually travel around 6 feet (about two arms lengths); and

WHEREAS, the CDC advises that a significant portion of individuals with coronavirus lack symptoms ("asymptomatic") and that even those who eventually develop symptoms ("pre- symptomatic") can transmit the virus to others before showing symptoms. This means that the virus can spread between people interacting in close proximity—for example, speaking, coughing, or sneezing—even if those people are not exhibiting symptoms; and

WHEREAS, the CDC recommends wearing cloth face coverings in public settings where other social distancing measures are difficult to maintain in order to slow the spread of the virus and help people who may have the virus and do not know it from transmitting it to others; and

WHEREAS, the CDC does not recommend wearing cloth face covering for children under the age of 2, or anyone who has trouble breathing, or is unconscious, incapacitated or otherwise unable to remove the mask without assistance; and

WHEREAS, the CDC recommends only simple cloth face coverings for the general population and not surgical masks or N-95 respirators because these are critical supplies that must continue to be reserved for healthcare workers and other medical first responders; and

WHEREAS, cloth face coverings are relatively inexpensive and readily available as the CDC states they can be made from household items and provides online guidance for making "do- it-yourself" coverings for people that cannot or do not want to buy one from the increasing sources producing and selling coverings; and

WHEREAS, the Commission finds it is in the best interest of public health, safety and welfare of the residents and workers of and visitors to Dunedin to require suitable face coverings in City facilities to slow the spread of COVID-19; and

WHEREAS, the Commission finds the inconvenience of a Resolution requiring the use of face coverings or other suitable face coverings is minimal compared to the risk to the health, safety, and welfare of the community were no such rule imposed; and

WHEREAS, the Commission finds adoption of this Resolution is necessary for the preservation of the health, safety, and welfare of the community; and

WHEREAS, the State of Florida has not preempted local governments from regulating in the field of minimum health requirements with respect to COVID-19; and

WHEREAS, the City remains under a State of Local Emergency and this Resolution is intended to constitute an order enforceable as misdemeanors by law enforcement through F.S. 252.47 and F.S. 252.50; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA:

SECTION 1. Findings. The above recitals are adopted by the Commission as legislative findings.

SECTION 2. Definitions. For purposes of this Resolution, the following terms are defined as follows:

(1) Face Covering. A "face covering" is a material that securely covers the nose and mouth and remains affixed in place without the use of one's hands and serves as personal protective equipment. It can be secured to the head with ties or straps or simply wrapped around the lower face covering the mouth and nostrils, as described by applicable guidance from the CDC. A cloth face covering may be factory-made or sewn by hand or can be improvised from clothing or other household items. Examples of compliant homemade masks may be found at **https://www.cdc.gov/coronavirus/2019ncov/prevent-gettingsick/diy-cloth- face-coverings.html**. A plexiglass face shield may be worn in place of a mask type covering. Persons who wear face coverings should review the CDC and Florida Department of Health guidelines regarding safely applying, removing, and cleaning face coverings.

(2) Social Distancing. "Social distancing" means keeping space between yourself and other people by staying at least 6 feet (about 2 arm's length) from other people, other than a Companion.

(3) Companion. "Companion" means a person or persons by whom you are accompanied.

SECTION 3. Mandatory requirements and prohibitions.

(1) All persons must wear a face covering while in any City facility within the City of Dunedin. Persons are generally discouraged from utilizing N95 rated masks, as those are critical supplies for health care workers, police, fire, emergency management, or other persons engaged in life/safety activities.

(2) The face covering requirements of this Resolution do not apply to:

a. A person under the age of 18, except that person's use of a face covering is left to the discretion of that person's parent, guardian, or accompanying adult.

b. These requirements do not apply if (i) less than 10 people are in the location and (ii) the people in that location maintain Social Distancing.

c. Persons exercising while maintaining Social Distancing.

d. These requirements do not apply during a period in which compliance would interfere with participation in a religious ritual where Social Distancing can be maintained.

e. Public safety, fire, EMS, law enforcement and other life safety and health care personnel, as their personal protective equipment requirements will be governed by their respective agencies or employers.

f. Patrons or customers in any City facility that have no contact with an employee except as protected by a solid barrier such as a plexiglass shield that substantially prohibits incidental infection from respiratory droplets, provided that 6 feet of distance exists between all other customers or persons not at all times protected by the solid barrier.

g. A situation where any person who is hearing-impaired needs to see the mouth of someone wearing a face covering to communicate with the person wearing the face covering, these requirements do not apply during the course of that communication.

h. These requirements do not apply to a person who has trouble breathing or while a person is unconscious, incapacitated, or otherwise unable to remove the face covering without assistance.

i. These requirements do not apply if following these requirements would be detrimental to health, safety, or security. If this exception is being asserted for health reasons, the person asserting this exception is not required to carry or produce documentation verifying the health condition or to specifically identify the health condition to the business, an operator, or law enforcement.

j. These requirements may not be applied in a manner that would conflict with the Americans with Disabilities Act (ADA).

k. These requirements do not apply within a workplace area not otherwise open to the public while a person is complying with engineering, administrative, and work practice controls and/or personal protective equipment (PPE) requirements, developed in accordance with the United States Occupational Safety and Health Administration (OSHA) mitigation and contingency planning document entitled "Guidance for Preparing Workplaces for COVID-19" (as it may be amended or superseded from time to time).

(3) This Resolution is not intended to decrease or lessen any social distancing or public protection requirements otherwise made applicable by law or order of the County, the State or any other local governmental entity.

SECTION 4. Penalties and Enforcement. This Resolution may be enforced through any of the following legal processes:

(1) Non-Criminal Citation. A code compliance or law enforcement officer may, upon observation of a violation by a person who does not immediately put on a face covering after receiving a warning, issue a Local Ordinance Violation citation to appear in County Court as authorized under Section 18-38 of the Code of Ordinances.

(2) Injunctive relief. This Resolution may be enforced through a complaint for injunctive relief in Circuit Court seeking to enjoin violations that occur within the City.

(3) Misdemeanor Arrest or Notice to Appear for Repeat Violations. Repeat violations of this Resolution, which was enacted for emergency purposes during a State of Local Emergency declared by the City, may be enforced by Sheriff's Deputies pursuant to the provisions of §§252.47 and 252.50, Florida Statutes.

SECTION 5. Severability. If any section, subsection, sentence, clause, or provision of this Resolution is held by a court of competent jurisdiction to be invalid, the remainder of this Resolution shall not be affected by such invalidity.

SECTION 6. Effective Date. This Resolution shall take at 5:00 P.M. on Friday, July 3, 2020.

SECTION 7. Sunset Date. Unless rescinded or extended by subsequent act of the Commission, this Resolution shall sunset upon the expiration of the City State of Local Emergency as it may be extended pursuant to law.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 2nd day of July, 2020.

Julie Ward Bujalski
Mayor

SEAL ATTEST:

Rebecca Schlichter
City Clerk