


MEMORANDUM

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

FROM: Max Royle, City Manager 

DATE: July 14, 2020

SUBJECT: Public Hearing for Ordinance 20-XX and Resolution 20-XX: to Require Mandatory Wearing of Face Coverings Inside Buildings

INTRODUCTION

At your July 6th meeting you approved a resolution to make mandatory the wearing of facial covering, and you passed on first reading an ordinance with the same provision: facial coverings mandatory.

For your July 27th meeting the City Attorney has prepared the ordinance for final reading without the penalties for violations of the mandatory facial covering rule. The City Attorney has also prepared a second resolution that states the fines for violations.

ATTACHMENTS

Attached for your review is the following:

- a. Pages 1-6 the minutes of that part of your July 6th meeting when you discussed and approved the original resolution and passed the ordinance on first reading.
- b. Pages 7-10, the ordinance that the City Attorney prepared.
- c. Pages 11-14, the resolution with penalties that the City Attorney prepared.

ACTION REQUESTED

It is that you hold the public hearing and then pass the ordinance on final reading and approve the resolution.

SUPPLEMENTAL INFORMATION

The City's Communications Coordinator, Ms. Melinda Conlon, has prepared and disseminated the following to the public concerning the mandatory wearing of facial covering: an FAQ, an official notice, a graphic that explains Resolution 20-14 that you approved at your July 6th meeting, and a copy of Resolution 20-14.

Vice Mayor Kostka suggested the City have a couple of banners to tell the public about the City's face mask mandate. These will be put at the entrances to the City. She also suggested small signs with the same message to be put on the plazas. The City has ordered the banners and the signs.

MINUTES FROM CITY COMMISSION MEETING, JULY 6, 2020

XI. OLD BUSINESS

Resolution Regarding Wearing Facemasks (Added Item to Agenda)

Mayor England explained that this item has been added to the agenda and advised that City Attorney Douglas has disseminated the resolution that was passed on July 2, 2020 at an emergency meeting. She asked the Commission if there were any changes that need to be made.

Commissioner Samora advised that the resolution approved on July 2nd was correct; however, he would revisit the resolution to make it mandatory to wear facemasks instead of strongly encouraging people to wear facemasks.

Commissioner George had no comments.

Commissioner Rumrell had no comments.

Vice Mayor Kostka had no comments.

Mayor agreed that the final resolution from July 2nd was agreed to by the Commission. She then went back to the original resolution regarding facemasks being mandatory to see if the Commission would like to vote on the original resolution again and then asked the Commission to comment.

Commissioner Rumrell advised that he spent 17 hours calling and going to businesses in St. Augustine Beach from Friday through Monday. He explained that he spoke with other people who were upset that the City did not pass a facemask ordinance. He said that Resolution 20-13 made a difference in 75% of the 97% of the people he spoke to on the phone thought that the City passed a mandatory facemasks resolution. He explained that the people he spoke with did not know who he was and asked them if their businesses require facemasks for their visitors and employees. All but four businesses that he reached out to, which was 97% said that all employees wear facemasks and urge their visitors to wear facemasks. He commented that the businesses said that they did not enforce it because they were afraid to cause a problem within their own business and have people upset. He requested to get the message out of what we have and if the City changes the message to be mandatory, it will be very confusing to the public. He remarked that he called Neptune Beach, Atlantic Beach and Jacksonville Beach which have mandatory facemasks, they are only seeing 60% compliance. He showed a slide (Exhibit 2) for a campaign regarding messaging and education. He advised that Publix is urging their clients to wear facemasks, follow the directional pathways, and stay six feet apart over the loudspeakers. He explained that Publix is not carrying masks to give to people who do not have facemasks or forgot them at home. He suggested to purchase 5,000 masks in order to give 50 facemasks to each business in the City as a starter kit through the CARES Act, which St. Johns County received from the federal government to help with these types of purchases.

Mayor England advised that it was a good suggestion. She commented that the City has done four articles on wearing facemasks in the City's newsletter and numerous postings on Facebook and social media. She agreed that the City should do more, but up until now the facemask usage has not been as high as what Commissioner Rumrell has indicated.

Commissioner Rumrell suggested that City Manager Royle send to all businesses a sign that says the City supports the public in wearing facemasks. He explained that the City is more compliant than the other mandated cities and the resolution cannot be enforced anyways. He asked for more education.

