

## MEMORANDUM

**TO:** Mayor England  
Vice Mayor Kostka  
Commissioner George  
Commissioner Samora  
Commissioner Rumrell

**FROM:** Max Royle, City Manager 

**DATE:** July 6, 2020

**SUBJECT:** Face Covering Ordinance

The City Attorney prepared it today and we sent it to you by email. A paper copy is attached. You can add the ordinance to the agenda as the first item under Old Business.

Also, attached is Resolution 20-13 that Lex wrote after your Thursday night meeting. You may want to review its language to be certain it's what you approved last Thursday.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF SAINT AUGUSTINE BEACH, FLORIDA, MAKING FINDINGS OF FACT; ADDING TO THE CITY'S CODE OF ORDINANCES SECTION 13-6 TO REQUIRE THE USE OF FACE COVERINGS; PROVIDING FOR CODIFICATION; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.**

**WITNESSETH:**

**WHEREAS**, on March 13, 2020, President Donald J. Trump issued a Proclamation Declaring a National Emergency concerning Coronavirus Disease 2019 ("COVID-19"); 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 lengths) 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 March 1, 2020, Governor Ron DeSantis issued Executive Order Number 20-51 declaring a Public Health Emergency in the State of Florida due to the spread of COVID-19 and subsequently, Governor Ron DeSantis issued multiple additional executive orders extending the Public Health Emergency and coordinating a multi-phase plan for protecting the public from COVID-19; and

**WHEREAS**, based on recent information and data from the Florida Department of Health, the number of confirmed cases of COVID-19 in St. Johns County and the City of St. Augustine Beach has increased significantly, which increase may result in additional deaths; and

**WHEREAS**, on March 17, 2020 the St. Johns County Board of County Commissioners issued Emergency Proclamation Number 2020-1 declaring a local state of emergency in response to a county-wide threat from COVID-19, which Proclamation has been extended numerous times, and entered into an agreement for the "Pledge St. Johns County" which promotes following the CDC guidelines; and

**WHEREAS**, on June 26, 2020, the City of Saint Augustine passed resolution 2020-22 which provides for mandatory indoor use of face coverings; and

**WHEREAS**, the City Commission for the City of St. Augustine Beach recognizes that face coverings are only a component of reducing the spread of COVID-19 and other infectious diseases, other components include frequent hand washing, proper social distancing, and any other components the CDC has implemented for the reducing the spread of COVID-19 and other infectious diseases; and

**WHEREAS**, the City Commission for the City of St. Augustine Beach finds that it is in the best interest of public health, safety, and general welfare that the following be adopted consistent with the requirements of Section 166.021(4), Florida Statutes.

**THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF SAINT AUGUSTINE BEACH, FLORIDA:**

**SECTION 1.** The foregoing recitals are incorporated as legislative findings of fact.

**SECTION 2.** From and after the effective date of this ordinance, Chapter 13 – MISCELLANEOUS PROVISIONS, Article I, Section 13-6 of the Code of Ordinances of the City is added as follows:

**Sec. 13-6. – Requirement to Wear Facial Coverings during a declared epidemic emergency.**

a) Definitions:

- i. Epidemic Emergency shall mean a state of emergency declared at the Federal, State of Florida, or County of Saint Johns level in response to an amount of disease in the community above what is normally expected in that population.
- ii. Face Covering shall mean a uniform piece of material that securely covers a person's nose and mouth which remains affixed in place without the use of one's hands. Types of coverings include a face mask, homemade mask, or other covering, such as a scarf, bandana, handkerchief, or other similar cloth covering or shields (which may be made of plastic, polymer, or other similar materials).
- iii. Social Distancing shall mean keeping space between yourself and other people by staying at least six (6) feet (about 2 arms' length) from other people.
- iv. Companion shall mean a person by whom you are accompanied.

- b) Whenever an epidemic emergency is declared at either the Federal, State, or County level for the City of Saint Augustine Beach, the City Commission may adopt by resolution requirements to wear facial coverings. The resolution may make reasonable regulation as to when and where facial coverings shall be worn.
- c) Nothing herein shall require or allow a person to wear a face covering to conceal the identity of the wearer in violation of Chapter 876, Florida Statutes.
- d) Enforcement. Pursuant to Sec. 252.46, Florida Statutes, this Resolution shall have the full force and effect of law, and pursuant to Chapter 1, Section 1-9 of the Code of the City of Saint Augustine Beach, a violation of this Resolution shall be a non-criminal civil infraction, enforceable under Chapter 1, Section 1-9, of the City Code, which carries a penalty of up to a \$500.00 fine. The City Commission may set by resolution a scale of the penalties which may include warnings.

(Ord. No. 20-\_\_\_\_, § \_\_\_\_\_)

**SECTION 3.** All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

**SECTION 4.** The appropriate officers and agents of the City are authorized and directed to codify, include and publish in electronic format the provisions of this Ordinance within the City of Saint Augustine Beach Code, and unless a contrary ordinance is adopted within ninety (90) days following such publication, the codification of this Ordinance shall become the final and official record of the matters herein ordained. Section numbers may be assigned and changed whenever necessary or convenient.

**SECTION 5.** This Ordinance shall take effect immediately upon passage.

**PASSED, APPROVED AND ADOPTED** at the regular meeting of the City Commission of the City of Saint Augustine Beach, Florida this \_\_\_\_ day of \_\_\_\_\_, 2020.

