

THIRD AMENDMENT TO DECLARATION OF LOCAL EMERGENCY

Amending Local Emergency Regarding Required Face Coverings.

WHEREAS, On March 13, 2020, Governor Tim Walz declared a statewide emergency in response to the COVID-19 pandemic; and,

WHEREAS, On March 20, 2020, Mayor Kim Norton issued a Declaration of Local Emergency, to which the Common Council consented; and

WHEREAS, On May 25, 2020, Mayor Kim Norton issued an Amendment to the Declaration of Local Emergency, to which the Common Council consented; and

WHEREAS, On June 27, 2020, Mayor Kim Norton issued a Second Amendment to Declaration of Local Emergency, to which the Common Council consented; and

WHEREAS, Minn. Stat. §12.29 authorizes the Mayor to declare an existence of a local emergency, invoke necessary portions of the City's Emergency Operations Plans, and authorizes aid and services in accordance with mutual aid agreements. That authority is also found in Rochester Code of Ordinances, Section 8-1-5; and

WHEREAS, Kim Norton is the duly elected Mayor of the City of Rochester and wishes to invoke the authority provided for in Minn. Stat. §12.29, subd. 1, and R.C.O. §8-1-5, to declare a local emergency; and

WHEREAS, many individuals with COVID-19 are asymptomatic, yet risk transfer to others. Wearing a face covering greatly reduces risk of community spread; and

WHEREAS, Mayo Clinic supports the wearing of cloth facemasks in public settings. The proper use of facemasks helps to reduce the spread of COVID-19 to vulnerable adults; and

WHEREAS, Olmsted County Public Health Services follows Centers for Disease and Prevention (CDC) recommendations and supports the wearing of cloth face coverings in public settings; and

WHEREAS, on June 28, 2020, the CDC issued the following guidance on mask use:

1. CDC recommends that people wear cloth face coverings in public settings and when around people who do not 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.

WHEREAS, Rochester is the Med City and has thousands of daily visitors here for medical treatment. Rochester wants these visitors, many with serious underlying medical conditions, to feel safe when they visit; and

WHEREAS, the purpose of State Orders requiring limitations on businesses being open and capacity limits is to prevent hospitals and supplies from being overrun. The purpose of this Order is to minimize the need for future reclosing efforts based on public health data; and

WHEREAS, many businesses have already required masks and others indicated they would if the local jurisdiction requires them.

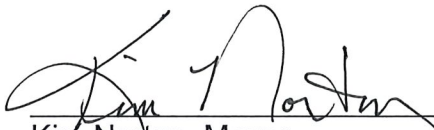
NOW, THEREFORE, MAYOR NORTON ORDERS AS FOLLOWS:

1. The existing Emergency Declaration, as amended, remains in effect as drafted so long as the State of Minnesota remains under a Peacetime Emergency or further Council action.
2. It is hereby Ordered that starting July 8, 2020, and continuing until the sooner of:
 - a. Governor Walz enacts a statewide order requiring face coverings.
 - b. The City of Rochester Emergency Management Director, in consultation with Mayo Clinic, Olmsted Medical Center and Olmsted County Public Health Services recommends it is no longer necessary.
 - c. An end to the State's Peacetime Emergency Declaration.
 - d. Council Resolution.
 - e. September 4, 2020.
 - f. All individuals shall wear a face covering in indoor areas accessible to the public and while riding in any public bus, unless exempted, as follows:
 - i. **Restaurants and Bars** must include in their COVID-19 Preparedness Plan that all customers wear a face covering when not seated at their table.
 - ii. **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.
 - iii. **Public Transportation** users are required to wear a face covering before boarding a bus and wear the face covering until the user exits the bus.

- iv. **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 Order, pools, trampoline parks, gymnastics facilities, hockey/skating arenas and climbing walls are considered Sports Facilities.
 - v. **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.
- g. Exemptions: This Order does not apply to:
- i. Facilities operated by the County, State or Federal Government.
 - ii. Personal Care Services/Salons that already have State face covering requirements.
 - iii. Medical facilities that already have face covering requirements.
 - iv. Children two years of age or younger.
 - v. Individuals actively eating or drinking.
 - vi. Individuals temporarily removing the face covering for identification purposes.
 - vii. Individuals unable to wear a face covering due to medical, disability, or developmental reasons.
 - viii. 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.
 - ix. Individuals speaking to someone who is deaf or hard of hearing and requires the mouth to be visible to communicate.
 - x. Participants in youth sports are exempt from this Order but subject to all requirements under the State's Executive Orders.
- h. Enforcement: Violation of this Order is not a criminal offense. However:
- i. Any individual who fails to comply with this Order 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 Order due to medical, disability, or developmental reasons.
 - ii. Any business violating this Order shall be subject to administrative action for any licenses they possess with the City.

3. For purposes of this Order, "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.
4. Businesses and organizations are encouraged to provide masks for customers at no or nominal cost.
5. Restaurants and bars are encouraged to take advantage of outdoor seating.

Dated at Rochester, Minnesota this 6th day of July, 2020.



Kim Norton, Mayor



City Clerk