Commissioner George explained that there would be no point in voting on the original resolution, given what Commissioner Rumrell said, unless Vice Mayor Kostka changes her vote. The public has voiced an overwhelming support to wear facemasks and the Commission is supposed to balance what the citizens want against objective rational thought and data. She said in this case nine out of ten people want a stronger message and that facemasks would be mandated. She commented that she has no data to overrule the people's well-expressed preference on this issue. She asked the objectors in the Commission what principle do they have to not give the people what they want. She remarked to use the phrase it is unenforceable is a buzz phrase to justify another reason for not wanting to pass it. She explained that this is about public health and will not be permanent.

Commissioner Samora likes Commissioner Rumrell's idea of the posters being given to all the businesses and to make copies of them if additional ones are needed. He disagreed that the public thought the Commission mandated wearing facemasks because everything he saw in the media and community was that the City did not mandate wearing facemasks but believed that businesses and citizens complied. He commented that the visitors coming from all over the country are not complying and they need to receive the message.

Vice Mayor Kostka explained that it was unfortunate what the headlines were in the media. She suggested to consider removing both strongly encourage or mandate. She asked what the City's goal is because 100% compliance can not be achieved. She agreed with Commissioner Rumrell's suggestion regarding education, especially to the visitors. She applauded Mayor England for always reminding the public to wear masks at each meeting. She suggested that Mayor England's picture should be taken with all her different facemasks and post it in the inside of all the hotels, businesses, etc. She explained that she is having a problem with the strong arm of mandating and then not being able to enforce it. She advised that what complicates it more is that the City needs to get the County's blessing on the resolution. She wants to increase messaging.

Mayor England thanked Commissioner Rumrell for his outreach to the businesses. She advised that the intensity after two weeks will disappear, and it will not be followed. She quoted a news article News For Jaxs and said that major cities in Florida have passed mandate facemasks by resolution or ordinances. She explained that St. Augustine and Jacksonville have passed a mandatory resolution or ordinance.

Discussion ensued that public comments would have to be given at this meeting if a new resolution would be voted on and why a new resolution was being done if a resolution were passed at an emergency meeting.

Assistant City Attorney Taylor advised that the item will be tabled from the emergency meeting so that the Commission could vote on it again or to discuss any changes. He requested that if a new resolution is passed the Commission will have to take public comments. The ordinance would need public comments too. He advised that the Commission would have to vote if the Commission wants to bring another resolution to be voted on. He explained that the vote would be different at this meeting than at the

emergency meeting and explained that it would be better to vote on an ordinance than a resolution. He explained that enforcement should not be in resolutions.

Mayor England asked for a motion.

Motion: to bring the original resolution back up for consideration to have a formal vote.
Moved by Commissioner George, **Seconded by** Mayor England.

Roll Call was as followed:

Commissioner Rumrell	No
Mayor England	Yes
Vice Mayor Kostka	No
Commissioner George	Yes
Commissioner Samora	Yes

Motion passes 3 to 2.

Mayor England advised that next the original resolution will be voted on and asked Commissioner Samora what was agreed to on the original resolution that failed. She explained that what the Commission will vote on next would be the amended original resolution. She then opened the Public Comments section. The following addressed the Commission:

Janine Rainville, 1015 Coquina Blvd., St. Augustine Beach, FL, walked this weekend and there were a lot of businesses who were confused about what had passed and advised that many were not wearing masks. She advised that wearing a facemask makes a difference.

Tom Reynolds, 50 Brigantine Court, St. Augustine Beach, FL, asked the Commission to vote no and believes everyone is smart enough to wear a facemask.

Hester Longstreet, 11 13th Street, St. Augustine Beach, FL, advised that Commissioner Rumrell is wrong and a mandate is needed.

Jo Ellen Parkey, 3 Coquina Blvd., St. Augustine Beach, FL, advised that wearing a facemask supports the people who work in St. Augustine Beach and if a mandate is not done, they will not wear facemasks. She explained that employees will not ask people to wear masks because they are afraid of losing their jobs.

Mayor England closed the Public Comments section.

Commissioner Rumrell clarified that messaging should go to the Airbnb as well. He explained that there were posters in the hotels that the City requires people to wear facemasks. He advised that the businesses are not enforcing the rule because they do not want to be the authority. He asked who is going to be the enforcer.

