

RESOLUTION 2020-

A RESOLUTION OF THE NAPLES CITY COUNCIL, IN ACCORDANCE WITH CHAPTER 14, CIVIL EMERGENCIES, ARTICLE II, EMERGENCY PREPAREDNESS, CODE OF ORDINANCES OF THE CITY OF NAPLES, FLORIDA, TO DECLARE A STATE OF LOCAL EMERGENCY FOR ALL TERRITORY WITHIN THE INCORPORATED BOUNDARIES OF THE CITY OF NAPLES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, COVID-19 is a respiratory illness caused by a virus that spreads rapidly through community spread which can result in serious illness or death, and which constitutes a clear and current danger to the health, safety and welfare of the City of Naples community; and

WHEREAS, on March 1, 2020 the Governor of the State of Florida issued Executive Order Number 20-51 directing the State Health Officer and Surgeon General to declare a Public Health Emergency due to the discovery of COVID-19/novel Coronavirus in Florida; and

WHEREAS, on March 9, 2020 the Governor of the State of Florida issued Executive Order Number 20-52 declaring a State of Emergency for the State of Florida related to COVID-19/novel Coronavirus; and

WHEREAS, on March 13, 2020 the President of the United States of America declared a nationwide emergency pursuant to Sec. 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C.5121-5207 (the Stafford Act); and

WHEREAS, on March 16, 2020 the Collier County Board of County Commissioners declared a "State of Emergency" due to the current and predicted severe health risk impact of COVID-19/novel Coronavirus on County residents including the citizens of the City of Naples; and

WHEREAS, on March 16, 2020 the Mayor of the City of Naples, Florida declared a State of Local Emergency as responding to the threat posed by COVID- 19; and

WHEREAS, on July 21, 2020 the Collier County Board of County Commissioners issued Executive Order Number 2020-05, which was later supplanted by Executive Order Number 2020-07 declaring a face covering mandate for the preservation of health, safety, and welfare of the community, and

WHEREAS, on November 3, 2020 the Governor of the State of Florida issued Executive Order Number 20-276 extending the State of Emergency for the State of Florida for at least 60 additional days; and

WHEREAS, on November 24, 2020 the Governor of the State of Florida issued Executive Order Number 20-297 extending Executive Order 20-244 (Phase 3; Right to Work; Business Certainty; Suspension of Fines) and declaring that it will remain in effect for the duration of Executive Order 20-52. Any such citation issued must be in compliance with the Governor's Executive Order Number 20-244, as extended by Executive Order Number 20-297.

WHEREAS, to reduce the spread of COVID-19, the United States Centers for Disease Control and Prevention (CDC) and the State of Florida Department of Health recommend implementation of community mitigation strategies to increase containment of the virus; and

WHEREAS, it is the duty of the City of Naples to implement measures that protect public health, safety, and welfare of the community; and

WHEREAS, COVID-19 has already negatively impacted the City of Naples and presents an immediate and growing danger to the community and may require extraordinary and immediate actions in order to protect the public health, safety, welfare, and economy;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA:

Section 1. That COVID-19/Coronavirus poses a serious threat to the lives of residents and visitors of the City of Naples; ~~Therefore therefore,~~ to provide public health, safety, and welfare the City Council ~~desires to exercise its authority~~ to require persons to take certain protective actions when in public places during the COVID-19 public ~~emergency health crisis.~~

Section 2. That consistent with CDC guidelines, all ~~persons individuals~~ are required to wear ~~Face Coverings face coverings over mouth and nose~~ when ~~inside any public building or Business, or attending outdoor events when it is not possible to maintain social distancing of a minimum of 6' from other persons attending the same event. at any essential place open to the public.~~

a) ~~"Business"es is will be~~ defined as any establishment open to the public, including, but not limited to, grocery stores, hardware stores, pharmacies, restaurants, bars, nightclubs, clothing shops, art galleries, gift shops, and all other retail ~~or service~~ commercial establishments in which persons may gather inside.

