

CITY OF BRISTOL EMERGENCY ORDINANCE NO. 2020-01

AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRISTOL, FLORIDA PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR DEFINITIONS; PROVIDING FOR REQUIREMENTS OF FACE COVERINGS; PROVIDING FOR EXCEPTIONS; PROVIDING FOR PENALTIES AND ENFORCEMENT; PROVIDING FOR APPLICABILITY AND CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR EFFECTIVE DATE

WHEREAS, the City of Bristol (hereinafter the “City”) is a municipality granted home rule authority pursuant to Article VIII, section 2 of the Constitution of the State of Florida empowered to exercise its governmental, corporate, and proprietary powers for municipal purposes, including to legislate and regulate for the protection of the public health, safety, and welfare; and

WHEREAS, section 166.041(3)(b), Florida Statutes, authorizes the City to adopt emergency ordinances by a two-thirds majority vote; and

WHEREAS, COVID-19, is a respiratory illness caused by a virus that spreads quickly from person-to-person and can cause severe illness or death, constitutes a clear and present threat to the health, safety, and welfare of the people of the City; and

WHEREAS, on March 9, 2020, Governor Ron DeSantis issued Executive Order 20-52 declaring a state of emergency for the State of Florida because of COVID-19; and

WHEREAS, on April 6, 2020, the City Council passed resolution 2020-03, which declared a local state of emergency effective March 17, 2020, and passed subsequent declarations each week thereafter to the present extending the local state of emergency; and

WHEREAS, Governor DeSantis has issued numerous additional executive orders directed to the simultaneously pursued goals of slowing or stopping the dissemination of COVID-19 and allowing the state and county economies to operate; and

WHEREAS, the ‘re-opening’ of the State, pursuant to Governor DeSantis’ issuance of Executive Orders 20-112 (Phase I), 20-120 (Expanding Phase I), and 20-139 (Phase II), has lead to the increase in contact between people and the consequent potential for increased community spread of COVID-19; and

WHEREAS, the Centers for Disease Control and Prevention (hereinafter the “CDC”) has recommended and continues to recommend the use of cloth face coverings to slow the spread of COVID-19 and at least one field case study indicates face coverings prevent the spread of COVID-19¹; and

¹ <https://www.cdc.gov/media/releases/2020/p0714-americans-to-wear-masks.html>

WHEREAS, in spite of the recommended mitigation efforts, according to the Johns Hopkins School of Medicine Coronavirus Research Center, Florida has averaged over 10% 7-day average rate of positive COVID-19 tests each day since the beginning of July 2020, with the most recent 7-day average being 18.9%².

NOW, THEREFORE, IT IS HEREBY ORDERED by the City Council of the City of Bristol, Florida, as follows:

SECTION 1. FINDING OF EMERGENCY

The foregoing true and correct recitals are incorporated herein by reference and comprise the legislative findings of the City Council as if set forth in full in a section below. Based on the foregoing recitals, the City Council finds and determines that a public health emergency facing the City requires the measures adopted by this Emergency Ordinance which are needed immediately to address the COVID-19 related dangers present in our City.

SECTION 2. DEFINITIONS

- A. Face Covering: a “face covering” is a material that covers the nose and mouth and fits snugly against the sides of the face so there are no gaps between the face and the face covering. It can be secured to the head with ties or straps or wrapped around the lower portion of the wearer’s face. It can be made from various materials, including cotton, silk, or linen fabrics. Face coverings consisting of multiple layers are strongly encouraged. A cloth face covering may be factory-made or sewn by hand, or the cloth face covering may be improvised from household items. Individuals are encouraged to visit <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html> for information from the CDC on making, wearing, and washing a face covering.
- B. Business Establishment: a “business establishment” is a location with a roof overhead under which any business is conducted, goods are made or stored or processed or where services are rendered. The term “business establishment” includes transportation network companies, such as Uber and Lyft, vehicles operated for mass transit, taxis, jitneys, limousines for hire, rental cars, and other passenger vehicles for hire. The term “business establishment” includes locations where non-profit, governmental, and non-governmental entities facilitate public interactions and conduct business. The term “business establishment” also includes places of worship.
- C. Lodging Establishment: a “lodging establishment” shall have the same meaning as the term “transient public lodging establishment” has in section 509.013(4)(a)(1), Florida Statutes (2019). Accordingly, for purposes of this Emergency Ordinance, a “lodging establishment” means any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests more than three times in a

² <https://coronavirus.jhu.edu/testing/individual-states/florida>

calendar year for periods of less than 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests.

