

1 **RESOLUTION #R20-13512**

2

3 **RESOLUTION INTRODUCED BY COUNCILOR DALBEC MANDATING THE USE OF**
4 **FACE COVERINGS IN INDOOR AREAS ACCESSIBLE TO THE PUBLIC AND WHILE**
5 **RIDING IN ANY PUBLIC BUS OR TAXICAB, UNLESS EXEMPTED, IN THE CITY OF**
6 **SUPERIOR BEGINNING JULY 27, 2020 AND CONTINUING UNTIL SEPTEMBER 25, 2020,**
7 **OR THE EXPIRATION OF THE CITY OF SUPERIOR'S EXISTING STATE OF**
8 **EMERGENCY OR UNTIL ACTION IS TAKEN BY THE COMMON COUNCIL TO**
9 **RESCIND THIS RESOLUTION.**

10

11

12 WHEREAS, Coronavirus disease 2019 is an infections and dangerous disease for which there is no
13 vaccine and that is currently spreading throughout the world, resulting in more than 12 million cases
14 and more than 550,000 deaths; and

15 WHEREAS, many individuals with COVID-19 are asymptomatic, yet contagious; and

16 WHEREAS, wearing a face covering greatly reduces risk of community spread; and

17 WHEREAS, Essentia Health, St. Luke's, and the Mayo Clinic support the wearing of cloth face
18 coverings in public settings because the proper use of face masks or face coverings helps to reduce the
19 spread of COVID-19 to vulnerable populations; and

20 WHEREAS reducing the rate of community spread will prevent the overburdening of our local medical
21 personnel, facilities, and equipment; and

22 WHEREAS, Douglas County Public Health follows the Wisconsin Department of Health Services
23 (WDHS) and Centers for Disease and Prevention (CDC) recommendations and supports the wearing of
24 cloth face masks in public settings; and

25 WHEREAS, on July 8, 2020, the WDHS recommended that individuals where a cloth face covering
26 when possible in situations where physical distancing is difficult; and

27 WHEREAS, on June 28, 2020, the CDC issued the following guidance on mask use:

- 28 1. CDC recommends that people wear cloth face coverings in public settings and when
29 around people who do not live in your household, especially when other social
30 distancing measures are difficult to maintain.
- 31 2. Cloth face coverings may help prevent people who have COVID-19 from spreading the
32 virus to others.
- 33 3. Cloth face coverings are most likely to reduce the spread of COVID-19 when they are
34 widely used by people in public settings.
- 35 4. Cloth face coverings should NOT be worn by children under the age of 2 or anyone who
36 has trouble breathing, is unconscious, incapacitated, or otherwise unable to remove the
37 mask without assistance.

38

39 WHEREAS, the Wisconsin Economic Development Corporation has encouraged all businesses and
40 facilities to enact and enforce policies to help reduce the spread of COVID-19, including policies to
41 require cloth face coverings; and

42 WHEREAS, the Retail Industry Leaders Association has asked public leaders to enact mask
43 requirements in retail spaces; and

44 WHEREAS, many businesses have already required face coverings and others have indicated they
45 would if local or state authorities required them, and

46 WHEREAS, on May 13, 2020, the Wisconsin Supreme Court struck down Governor Tony Evers'
47 Administration's extended "Safer at Home" Order; and

48 WHEREAS, to date, the state legislature has not engaged in a successful rule-making process to
49 implement rules designed to combat or slow the spread of the COVID-19 in the State of Wisconsin;
50 and

51 WHEREAS, the constitutional home rule provision of the Wisconsin Constitution as well as statutory
52 authority for home rule provided in Wis. Stat. sec. 62.11(5) gives our common council the power to act
53 for the health, safety and welfare of the public and to carry out its powers by license, regulation, and
54 other necessary or convenient means; and

55 WHEREAS, the City of Superior has authority to declare an emergency within its local unit of
56 government under Wis. Stat. sec. 323.11 and is provided with emergency powers and authority under
57 Wis. Stat. sec. 324.14(4) to order, by ordinance or resolution, whatever is necessary and expedient for
58 the health, safety, protection, and welfare of persons within the local unit of government in the
59 emergency; and