b) ~~"Face Covering" is defined as a mask worn over the nose and mouth, whether N95, KN95, surgical or medical, or constructed of other suitable material.~~

c) All ~~Businesses businesses~~ will ~~require strongly encourage~~ members of the public to follow CDC guidelines ~~and or~~ industry standards on ~~Face Coverings face coverings~~ and social distancing. Businesses are encouraged to post information ~~at the entrance of their businesses that all persons are required to wear Face Coverings on face coverings~~ while inside ~~of the Business establishment.~~

d) All employees and customers of ~~Businesses businesses~~ must wear a ~~Face Covering form of covering over their noses and~~

~~mouths~~ at all times while inside the Business facility. All individuals providing delivery services ~~must shall~~ wear a Face Covering on the premises of the Business or when making deliveries to residences ~~form of covering over their noses and mouths while making deliveries.~~

- e) ~~A face covering must be worn over the nose and mouth. The covering may include a professionally made face mask, homemade mask, or other cloth covering, such as a scarf, bandana, handkerchief, or something similar.~~
- ef) ~~All Businesses retail and commercial establishments must implement policies for employees to use other personal protective equipment, such as hand sanitizing stations, subject to the availability of such items.~~
- f) ~~Special event organizers will be required to ensure that at public outdoor events, whether permitted by the City of Naples or not, attendees wear Face Coverings when it is not possible to maintain social distancing of a minimum of 6' from other persons.~~
- g) ~~The Face Covering requirements of this Section will not apply to any outdoor activity, except when: i) it is possible to maintain social distancing of at least 6' or: ii) persons are of the same household. as provided herein with respect to persons providing delivery services or when, even while outdoors, it is not possible to maintain social distancing.~~
- h) Nothing herein will operate to restrict any employee or customer from accessing any Business essential retail or commercial establishment to address any emergency or other exigent circumstance, even if a covering over the nose and mouth is not readily accessible at the time of such emergency or other exigent circumstance.
- i) Persons are encouraged to review and comply with the CDC and Florida Department of Health guidelines including social distancing, quarantining, washing hands, and use of Face Coverings. ~~on personal protective equipment, including with respect to the use of a medical or surgical face mask, such as an "N95" mask or other similar medical or surgical mask.~~

Section 3.

Exceptions. Nothing herein will require the wearing of face coverings by the following persons ~~people~~:

- a) Children under the age of two years old; or
- b) Nothing in this Order prevents a Persons needing reasonable accommodation as required by the Americans with Disabilities Act ~~Persons for whom a face covering would cause impairment due to an existing health condition~~; or

- c) Persons working in a profession who do not have face to face contact with the public; or
- d) Persons working in a profession where the use of a Face Covering ~~face covering~~ will not be compatible with the duties of their profession; or
- e) Persons ~~in private homes engaging in outdoor physical activities, such as yard work or exercise, including while swimming in a pool or other body of water, provided social distancing of at least 6' between persons not of the same household can be accomplished;~~ or
- f) Persons riding in a personal vehicle alone or with members of the same household; or
- g) Persons while actively engaged in eating or drinking; or
- h) Public safety, fire, and other life safety and health care personnel, as their personal protective equipment requirements will be governed by their respective agencies.

Section 4. Travel Recommendations

- a) It is recommended that all persons traveling into the City review and comply with CDC guidelines.
- b) The current version of the CDC travel regulations are attached hereto as Exhibit A. The CDC has issued the following guidelines:
 - 1. Check travel restrictions before you go;
 - 2. Get your flu shot before you travel;
 - 3. Bring extra supplies, such as masks and hand sanitizer;
 - 4. Know when to delay your travel. Do not travel if you or your travel companions are sick;
 - 5. Wear a mask to keep your nose and mouth covered when in public settings, including on public transportation and in transportation hubs such as airports and stations;
 - 6. Avoid close contact by staying at least 6 feet apart (about 2 arm lengths) from anyone who is not from your travel group;
 - 7. Wash your hands with soap often or use hand sanitizer (with at least 60% alcohol);
 - 8. Avoid contact with anyone who is sick;
 - 9. Avoid touching your eyes, nose, and mouth
 - 10. If you are traveling, consider getting tested with a viral test 1-3 days before your trip. Also consider getting tested with a viral test 3-5 days after your trip and reduce non-essential activities for a full 7 days after travel, even if your test is negative. If you don't get tested, consider reducing non-essential activities for 10 days after travel.

