

**ORDINANCE NO. 2020-09**

**AN EMERGENCY ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, REQUIRING BUSINESS ESTABLISHMENTS TO POST SIGNAGE REGARDING FACE COVERINGS AS MORE FULLY SPECIFIED HEREIN; PROVIDING FOR SEVERABILITY; PROVIDING FOR READING BY TITLE ONLY; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, Novel Coronavirus Disease 2019 (COVID-19) is a severe acute respiratory illness that can spread among humans through respiratory transmission and causes symptoms similar to those of influenza and, in some cases, death; and,

WHEREAS, on March 13, 2020, President Donald J. Trump issued a Proclamation Declaring a National Emergency concerning COVID-19; and,

WHEREAS, on March 9, 2020 Ron DeSantis, Governor of the State of Florida, issued Executive Order No. 20-52 in which the Governor declared a State of Emergency exists in the State of Florida and on May 8, 2020 the Governor issued Executive Order No. 20-114 which extended the declaration of a State of Emergency for an additional period of sixty (60) days, and on July 7, 2020, the Governor issued Executive Order No. 20-166, which extended the declaration of a State of Emergency an additional sixty (60) days, which declaration remains in effect through September 5, 2020; and,

WHEREAS, between March 17, 2020 and the date hereof, the Governor issued several Executive Orders placing numerous restrictions on individuals and businesses in response to the state-wide threat of the spread of COVID-19; and,

WHEREAS, on March 16, 2020 the City of Palmetto declared a City-wide Public Health Emergency pursuant to Resolution 2020-05; and,

WHEREAS, mitigating the effects of COVID-19 and protecting the health of its citizens and visitors is a high priority of the City of Palmetto; and,

WHEREAS, the Reopen Florida Task Force, in its Report to the Governor, noted that there is currently no vaccine to prevent contraction of COVID-19 and that all Floridians have a responsibility to continue practicing mitigation measures; and,

WHEREAS, on April 29, 2020, subsequent to his receipt of said Report, the Governor issued Executive Order 20-112 which is effective from May 4, 2020 until the Governor issues a subsequent order which terminates or modifies it; and,

WHEREAS, Executive Order 20-112 began Phase 1 of the safe, smart, step-by-step approach to reopen Florida while continuing the social distancing United States Centers for Disease Control and Prevention (“CDC”) guidance of limiting gatherings to no more than 10 persons and distancing from other parties by six feet; and,

WHEREAS, on June 3, 2020 the Governor issued Executive Order 20-139 which also extended and further modified Executive Order 20-112 by commencing Phase 2 of the "Plan for Florida's Recovery" as part of the safe, smart, step-by-step approach to reopen Florida; and,

WHEREAS, Executive Order 20-139 provides that all persons in Florida are encouraged to follow appropriate social distancing and safety protocols issued by the CDC and Occupational Safety and Health Administration (OSHA) and that senior citizens and individuals with a significant underlying medical condition are strongly encouraged to avoid crowds and that all persons in Florida are encouraged to avoid congregating in groups larger than 50 persons and that in store retail businesses should maintain appropriate social distancing and sanitation protocols; and,

WHEREAS, Executive Order 20-139, among other things, allows City Council and board meetings to be conducted using communications media technology; and,

WHEREAS, guidance released by the CDC on June 15, 2020, states (i) that the virus that causes COVID-19 is mostly spread by respiratory droplets released when people cough, sneeze, or

talk and (ii) that a person can also get COVID-19 by touching a surface or object that has the virus on it and then touching their own nose, mouth, or possibly their eyes. This guidance goes on to state that "personal prevention practices (such as staying home when sick, social distancing, wearing a cloth face covering, and handwashing) and environmental prevention practices (such as cleaning and disinfection) are important ways to prevent the spread of COVID-19;" and,

WHEREAS, guidance released by the CDC dated June 15, 2020, indicates that the risk of contracting COVID-19 is increased by a variety of factors, including (i) interacting with more people; (ii) engaging with new people (e.g., those who don't live with you); and (iii) being close to people who may be infected. According to this guidance "[i]t's important that you and the people around you wear a cloth face covering when in public and particularly when it's difficult to stay 6 feet away from others consistently"; and,

WHEREAS, the United States Centers for Disease Control and Prevention ("CDC") has expressly found 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. Studies and evidence on infection control report that these droplets usually travel around 6 feet (about two arms' length)"; and,