SECTION 3. MANDATORY REQUIREMENTS, EXCEPTIONS

- A. An individual in a business establishment must wear a face covering while in that business establishment.
- B. The requirements of Section 3.A shall not apply to the following:
 - 1. A child under the age of 6 years.
 - 2. Individuals with breathing difficulties due to a chronic pre-existing condition or with a documented or demonstrable medical problem. The intent of this provision is to not require those individuals to wear a face covering who cannot tolerate wearing a facial covering for medical, sensory, or any other condition that makes it difficult for them to utilize a face covering and function in public.
 - 3. Public safety, fire, and other life saving and health care personnel, as their protective equipment requirements will be governed by their respective agencies.
 - 4. Individuals exercising while keeping at least 6 feet of distance between themselves and another individual.
 - 5. Restaurant and bar patrons while eating or drinking. It is the intent of this provision that a face covering shall be worn while moving about within a business establishment for entering and exiting, using the facilities, and otherwise standing when persons are not able to maintain at least 6 feet of distancing from each other.
 - 6. An individual within a lodging establishment who is inside of the lodging unit, including, but not limited to, a hotel room, motel room, vacation rental unit, timeshare unit, or similar unit.
 - 7. Business owners, managers, employees, and contractors who are in an area of a Business Establishment that is not open to customers, patrons, or the public while maintaining social distancing, excluding individuals involved in the preparation of service of food and beverages.
- C. Every business establishment shall conspicuously post signage at all points of public entry substantially in the form provided in Exhibit 1, attached hereto.
- D. Nothing herein shall require or permit a person to wear a face covering to conceal the identity of the wearer in violation of Chapter 876, Florida Statutes.

SECTION 4. PENALTIES AND ENFORCEMENT

- A. A violation of this Emergency Ordinance is a noncriminal infraction. Violations of this Emergency Ordinance shall be enforced as follows:
1. First Violation: An initial violation shall be memorialized by a written warning and the violator shall be provided a face covering.
 2. Second Violation: A second violation shall be punishable by a civil citation of \$50.00.
 3. Third and Subsequent Violations: A third and subsequent violations shall be punishable by a civil citation of \$100.00.
 4. All other remedies available at law or equity, including injunctive relief, remain available to the County, even after issuance of a citation.

SECTION 5. APPLICABILITY AND CONFLICT

- A. This Emergency Ordinance shall apply within the city limits of the City and establish minimum standards, although county, State, and federal agencies may adopt more stringent rules and procedures regarding the face covering requirement contained herein. Any and all City ordinances or parts thereof in conflict with this Emergency Ordinance are hereby repealed to the extent of such conflict.

SECTION 6. SEVERABILITY

- A. In the event any clause or portion of this Emergency Ordinance is held invalid or unenforceable, the remainder of this Emergency Ordinance shall continue in full force and effect.

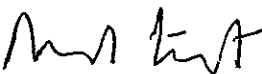
SECTION 7. EFFECTIVE DATE

- A. By passage of this Emergency Ordinance by two-thirds (2/3) vote of the members of the City Council, this Emergency Ordinance shall take effect at 5:00 p.m. ET on August 7, 2020, without further reading or publication, to address the clear and present public health emergency posed by COVID-19.

THIS ORDINANCE SHALL BE EFFECTIVE IMMEDIATELY UPON PASSAGE.

PASSED by the City Council of the City of Bristol, a Florida municipality, in special meeting this 3rd day of August, 2020.

CITY OF BRISTOL, FLORIDA

By: 

Durwood Stewart, Chairperson
City Council

ATTESTED BY:

By: Robin Hatcher
Robin Hatcher, City Clerk

APPROVED AS TO FORM:

Jackson Summers
Jackson Summers, City Attorney

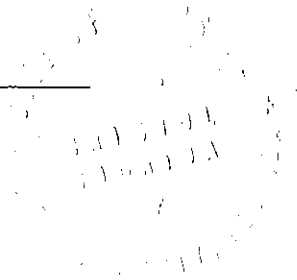


EXHIBIT 1.

**By Emergency Ordinance of the
Bristol City Council**

**Face Coverings are
required while
indoors at this
business
establishment.**



EFFECTIVE AUGUST 7, 2020 at 5:00 P.M. ET