11. Keep a copy of your test results with you during travel, you may be asked for them;
12. Do not travel if you test positive; immediately isolate yourself, and follow public health recommendations.
13. You may have been exposed to COVID-19 on your travels. You and your travel companions (including children) may pose a risk to your family, friends, and community. Regardless of where you traveled or what you did during your trip, take these actions to protect others from getting COVID-19 for 14 days after travel:
14. Stay at least 6 feet/2 meters (about 2 arm lengths) from anyone who did not travel with you, particularly in crowded areas. It's important to do this everywhere — both indoors and outdoors.
15. Wear a mask to keep your nose and mouth covered when you are in shared spaces outside of your home, including when using public transportation.
16. If there are people in the household who did not travel with you, wear a mask and ask everyone in the household to wear masks in shared spaces inside your home.
17. Wash your hands often or use hand sanitizer with at least 60% alcohol.
18. Avoid being around people who are at increased risk for severe illness.
19. Watch your health: Look for symptoms of COVID-19, and take your temperature if you feel sick.
20. Consider getting tested with a viral test 3–5 days after your trip and reduce non-essential activities for a full 7 days after travel, even if your test is negative. If you don't get tested, consider reducing non-essential activities for 10 days.
21. If your test is positive, isolate yourself to protect others from getting infected. Stay at least 6 feet/2 meters (about 2 arm lengths) from anyone who did not travel with you, particularly in crowded areas. It's important to do this everywhere — both indoors and outdoors.
22. Wear a face mask to keep your nose and mouth covered when you are in shared spaces outside of your home, including when using public transportation.
23. If there are people in the household who did not travel with you, wear a face mask and ask everyone in the household to wear masks in shared spaces inside your home.
24. Wash your hands often or use hand sanitizer with at least 60% alcohol.
25. Avoid being around people who are at increased risk for severe illness.
26. Watch your health: Look for symptoms of COVID-19, and take your temperature if you feel sick.

- a) ~~That~~ In this resolution is adopted pursuant to the home rule powers conferred by the Constitution of the State of Florida, ~~and~~ by general law, and the State and local emergencies, and will have the full force and effect of law. It is the intent of the City this resolution to seek voluntary compliance from Businesses and persons with the provisions contained herein and to educate, encourage, and warn of the dangers of non-compliance.
- b) ~~That in~~ In the event voluntary compliance is not achieved, ~~then as a last resort~~, a Notice of Violation citation for violation of this resolution ~~may can~~ be issued to a Business or special event organizer. Failure to comply with the Notice or if the violation is corrected and then recurs may result in the issuance of a Notice of Hearing before the Code Enforcement Board. After the hearing, the Board may impose a maximum fine of up to \$250.00 per day per incident or up to \$500.00 per day per incident for repeat violations. and shall ~~The violation will be a noncriminal civil infraction, carrying which carries a penalty of up to Five Hundred Dollars (\$500.00). If a Business person elects not to contest a citation, the civil penalty will be reduced to Fifty Dollars (\$50.00). Any fine such citation issued~~ must be in compliance with the Governor's Executive Order Number 20-244 as extended by Executive Order Number 20-297.

Section 65.

That this resolution will take effect immediately upon adoption for a period not to exceed the time of the emergency under the Governor's Declarations of Emergency, including any extensions of the same.

Section 76.

That the City Manager will issue such orders as may be necessary to implement this resolution.

PASSED IN OPEN AND SPECIAL SESSION THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA, THIS 21st DAY OF DECEMBER 2020.

Attest:

Patricia L. Rambosk, City Clerk

Teresa Heitmann, Mayor

Approved as to form and legality:

James D. Fox, City Attorney

Date filed with City Clerk: _____

EXHIBIT A

CDC Recommendations

Travel can increase your chance of spreading and getting COVID-19. Postponing travel and staying home is the best way to protect yourself and others from COVID-19.