Mayor England advised that the first line of defense would be the businesses. She said that there are exceptions to the resolutions for those who can not wear facemasks. She explained that this is not a criminal act so the Police Department would not be writing citations.

Commissioner Rumrell advised that the businesses have told him that they are not enforcing it and explained that that is what we have now. Businesses are scared to make people without facemasks to leave because they are trying to stay open and if they make people leave, they might not be able to feed their families tomorrow. Publix advised that they do not enforce wear facemasks now. He asked where the enforcement is because businesses are not enforcing it now. He explained that Miami has a mandatory facemask ordinance but has no enforcement, so they still have high numbers of infected people. He explained that if the City is not going to enforce it, it is nothing better than a strong recommendation.

Commissioner George advised that the City would enforce it and it empowers shoppers, employees, etc. She remarked that people are begging for wearing facemasks to be mandatory. Former Mayor Snodgrass advised that this is a matter of public health and it should be enforced.

Mayor England agreed with Commissioner George.

Commissioner Samora explained that the businesses are not afraid of asking people who are not wearing facemasks to leave but are afraid of having their businesses close because of an increase in the coronavirus. If they close again some will never reopen. He remarked that the City does not need to follow the County because we are different. St. Johns County has more agriculture space and the City has more hotel rooms and restaurants than them.

Mayor England advised that the City does not want businesses to be closed temporarily and the costs to disinfect is high. She explained that in Section 1 Definitions to add "polymer shield," add in Section 3 (k), the fine in Section 4 would scale at \$50 for first offense, \$250 for second offense, and \$500 for third offense, Section 5 effective date would be July 6, 2020.

Motion: to approve the original resolution. **Moved by** Mayor England, **Seconded by** Commissioner George.

Roll Call was as followed:

Commissioner Rumrell	No
Mayor England	Yes
Vice Mayor Kostka	No
Commissioner George	Yes
Commissioner Samora	Yes

Motion passes 3 to 2.

Assistant City Attorney Taylor advised that an ordinance would be more effective and if the Commission did a first reading tonight it could be passed on final reading on July 27, 2020 Special Commission meeting. He advised that an ordinance would reduce challenges.

Mayor England advised that the Commission now would consider an ordinance to mandate wearing facemasks indoors. She advised that the effective date would be changed.

Discussion ensued regarding 20-13 Resolution on strongly encouraging people to wear facemasks would be obsolete, since 20-14 Resolution mandatory wearing of facemasks was passed tonight.

Mayor England opened the Public Comments section. The following addressed the Commission:

Tom Reynolds, 50 Brigantine Court, St. Augustine Beach, FL, asked to vote no on the ordinance and advised that people are smart enough to wear facemasks if they need to as well as gloves and safety glasses.

Discussion ensued regarding noticing of the ordinance for final reading; noticing the ordinance for second and final reading on July 27, 2020 at the Special Budget meeting; whether to have a Special Commission meeting before July 27, 2020; a resolution being created by second reading of the ordinance for the fines associated with not wearing facemasks; leaving the emergency declaration from St. Johns County under the Definition Section in order have an ordinance if there were any future pandemics; add language that specifies communicable disease or viral disease; pandemic language was from the CDC website; adding language regarding a measurement of positive cases; adding language for who enforces it; add language that the City would purchase masks for the businesses; and add an educational component for the businesses to the ordinance.

Mayor England advised that all the specific language for the type of pandemic would be in the resolution not a general ordinance.

Commissioner George that the ordinance is well written and is in support of Commissioner Rumrell's suggestion of purchasing facemasks. She agreed with the enforcement language is appropriate for the Land Development Regulations (LDRs).

Mayor England advised that the Commission can direct City Manager Royle to do communications regarding this ordinance and do Commissioner Rumrell's suggestions of purchasing facemasks for the businesses, education of the ordinance, a measurement clause, and who would enforce the ordinance.

Commissioner George asked about the measurement language if it should be temporary.

Assistant City Attorney Taylor advised that the temporary language already exists in the ordinance by saying it would only be effective when the county, state, or federal governments state there is an emergency. He asked if the Commission wanted to sunset the ordinance at the end of the year or do that by resolution.

Mayor England advised that instead of putting a date certain that the Commission would revisit it if any Commissioner wants to sunset the ordinance.

Commissioner Rumrell thanked the Commission for adding his suggestions when creating the resolution.