WHEREAS, the CDC therefore specifically recommends that as businesses and communities reopen, and people resume their daily activities, people should wear face coverings to slow the spread of COVID-19, particularly "in public settings where other social distancing measures are difficult to maintain"; and,

WHEREAS, on June 20, 2020, the State of Florida's Surgeon General, Scott A Rivkees, M.D., issued a Public Health Advisory recommending the wearing of face coverings in any setting where social distancing is not possible except under certain circumstances; and,

WHEREAS, Sections 876.12 through 876.15, Florida Statutes, make it unlawful to wear a mask, however, pursuant to Section 876.155, Florida Statutes, this prohibition against mask wearing only applies when there is also evidence of an intent to intimidate other people, deprive them of equal protection under the law, or engage in criminal conduct; and,

WHEREAS, based on recent information and data from the Manatee County Emergency Management, the number of confirmed cases of COVID-19 in Manatee County has increased significantly since additional reopenings were authorized under Phase 2 of the Governor's Plan for Florida's Recovery; and,

WHEREAS, based on advice from medical professionals the number of confirmed cases of COVID-19 will increase exponentially if additional measures to stop or slow the spread of COVID-19 are not instituted; and,

WHEREAS, the City Commission resolves that it is in the best interests of the residents of the City of Palmetto and it is in the furtherance of the public health, safety, welfare to formally adopt this ordinance to require signage by business establishments regarding the wearing of face coverings, as more fully specified herein, and on an emergency basis.

NOW THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA:

**Section 1.** Emergency Ordinance No. 20-09, entitled "Face Covering Signage Requirements during COVID-19", is hereby created to provide as follows:

A. Definitions.

"Business establishment" shall mean any location where members of the public are regularly invited inside of a building to conduct business, service, governmental, social, recreational or not-for-profit activities. This definition shall specifically include but shall not be limited to retail, office, professional or service establishments, restaurants, fitness centers, bars, places of assembly, governmental buildings and public lodging establishments.

"Face Covering" shall mean a uniform piece of material that securely covers a person's nose and mouth and remains affixed in place without the use of one's hands, whether store-bought or homemade, concurrent with CDC guidelines.

"Social Distancing" shall mean keeping space between oneself and other people by staying at least 6 feet apart.

B. Face Covering Signage Required.

Each business establishment shall post a sign visible at each public point of entry, which sign shall either (1) advise persons entering that face coverings are required or requested to be worn within the business establishment; or (2) notify persons entering that the United States Center for Disease Control and Prevention recommends the wearing of face coverings in public, particularly where social distancing cannot be maintained.

C. Legislative Intent.

The Legislative intent of this Ordinance is to educate and encourage members of the public to wear face coverings within enclosed business establishments. Nothing contained herein shall be construed to mandate the wearing of face coverings nor require the owner or operator of any business establishment to mandate or otherwise enforce the wearing of face coverings.

**Section 2.** It is hereby declared to be the intention of the City Commission that the sections, paragraphs, phrases, clauses and sentences of this Ordinance shall be deemed severable, and if any section, paragraph, phrase, clause or sentence of this Ordinance is declared unconstitutional or otherwise invalid by the judgment of a court of competent jurisdiction, then such unconstitutionality or invalidity shall not affect the validity of this Ordinance as a whole, or any of the remaining sections, paragraphs, phrases, clauses or sentences, other than the part held or declared to be invalid.

**Section 3.** This Ordinance shall take effect at 12:01 a.m. on Friday, July 24, 2020.

**Section 4.** This Ordinance shall not be codified in the City of Palmetto Code of Ordinances.

**Section 5.** Pursuant to Section 166.041(3)(b), Florida Statutes, this Ordinance has been adopted by the affirmative vote of four (4) members of the City Council and shall sunset or expire sixty (60) days after adoption, unless otherwise extended or repealed prior to such expiration date.

PASSED AND DULY ADOPTED, BY THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, with a quorum present and voting, this \_\_\_\_, day of \_\_\_\_\_, 2020.

CITY OF PALMETTO, FLORIDA

\_\_\_\_\_  
Shirley Groover Bryant, Mayor

ATTEST:

\_\_\_\_\_  
Jim Freeman, City Clerk