

Agenda Item 4.A
Meeting of 12/21/20

RESOLUTION 2020-14580

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; and

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, to provide public health, safety, and welfare the City Council desires to require persons to take certain protective actions when in public places during the COVID-19 public emergency.

Section 2. That consistent with CDC guidelines, all persons are required to wear Face Coverings when inside any public building or Business, or attending public outdoor events when it is not possible to maintain social distancing of a minimum of 6' from other persons attending the same event.

a) "Business is 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 Business will require members of the public to follow CDC guidelines and industry standards on 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 while inside the Business.

d) All employees and customers of Businesses must wear a Face Covering at all times while inside the Business. All individuals

providing delivery services must wear a Face Covering on the premises of the Business or when making deliveries to residences.

- e) All Businesses 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 apply to any public outdoor activity, except when: i) it is possible to maintain social distancing of at least 6' or; ii) persons are of the same household.
- h) Nothing herein will operate to restrict any employee or customer from accessing any Business 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.

Section 3. Exceptions. Nothing herein will require the wearing of face coverings by the following persons:

- a) Children under the age of two years old; or
- b) Persons needing reasonable accommodation as required by the Americans with Disabilities Act or 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 will not be compatible with the duties of their profession; or
- e) Persons while actively engaged in eating or drinking; or

- f) 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. Enforcement.

- a) This resolution is adopted pursuant to the home rule powers conferred by the Constitution of the State of Florida, 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 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) In the event voluntary compliance is not achieved, then a Notice of Violation of this resolution may 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. Any fine must be in compliance with the Governor's Executive Order Number 20-244 as extended by Executive Order Number 20-297.

Section 5. That this resolution will take effect immediately upon adoption for a period not to exceed, the earlier of, the time of the emergency under the Governor's Declarations of Emergency, including any extensions of the same, or at 12:01 am April 13, 2021.

Section 6. 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 Lee Heitmann, Mayor

Approved as to form and legality:


James D. Fox, City Attorney

Date filed with City Clerk: 12-28-20