The City of West St. Paul does ordain:

WHEREAS, the West St. Paul City Council, has found that the following emergency exists because our local region is experiencing a surge of COVID-19 infections due to the highly contagious Delta and Omicron variants, which are variants of concern according to the Center for Disease Control (CDC); and

WHEREAS, the CDC and Minnesota Department of Health (MDH) along with other public health experts have determined that the virus, and in particular these variants, can be transmitted before an infected individual shows symptoms and that a significant portion of individuals with COVID-19 do not have symptoms and can still transmit the virus; and

WHEREAS, the CDC and MDH are urging the general public to wear face coverings when in public to help curb the spread of COVID-19, by preventing the transmission of respiratory droplets that contain the virus; and

WHEREAS, the City Council finds that this emergency threatens the health, safety, and welfare of the citizens of the community, and threatens the continuation and efficient delivery of city services and the delivery of health services at hospitals, clinics, and medical institutions in the city and region; and

WHEREAS, the West St. Paul City Charter §3.06 allows the City to enact an emergency ordinance when it is “necessary for the immediate preservation of the public peace, health, morals, safety or welfare in which the emergency is defined therein and declared;” and

WHEREAS, the City of West St. Paul desires to require face coverings when individuals are in places of public accommodation, consistent with federal and state health agency guidance.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of West St. Paul, Minnesota, as follows:

Section 1.

1. Individuals are required to wear a face covering while in a space of public accommodation, unless an exception applies.

2. Definitions:
a. “Space of public accommodation” means a business, refreshment, food or beverage, entertainment, grocery stores, markets, convenience stores, pharmacies, drug stores, and food pantries, recreation facility, retail stores, or institutions 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. City of West St. Paul government buildings and recreational facilities are included.

b. “Face covering” means a cloth or other covering that fully covers an individual’s nose and mouth, secured to the head with ties or straps or simply wrapped around the lower face. The terms “mask” and “face covering” are synonymous.

c. “Physical distancing” means maintaining six (6) feet of separation between individuals of different households.

3. All owners and managers of enclosed buildings which have a space of public accommodation must:
   a. Post face covering signs at each public entrance. This sign must be at least 8 inches by 10 inches and say: The City of West St. Paul requires individuals to wear a face covering or a mask while inside this building.
   b. Require all employees wear a face covering when the employee is within six feet of another person.

4. The following shall also apply to specific uses:
   a. Restaurants and bars. Must require all customers wear a face covering when not seated at their table.
   b. Entertainment venues. Individuals are required to wear a face covering when the individual is within six (6) feet of another person, including when seated or walking in public areas such as lobbies and restrooms.
   c. Multi-family residential and multi-tenant office buildings. Tenants and their guests are required to wear a face covering when in common areas such as hallways, corridors, lobbies, restrooms, elevators, trash and recycling rooms, fitness rooms, recreation rooms, laundry rooms, and other common areas.

5. This emergency ordinance does not apply to the following persons and places of public accommodation:
   a. Individuals actively eating or drinking.
   b. Children under the age of five (5).
   c. Individuals unable to wear a face covering due to medical reasons, disabilities, or developmental reasons.
   d. Individuals speaking or performing to an audience, whether in person or through broadcast, provided the speaker maintains physical distancing.
   e. Individuals who are deaf or hard of hearing or an individual who is speaking to someone who is deaf or hard of hearing and requires the mouth to be visible to communicate.
   f. Individuals who are unable to remove the face covering without assistance.
   g. Participants in youth and adult sports.
   h. Facilities operated by the county, state, or federal government.
   i. Medical facilities that already have face covering requirements.
j. Athletic facilities are encouraged to follow CDC and MDH guidelines. Patrons are not required to wear face coverings or masks while actively participating in athletic activities but are encouraged to wear face coverings when not actively training.

k. Office areas where physical distancing is maintained between individuals and workstations.

l. Places of worship.

m. Public and private school facilities.

6. This ordinance shall be enforced through administrative citations as outlined in City Code §10.98, and shall be enforced by the Code Enforcement Officer.

Section 2. This ordinance shall take effect on Jan. 27, 2022. The ordinance shall expire without further action at 11:59 p.m. on Feb. 24, 2022 unless repealed or extended by action of the City Council.

Attest:

_________________________________________    _______________________________________
David J. Napier, Mayor                          Nicole Tillander, City Clerk