

MAYOR'S PROCLAMATION DECLARING A LOCAL EMERGENCY AND REQUIRING FACE COVERINGS IN INDOOR SPACES OF PUBLIC ACCOMMODATION

(Pursuant to Winona City Code § 23.06 and Minn. Stat. § 12.29)

WHEREAS, Minn. Stat. §12.29 and Winona City Code § 23.06 authorizes the Mayor of the City of Winona to declare a local emergency; and

WHEREAS, COVID-19, which is a respiratory disease that can result in serious injury or death, is spreading throughout the United States and has been identified by the World Health Organization ("WHO") as a pandemic; and

WHEREAS, the United States Center for Disease Control ("CDC") and Minnesota Department of Health ("MDH") have advised that aggressive community mitigation strategies are necessary to slow the transmission of COVID-19, reduce illness and deaths, and limit the economic impacts of the pandemic; and

WHEREAS, COVID-19 and specifically the more contagious Delta Variant has been confirmed to exist and be spreading rapidly within the State of Minnesota and in Winona County; and

WHEREAS, the COVID-19 Delta variant has been shown to be 50% more transmissible than other COVID-19 variants; and

WHEREAS, the MDH on August 17, 2021 declared that the State is now in a fourth wave of the virus driven by the high transmission rate of the Delta variant and as of August 25, 2021 the MDH reported 1,404 newly reported cases for the prior day; and

WHEREAS, as of August 13, 2021, the CDC, Minnesota Department of Health, and the American Academy of Pediatrics recommend the following guidance for people who should wear face coverings:

1. People, including children older than 2, who are not fully vaccinated;
2. Fully vaccinated people with weakened immune systems;
3. To maximize protection from the Delta variant and prevent possibly spreading it to others, fully vaccinated and unvaccinated people should wear a mask indoors in public if you are in an area of substantial or high transmission;
4. Children, teachers and staffers in K–12 schools across the nation in the coming school year, regardless of COVID-19 vaccination status;
5. Where there is a high risk of COVID-19 spread or complications from COVID-19 infection, such as schools, health care settings, homeless shelters, and correctional facilities;

6. If a person lives or frequently interacts with someone who is immunocompromised, not fully vaccinated, or at an increased risk for severe disease from COVID-19; and

WHEREAS, the COVID-19 pandemic is an unforeseen, present, sudden, and unexpected situation, which requires immediate action to be taken to prevent damage to the health, safety, and welfare of the citizens of the City; and

WHEREAS, the CDC has currently determined that there is a high rate of spread of COVID-19 in Winona County; and

WHEREAS, according to the CDC, MDH, and other public health experts, wearing a face covering reduces the risk of COVID-19 being spread through the community; and

WHEREAS, the purpose of this declaration is to protect health and safety, and minimize the potential that local businesses and employers may need to reclose due to an increase in state or local COVID-19 cases; and

WHEREAS, Section 23.06 of the Winona City Code permits the Mayor to promulgate necessary emergency regulations by proclamation respecting “the conduct of persons . . . during an emergency,” “emergency health . . . regulations,” and “all other matters which are required to protect public safety, health and welfare in emergencies or disasters” ; and

WHEREAS, the city council may rescind any such regulation by resolution at any time; and if not sooner rescinded, every such regulation shall expire at the end of 30 days after its effective date or at the end of the emergency to which it relates, whichever occurs first.

NOW, THEREFORE, BE IT RESOLVED, I, Scott D. Sherman, Mayor of the City of Winona, hereby declare:

1. That the COVID-19 pandemic constitutes a local emergency commencing at 11:59 p.m. this 25th day of August, 2021.
2. This declaration of a local emergency invokes the City’s disaster plan, including the relevant portions of the plan necessary for the response to and recovery from the emergency.
3. All individuals who are over age two and able to medically tolerate a face covering shall be required to cover their nose and mouth with a mask or cloth face covering in accordance with CDC guidance when inside all buildings and facilities owned or operated by the City of Winona, including Winona City Hall, regardless of vaccination status.