If you decide to travel, you may increase your chance of spreading and getting COVID-19. Postponing travel and staying home is the best way to protect yourself and others from COVID-19. If you do decide to travel, be sure to take these steps during your trip to protect yourself and others from COVID-19:

- Check travel restrictions before you go.
- Get your flu shot before you travel.
- Bring extra supplies, such as masks and hand sanitizer.
- Know when to delay your travel. Do not travel if you or your travel companions are sick.
- Wear a mask to keep your nose and mouth covered when in public settings, including on public transportation and in transportation hubs such as airports and stations.
- Avoid close contact by staying at least 6 feet apart (about 2 arm lengths) from anyone who is not from your travel group.
- Wash your hands often or use hand sanitizer (with at least 60% alcohol).
- Avoid contact with anyone who is sick.
- Avoid touching your eyes, nose, and mouth.

Consider testing, testing could improve traveler safety. Remember the safest thing to do is to stay home, but if you do decide to travel, testing can help you do so more safely. You and your travel companions (including children) may feel well and not have any symptoms, but you can still spread COVID-19 to others in busy travel environments like in airports, and bus and train stations. You can also spread it to family, friends, and your community after travel. Testing does not eliminate all risk, but it can help make travel safer.

- If you are traveling, consider getting tested with a viral test 1-3 days before your trip. Also consider getting tested with a viral test 3-5 days after your trip and reduce non-essential activities for a full 7 days after travel, even if your test is negative. If you don't get tested, consider reducing non-essential activities for 10 days after travel.
- Keep a copy of your test results with you during travel; you may be asked for them.
- Do not travel if you test positive; immediately isolate yourself, and follow public health recommendations.
- You may have been exposed to COVID-19 on your travels. You and your travel companions (including children) may pose a risk to your family, friends, and community. Regardless of where you traveled or what you did during your trip, take these actions to protect others from getting COVID-19 for 14 days after travel:
 - Stay at least 6 feet/2 meters (about 2 arm lengths) from anyone who did not travel with you, particularly in crowded areas. It's important to do this everywhere — both indoors and outdoors.

- Wear a mask to keep your nose and mouth covered when you are in shared spaces outside of your home, including when using public transportation.
- If there are people in the household who did not travel with you, wear a mask and ask everyone in the household to wear masks in shared spaces inside your home.
- Wash your hands often or use hand sanitizer with at least 60% alcohol.
- Avoid being around people who are at increased risk for severe illness.
- Watch your health: Look for symptoms of COVID-19, and take your temperature if you feel sick.

Check Travel Restrictions

State, local, and territorial governments may have travel restrictions in place, including testing requirements, stay-at-home orders, and quarantine requirements upon arrival. For up-to-date information and travel guidance, check the state and local health department where you are, along your route, and where you are going. Prepare to be flexible during your trip as restrictions and policies may change during your travel. Follow all state, local, and territorial travel restrictions. If traveling by air, check if your airline requires any health information, testing, or other documents. Local policies at your destination may require you to be tested for COVID-19. If you test positive on arrival, you may be required to isolate for a period of time.

After you travel you may have been exposed to COVID-19. You may feel well and not have any symptoms, but you can still spread the virus to others. You and your travel companions (including children) may pose a risk to your family, friends, and community after your travel.

- Consider getting tested with a viral test 3–5 days after your trip and reduce non-essential activities for a full 7 days after travel, even if your test is negative. If you don't get tested, consider reducing non-essential activities for 10 days.
- If your test is positive, isolate yourself to protect others from getting infected.

Also take these actions for 14 days after you return from travel to protect others from getting COVID-19:

- Stay at least 6 feet/2 meters (about 2 arm lengths) from anyone who did not travel with you, particularly in crowded areas. It's important to do this everywhere — both indoors and outdoors.
- Wear a face mask to keep your nose and mouth covered when you are in shared spaces outside of your home, including when using public transportation.
- If there are people in the household who did not travel with you, wear a face mask and ask everyone in the household to wear masks in shared spaces inside your home.
- Wash your hands often or use hand sanitizer with at least 60% alcohol.
- Avoid being around people who are at increased risk for severe illness.
- Watch your health: Look for symptoms of COVID-19, and take your temperature if you feel sick.