

NOW, THEREFORE, I, RITA C. ALBRECHT, MAYOR OF THE CITY OF BEMIDJI, WITH THE CONSENT OF THE BEMIDJI CITY COUNCIL, DO HEREBY ORDER AS FOLLOWS:

Declare a Local Emergency. The existing Emergency Declaration, as amended herein, remains in effect as drafted so long as the State of Minnesota remains under a Peacetime Emergency or until further action of the Council.

IT IS HEREBY FURTHER ORDERED:

1. All individuals shall wear a face covering that covers both their nose and mouth, in the following defined indoor areas accessible to the public, unless exempted under Section 2 below.
 - a. **Restaurants and Bars.** Must include in their COVID-19 Preparedness Plan that all customers wear a face covering when not seated at their table.
 - b. **Spaces of Public Accommodation.** Customers must wear a face covering before entering a business and until exiting the business. Employees must wear a face covering when the employee is within any indoor area open to the public or within six feet another person unless separated by a barrier. Spaces of public accommodations must include the requirements of this proclamation in their COVID-19 Preparedness Plan.

For the purposes of this Order, a “space of public accommodation” means a business, 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 retail stores, rental establishments, City of Bemidji government buildings, and service establishments and facilities that offer food and beverages not for on-premises consumption, including grocery stores, markets, convenience stores, pharmacies, drug stores, and food pantries.

- c. **Public Transportation.** Users are required to wear a face covering before boarding any public transportation and wear the face covering until the user exists the mode of public transportation.
- d. **Entertainment Venues.** Users are required to wear a face covering when the user is within six (6) feet of another person. When the user is seated and not within six (6) feet of another person, they may 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.
- e. **Gyms, Fitness Centers, and Sports Facilities, including City Owned Sports Facilities.** Employees, staff participants and spectators shall wear a face covering at all times when the individual is indoors and within six (6) feet of another person. Face coverings are not required while actively participating in permitted athletic activities. Businesses shall include the requirements of this proclamation in their COVID-19 Preparedness Plan.
- f. **Common Spaces in Multi-Family Residential and Multi-Tenant Office Buildings.** Residents of multi-family housing buildings, and their guests, and tenants, employees and their guests in multi-tenant office buildings, shall wear a face covering when in common

spaces such as hallways, corridors, lobbies, restrooms, mail rooms, elevators, trash and recycling rooms, fitness centers, recreation rooms, laundry rooms, and other space owned and used in common by residents, employees, and tenants of the building.

- g. **Face Coverings Defined.** Face coverings are defined as a cloth covering that fully covers a person's nose and mouth. The terms "mask" and "face covering" as synonymous.

2. **Exemptions.** This order does not apply to:

- a. Facilities operated by the County, State, or Federal Government;
- b. Children five (5) years of age or younger;
- c. Individuals actively eating or drinking;
- d. Individuals temporarily removing the face covering for identification purposes;
- e. Individuals unable to wear a face covering due to medical, disability, or developmental reasons that have been exempted by a licensed medical professional;
- f. Individuals speaking to an audience, whether in person or through broadcast, as long as the speaker remains six (6) feet or more away from other individuals;
- g. Individuals speaking to someone who is deaf or hard of hearing and requires the mouth to be visible to communicate;
- h. Participants in youth sports, as defined by the State's Executive Orders, but these participants are subject to all requirements under the State's Executive Orders;
- i. Police Officers, Firefighters, and other first responders when not practical while performing their official duties;
- j. In settings where wearing a mask is not feasible, including when obtaining or rendering services such as medical or dental services, swimming, or while actively participating in organized athletic competitions or practices (so long as they are following the State Executive Orders);
- k. Education and Child Care Facilities with written plans in compliance with State guidelines;

3. Businesses covered by this Order shall post signage at all public entrances to the business which notifies the public that face coverings are required.

4. Businesses and organizations are encouraged to provide face coverings for customers at no or nominal cost.

5. Restaurants and bars are encouraged to take advantage of outdoor seating.

6. **Enforcement.** Violation of this emergency declaration may be enforced by warning letter(s), an administrative citation, and/or misdemeanor prosecution, pursuant to Minn. Stat. §12.45, with a misdemeanor penalty being a fine up to \$1,000.00, 90 days of jail or both.

- i. It is the responsibility of business owners or managers to ensure their employees and customers are in compliance with this declaration. If a customer is not wearing a face covering or refuses to wear a mask, it is the business owner or manager's responsibility to ask the customer to leave or wear a face covering. If the customer continues to refuse to leave or wear a face covering, law enforcement may be called to assist and the customer may be charged with a violation of trespassing law or any other law the customer may violate.

- ii. Any business in violation of this emergency declaration shall be subject to administrative action for any licenses they possess within the City.
 - iii. Voluntary compliance will be requested with warning being issued. Repeated violations by an individual or business would be handled in the same fashion. The City would seek voluntary compliance and cite only when the individual or business refuse to comply with the request for compliance.
7. **Effective Date.** This emergency declaration shall take effect on July 21, 2020, at 12:01 a.m. and shall continue until the earlier of the following:
- a. Governor Walz enacts a statewide order requiring face coverings;
 - b. Beltrami County Public Health recommends this proclamation is no longer necessary;
 - c. An end to the State's Peacetime Emergency Declaration;
 - d. A Resolution of the City Council rescinding the Order; or
 - e. December 31, 2020 at 11:59 p.m.;

ORDERED on this 20th day of July, 2020:



Rita C. Albrecht, Mayor