Vice Mayor Kostka advised that the Pledge cited in the ordinance is not through St. Johns County, but has their support.

Mayor England changed the language to "enter an agreement to support." She then asked City Attorney Douglas to read the title of the ordinance.

City Attorney Douglas read the title of the ordinance.

Mayor England asked for a motion.

Motion: to approve the ordinance with the amendment that the fifth whereas clause change the wording to “enter an agreement to support the Pledge for St. Johns County.” **Moved by** Commissioner George, **Seconded by** Commissioner Samora.

Roll Call was as followed:

Commissioner England	Yes
Vice Mayor Kostka	Yes
Commissioner Rumrell	No
Commissioner George	Yes
Commissioner Samora	Yes

Motion passes 4 to 1.

Assistant City Attorney Taylor asked the Commission to give staff direction on advertising.

Mayor England asked Commissioner Rumrell to discuss with City Manager Royle and the Communications / Event Coordinator the educational component and other items that Commissioner Rumrell wanted to address. She explained that the Communications / Event Coordinator has posted information on Facebook.

Commissioner Rumrell asked the City to purchase 5,000 facemasks for the businesses.

Mayor England asked City Manager Royle to ask the City of St. Augustine if the City could purchase some of their masks. Also, she advised that her friend has masks that could be sold at Ace Hardware and she could put facemasks at city hall for a donation if anyone wants them.

Commissioner Rumrell suggested City Manager Royle check with St. Johns County Emergency Management for facemasks for businesses.

Commissioner George advised that city hall must comply with the resolution and ordinance and to give staff direction to make sure they comply. She requested Mayor England to send a letter on letterhead to St. Johns County and to the State of Florida Representative and Governor to encourage any measures to put an end to COVID-19 and if Mayor England wanted to she could reference facemasks.

City Clerk Raddatz asked Commissioner George if all employees must wear facemasks.

Commissioner George advised that all employees must wear facemasks indoors if they cannot be six feet apart from another person. She commented for the record that the government who is making this ordinance is not exempt from this ordinance. She advised the public that they can go outside or indoors without a facemask if there is social distancing.

Mayor England advised that the Communications / Event Coordinator will be creating a Frequent Asked Question list for the public regarding the resolution and the ordinance.

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 in support of 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 27TH day of July 2020.

ATTEST:

MAX ROYLE, CITY MANAGER

MARGARET ENGLAND, MAYOR

EXAMINED AND APPROVED by me this 27th day of July, 2020.

MAYOR

Published in the _____ on the _____ day of _____, 2020. Posted on www.staugbch.com on the _____ day of _____, 2020.

RESOLUTION NO.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE BEACH, FLORIDA PROVIDING FOR MANDATORY 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

RES 2020-XX

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.

WHEREAS, the City of St. Augustine Beach passed on first reading an ordinance creating Chapter 13-Article I, Section 13-6 of the Code of Ordinances of the City allowing for the requiring of facial coverings in response to epidemics and should this ordinance be enacted a resolution is required to incorporate the specific requirements of this portion of the Code in the current COVID-19 epidemic.

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

Section 1. **City Acknowledgement.** It is the decision of the City Commission of the Saint Augustine Beach that Chapter 13-Article I, Section 13-6 of the Code of Ordinances of the City be invoked because of the COVID-19 epidemic.

Section 2. **Face Coverings Required.** In the following situations, the City of Saint Augustine Beach finds:

- a. Every person working, living, visiting, or doing business in the City of St. Augustine Beach shall 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 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.
- 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. Enforcement.

Pursuant to Chapter 13 – MISCELLANEOUS PROVISIONS, Article 1, Section 13-6 of the Code of Ordinances of the City, 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. First violation is a \$50.00 fine. Second violation is a \$250.00 fine. Following violations will be \$500.00 per violation.

RES 2020-XX

Section 5. Effective Date; Expiration Date.

- a. This Resolution shall become effective on August 4, 2020, at 12:01 AM.
- b. This Resolution shall remain in effect in the City of St. Augustine Beach until such time as the City Commission by resolution decides that facial coverings shall not be required, emergency is no longer declared by the Federal, State, and County government, or a sunset clause of December 31, 2020.

ADOPTED in Emergency Session of the City Commission of the City of Saint Augustine Beach, Florida this 27th day of July 2020.

ATTEST

Max Royle, City Manager

Margaret England, Mayor

(SEAL)