**ATTEST:**

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**CITY CLERK**

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**MAYOR**

**EXAMINED AND APPROVED** by me this \_\_\_\_ day of \_\_\_\_\_, 2020.

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**MAYOR**

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**RESOLUTION NO. 2020-13**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF  
ST. AUGUSTINE BEACH, FLORIDA PROVIDING FOR  
STRONGLY RECOMMENDED INDOOR USE OF FACE  
COVERINGS IN RESPONSE TO CONTINUED SPREAD OF  
CORONAVIRUS DISEASE 2019.**

**WHEREAS**, on March 13, 2020, President Donald J. Trump issued a Proclamation Declaring a National Emergency concerning Coronavirus Disease 2019 (“COVID-19”); 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 lengths) 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 March 1, 2020, Governor Ron DeSantis issued Executive Order Number 20-51 declaring a Public Health Emergency in the State of Florida due to the spread of COVID-19 and subsequently, Governor Ron DeSantis issued multiple additional executive orders extending the Public Health Emergency and coordinating a multi-phase plan for protecting the public from COVID-19; and

**WHEREAS**, based on recent information and data from the Florida Department of Health, the number of confirmed cases of COVID-19 in St. Johns County and the City of St. Augustine Beach has increased significantly, which increase may result in additional deaths; and

**WHEREAS**, on March 17, 2020 the St. Johns County Board of County Commissioners issued Emergency Proclamation Number 2020-1 declaring a local state of emergency in response to a county-wide threat from COVID-19, which Proclamation has been extended numerous times, and entered into an agreement for the “Pledge St. Johns County” which promotes following the CDC guidelines; and

**WHEREAS**, on June 26, 2020, the City of Saint Augustine passed resolution 2020-22 which provides for mandatory indoor use of face coverings; and

**WHEREAS**, pursuant to Sec. 252.38, Florida Statutes, power is vested in both municipalities and counties and the City of Saint Augustine Beach is required to coordinate with Saint Johns County to enact emergency orders; and

**WHEREAS**, the City Commission for the City of St. Augustine Beach recognizes that face coverings are only a component of reducing the spread of COVID-19, other components include frequent hand washing, proper social distancing, and any other components the CDC has implemented for the reducing the spread of COVID-19; and

**WHEREAS**, the City Commission for the City of St. Augustine Beach finds that it is in the best interest of public health, safety, and general welfare that the following be adopted consistent with the requirements of Section 166.021(4), Florida Statutes.

**THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF SAINT AUGUSTINE BEACH, FLORIDA:**

**Section 1. Definitions.**

*Face Covering* shall mean a uniform piece of material that securely covers a person's nose and mouth which remains affixed in place without the use of one's hands. Types of coverings include a face mask, homemade mask, or other covering, such as a scarf, bandana, handkerchief, or other similar cloth covering or shields (which may be made of plastic, polymer, or other similar materials).

*Social Distancing* shall mean keeping space between yourself and other people by staying at least six (6) feet (about 2 arms' length) from other people.

*Companion* shall mean a person by whom you are accompanied.

**Section 2. Face Coverings Strongly Recommended.**

a. Every person working, living, visiting, or doing business in the City of St. Augustine Beach should wear a face covering in any indoor location, other than their home or residence, when not maintaining social distancing from another person(s), excluding family members or companions.

b. Nothing herein should require or allow a person to wear a face covering to conceal the identity of the wearer in violation of Chapter 876, Florida Statutes.

c. All businesses are encouraged to prohibit entry of any person who is not wearing a face covering with the exception of those below listed persons.

d. If a permit is issued for an outdoor event by the City of Saint Augustine Beach greater than or equal to fifty (50) persons, that permit shall require wearing the face coverings as condition of issuance of the permit and those that attend are required to conform to this resolution.

### Section 3. **Exceptions.**

Nothing herein shall require the wearing of face coverings by the following people:

- a. Persons under the age of five years; and
- b. Persons observing social distancing in accordance with CDC guidelines; and
- c. Persons for whom a face covering would cause impairment due to an existing health condition; and
- d. Persons working in a business or profession who do not have interactions with other persons; and
- e. Persons working in a business or profession who maintain social distancing from another person; and
- f. Persons working in a business or profession where use of a face covering would prevent them from performing the duties of the business or profession, especially if the wearing of a face covering may present a health hazard such as excessive heat; and
- g. Persons exercising, while maintaining social distancing; and
- h. Persons eating or drinking; and
- i. Public safety, fire and other life safety and health care personnel, as their personal protective equipment requirements will be governed by their respective agencies; and
- j. The requirement shall not apply when a person who is hearing impaired needs to see the mouth of someone wearing a face covering to communicate; and
- k. The requirement does not apply to any outdoor activity allowed under City, County, or State order, but face coverings should be readily available when coming within six (6) feet of an individual not part of a person's immediate family or cohabitating living unit.

### Section 4. **Effective Date; Expiration Date.**

- a. This Resolution shall become effective on July 3, 2020, at 12:01 AM.



- b. This Resolution shall remain in effect in the City of St. Augustine Beach for so long as a state of emergency is in effect or unless otherwise modified or repealed.

**ADOPTED** in Emergency Session of the City Commission of the City of Saint Augustine Beach, Florida this \_\_\_\_ day of \_\_\_\_\_, 2020.

**ATTEST**

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Max Royle  
City Manager

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Margaret England  
Mayor-Commissioner

(SEAL)