

RESOLUTION NO. 20- 78

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA REQUIRING THE USE OF FACE COVERINGS IN INDOOR AND ENCLOSED PUBLIC SPACES

WHEREAS, California Government Code Section 8630 empowers the City Council to proclaim the existence or threatened existence of a Local Emergency when the City is affected or likely to be affected by a public calamity; and

WHEREAS, Government Code Section 8634 empowers the City to promulgate orders and regulations to provide for the protection of life and property; and

WHEREAS, pursuant to Benicia Municipal Code Section 2.36.050(A)(1), the Director of Emergency Services has declared the existence of a Local Emergency, which Local Emergency has been ratified by the City Council on March 19, 2020; and

WHEREAS, the Director of Emergency Services does hereby find that conditions of extreme peril and a crippling disaster, which severely impairs the safety of persons or property, have arisen within the City, caused by the virus COVID-19 and its rapid transmission, as reported by various local, state and national health organizations; and

WHEREAS, the aforesaid conditions of extreme peril warranted and necessitated the proclamation of the existence of a Local Emergency; and

WHEREAS, on March 18, 2020, the County of Solano Health Officer issued a County-wide shelter-in-place directive that requires individuals to isolate in their places of residence, except as needed for the performance of essential activities; and

WHEREAS, on March 19, 2020, the Governor of the State of California (“Governor”) issued Executive Order N-33-20, which provides that individuals living in the State of California are required to stay at home except as needed to maintain continuity of operations of the critical infrastructure sectors; and

WHEREAS, the novel Coronavirus is highly contagious and poses a threat to the wellbeing of every person; and

WHEREAS, in order to slow the spread of COVID-19, the U.S. Center for Disease Control (CDC) recommends that face coverings be worn in all circumstances when distancing of at least six feet is not possible; and

WHEREAS, the CDC’s recommendation regarding face coverings is based on data showing that the use of face coverings decreases the likelihood of COVID-19 being spread; and

WHEREAS, the County of Solano has not issued any orders requiring the wearing of face coverings; and

WHEREAS, the City has an important governmental interest in protecting the health, safety, and welfare of its citizens and businesses; and

WHEREAS, in order to protect the health and safety of the City and in order to follow the sound guidance and recommendations of the CDC, the City will impose a requirement that face coverings be worn indoors and in enclosed spaces in order to curtail the spread of COVID-19; and

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, the City Council of the City of Benicia finds it necessary to issue and implement this Resolution to protect life, health and safety of its citizens and the community at large.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia does hereby order as follows:

SECTION 1. Face Coverings Required.

1. Each person over the age of twelve years old shall wear a mask or cloth face covering which covers both the mouth and nose (“Face Covering”) at all times when in any indoor or enclosed space open to members of the public located in any government building, police station, marina, or fire station; the following businesses open to the public; grocery stores, convenience stores, liquor stores, supermarkets, pharmacies, laundromats, dry cleaners, hardware stores, commercial office buildings, tobacco stores; a restaurant, bar or pub of any kind (except when consuming food and/or any beverage); any medical facility of any kind including, but not limited to, hospitals, clinics, urgent care facilities, long term care facilities, and senior care facilities; and a church, mosque, temple or other religious building.

2. No person shall be required to wear a Face Covering when outdoors unless it is not possible to maintain a distance of six feet from every other person. In the event that a person cannot maintain the aforesaid six feet outdoors, then that person shall be required to wear a Face Covering.

3. In residential buildings consisting of at least two dwelling units (“Residential Buildings”), any person entering without limitation, any lobby, hallway, elevator, stairwell, laundry room, garage or any other enclosed areas which are accessible to more than one dwelling, unit shall wear a Face Covering while in those areas.

4. This Resolution shall only apply to persons over the age of twelve years old. It shall not apply to anyone who has trouble breathing due to a respiratory condition or is unconscious, incapacitated, or otherwise unable to remove the Face Covering without assistance, anyone with a disability or medical condition for whom wearing a Face Covering is not recommended by their healthcare professional, and/or any other person exempted by any federal, state or local law or regulation.

SECTION 2. Effective Date. This Resolution shall take effect immediately upon adoption by the City Council of the City of Benicia and shall remain in effect until a vaccine is available. In the event a vaccine is not available before December 31, 2020, the Council will review this Resolution to determine whether to further require the mandates stated herein.

SECTION 3. The City Clerk shall certify the adoption of this Resolution and shall cause a certified Resolution to be filed in the Office of the City Clerk.

On motion of Council Member **Young**, seconded by Council Member **Campbell**, the above Resolution was adopted by the City Council of the City of Benicia at a regular meeting of said Council held on the 16th day of June, 2020 by the following vote:


Ayes: **Council Members Campbell, Largaespada, Strawbridge, Young, and Mayor Patterson**

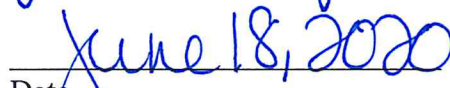
Noes: **None**

Absent: **None**


Elizabeth Patterson, Mayor

Attest:


Lisa Wolfe, City Clerk


Date