60 WHEREAS, on March 17, 2020, Mayor Paine declared a local emergency under Wis. Stat. 323.11 and
61 323.14(4) based on the existence and spread of the dangerous and unpredictable coronavirus within the
62 City of Superior, which was unanimously adopted by the common council; and

63 WHEREAS, on May 19, 2020, Mayor Paine extended the declaration of emergency through December
64 31, 2020 based on the continued existence and spread of the coronavirus within the City of Superior,
65 which was unanimously adopted by the common council; and

66 WHEREAS, the City of Superior has recently experienced a significant surge in documented positive
67 cases of COVID-19; and

68

69 NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Superior that
70 beginning on Monday, July 27th, 2020 and continuing until the sooner of the expiration of the City of
71 Superior's existing State of Emergency, action by the Common Council to rescind this resolution, or
72 September 25th, 2020 all individuals shall wear a face covering in indoor areas accessible to the public
73 and while riding in any public bus or taxicab, unless exempted, as follows:

74 A. **Restaurants and Taverns:** All employees must wear a face covering while working in
75 areas open to the public or handling food, beverage, utensils, or equipment, and all
76 customers except when actively eating or drinking unless otherwise exempted below.

- 77 B. **Retail Businesses:** Employees and customers must wear a face covering at all times unless
78 exempted below
- 79 C. **Public Transportation:** Riders must wear a face covering before boarding a bus and until
80 the rider disembarks
- 81 D. **Gyms, Fitness Centers, and Sports Facilities:** Participants, staff, and spectators are
82 required to wear a face covering at all times when the individual is within six feet of another
83 person
- 84 E. **Entertainment Venue:** Users, guests, customers, and spectators are required to wear a face
85 covering at all times when the individual is within six feet of another person.

86

87 BE IT FURTHER RESOLVED that the following individuals, places, and circumstances shall be
88 exempt from this resolution

- 89 1. Government facilities not operated or controlled by the City of Superior.
- 90 2. Medical or personal care services that require access to the face or mouth
- 91 3. Children 5 years of age or younger
- 92 4. Individuals actively eating or drinking
- 93 5. Individuals temporarily removing their face covering for identification purposes
- 94 6. Individuals unable to wear a face covering due to legitimate medical, disability,
95 developmental, or psychological reasons.
- 96 7. Individuals speaking to an audience, in person or through broadcast, as long as the
97 speaker remains six feet or more from other individuals
- 98 8. Individuals speaking to someone who is deaf or hard of hearing
- 99 9. Participants in a sports or performance event, during a period of practice, performance,
100 or competition.
- 101 10. Religious activities.
- 102 11. Institutions of higher education, public and private kindergarten through twelfth grade
103 schools, and licensed childcare or youth facilities that are following Wisconsin
104 Economic Development Corporation or Wisconsin Department of Children and Families
105 guidelines as applicable.

106 BE IT FURTHER RESOLVED that the definition of a “face covering” shall mean a manufactured or
107 homemade cloth that fully covers an individual’s nose and mouth. The terms “mask” and “face
108 covering” are synonymous.

109 BE IT FURTHER RESOLVED, to provide consistent language, the City of Superior will make
110 available signage to be posted on the public entrance of interested businesses.

111

112 BE IT FINALLY RESOLVED that violation of this resolution is not a criminal offense, however;

113 i. Any individual who fails to comply with this resolution must be asked to leave by an
114 authorized representative of the business or organization. If the individual refuses to
115 leave, this resolution authorizes the enforcement of trespassing statutes and any other
116 ordinances and statutes the individual may violate.

117 ii. Compliance with this resolution is a mandatory requirement for any license or economic
118 incentive from the City of Superior and failure to comply shall be grounds for denial,
119 revocation, or rejection of licensure, grants, awards, or other incentives for up to one
120 year from the expiration of this resolution.

121

122

123 Passed and adopted this 21st day of July, 2020

124

125

126

127

128

Mayor

129 Attest:

130

131

City Clerk

133

134