4. All City of Winona employees able to medically tolerate a face covering shall be required to cover their nose and mouth with a mask or cloth face covering in accordance with CDC guidance when inside all indoor spaces of public accommodation located within the City of Winona regardless of vaccination status.
5. All individuals in the City of Winona able to medically tolerate a face covering shall be required to cover their nose and mouth with a mask or cloth face covering in accordance with CDC guidance when inside all indoor spaces of public accommodation located within the City of Winona regardless of vaccination status, unless exempted as follows:
 - a. Individuals within facilities operated by the County, State or Federal Government;
 - b. Individuals within facilities operated by schools including colleges and higher education that already have face covering requirements;
 - c. Individuals within medical facilities that already have face covering requirements;
 - d. Individuals receiving service inside a crisis shelter, soup kitchen, or similar establishment;
 - e. Children two years of age or younger;
 - f. Individuals actively eating or drinking;
 - g. Individuals temporarily removing the face covering for identification purposes;
 - h. Individuals unable to wear a face covering due to medical, disability, or developmental reasons;
 - i. 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;
 - j. Individuals speaking to someone who is deaf or hard of hearing and requires the mouth to be visible to communicate;
 - k. Participants in youth sports who are subject to school or State requirements;
 - l. Individuals at places of worship are not required to wear face coverings when seated if they can maintain a distance of at least (6) feet from other households, but must wear face coverings when walking to or from their seat and while standing in or walking through public areas, such as lobbies and restrooms.
6. Restaurants and Bars must include in their COVID-19 Preparedness Plan that all customers wear a face covering when not seated at their table.
7. 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.

8. 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.
9. 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 declaration, gymnastics facilities, hockey/skating arenas and climbing walls are considered Sports Facilities.
10. 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.
11. Outdoor Events and Spaces. Individuals are encouraged to wear a face covering at outdoor events and in any outdoor spaces of public accommodation when such individuals are within six feet of another person who is not part of that individuals group or family.
12. Enforcement: Violation of this emergency proclamation is not a criminal offense. However:
 - a. Any individual who fails to comply with this proclamation 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 proclamation due to medical, disability, developmental reasons, or for any other exception provided herein;
 - b. Any business violating this proclamation shall be subject to administrative action for any licenses they possess with the City.
13. For purposes of this proclamation the following definitions shall apply:
 - a. "Face covering" shall mean a manufactured or homemade cloth covering or other covering that is not a medical-grade mask, but that otherwise fully covers an individual's nose and mouth secured to the head with ties or straps or simply wrapped around the lower face and head. The terms "mask" and "face covering" are synonymous.
 - b. "Medical-grade mask" means an N95, KN95, surgical, or other mask that would be appropriate for a healthcare setting, or a setting in which direct patient care is provided.
 - c. "Indoor space of public accommodation" shall mean a business, or an

educational, refreshment, entertainment, or recreation facility, or an institution of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public. Examples include, but are not limited to, retail businesses, stores, rental establishments, restaurants, bars, service centers, recreational facilities, government buildings, service establishments, as well as other establishments and facilities that offer food and beverage not for on-premises consumption, including grocery stores, markets, convenience stores, pharmacies, drug stores, and food shelves. Spaces not considered to be indoor spaces of public accommodation are health care facilities, child care facilities, residential care facilities, congregate care facilities, and juvenile justice facilities, crisis shelters, soup kitchens, or similar institutions.

14. Businesses and organizations are encouraged to provide face coverings for customers at no or nominal cost.
15. Restaurants and bars are encouraged to take advantage of outdoor seating.
16. Effective Date. This emergency proclamation shall take effect at 11:59 p.m., this 25th day of August, 2021. This proclamation shall continue in effect from the effective date until the earlier of the following:
 - a. The enactment of a statewide order by Governor Walz requiring face coverings in indoor spaces of public accommodation applicable to the City of Winona;
 - b. The City of Winona Emergency Management Director, in consultation with Winona Health, and Winona County Public Health Services recommends this proclamation is no longer necessary;
 - c. The Winona City Council does not extend the local emergency declaration beyond three days; or
 - d. 30 days after the effective date of this declaration.

Dated this 25th day of August, 2021

A handwritten signature in black ink, consisting of stylized, overlapping loops and a long horizontal stroke extending to the right.

Scott D. Sherman
Mayor