




Emily Larson
Mayor

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CITY OF DULUTH PROCLAMATION AND DECLARATION OF EMERGENCY

WHEREAS, the COVID-19 pandemic has constituted a public health emergency since March of 2020;

WHEREAS, on March 13, 2020, President Donald Trump declared that the COVID-19 outbreak in the United States constitutes a National Emergency;

WHEREAS, on March 13, 2020, Governor Tim Walz declared a Peacetime State of Emergency to authorize all necessary resources to be used in support of the COVID-19 response;

WHEREAS, COVID-19 has been identified by the World Health Organization as a pandemic, and the United States Centers for Disease Control has provided guidance for individuals, healthcare professionals, and businesses to slow the spread of COVID-19;

WHEREAS, on March 16, 2020, pursuant to Minnesota Statutes Section 12.29, I, the Mayor of the City of Duluth, declared a local emergency;

WHEREAS, on March 19, 2020, pursuant to Duluth City Council Resolution No. 20-0282R, the City Council approved the declaration of local emergency;

WHEREAS, the Mayor and Duluth City Council continued to the declaration of local emergency until July 21, 2021;

WHEREAS, since the last declaration of emergency, the Delta and Omicron variants of COVID-19 (hereinafter collectively referred to as "COVID-19") have been determined by the CDC to be highly transmissible and responsible for increasing the potential risk of infection and spread of the virus through the community;

WHEREAS, medical facilities in the City of Duluth are at capacity and experiencing staffing shortages;

WHEREAS, positive test rates for COVID-19 in St. Louis County is currently nearly 16.6 percent, more than three times the five percent level health officials find concerning;

WHEREAS, the current surge in COVID-19 infections is resulting in negative impacts to residents, businesses, and the health care systems located in the City of Duluth (the "City");

WHEREAS, Duluth City Code Section 17-7 provides that the Mayor may, by proclamation, promulgate regulations to maintain and safeguard the public safety, health and welfare;

WHEREAS, the Mayor finds that the ongoing COVID-19 pandemic threatens the health, safety, and welfare of the residents of the community and threatens the provision and delivery of city services as a result of the local emergency;

WHEREAS, the Mayor finds that the emergency poses risk to and may cause catastrophic damage to public health, safety, and welfare if not immediately addressed; and

WHEREAS, the Mayor finds that traditional sources of relief are not able to repair or prevent the injury and loss.

NOW, THEREFORE, I, EMILY LARSON, MAYOR OF THE CITY OF DULUTH, HEREBY PROCLAIM:

1. Effective January 14, 2022, at 5:00 p.m. a local state of emergency is declared pursuant to Duluth City Code Section 17-7.

2. The following face covering regulation is effective immediately:

A Face Covering Requirement - Purpose

1. Face coverings are a simple barrier to help prevent respiratory droplets from traveling into the air and onto other people when the person wearing the face covering coughs, sneezes, talks, or raises their voice. This is called source control.

2. Respiratory droplets spread the virus that causes COVID-19 and evidence from clinical and laboratory studies show face coverings reduce the spray of droplets when worn over the nose and mouth.

3. COVID-19 spreads mainly among people who are in close contact with one another (within about 6 feet), so the use of face coverings is particularly important in settings where people are close to each other or where social distancing is difficult to maintain.

4. Social distancing is difficult to maintain indoors business establishments.

B. Definitions.

For the purposes of this Article, the following words and phrases shall mean:

1. A Space of Public Accommodation means the indoor space of a business, or an educational, refreshment, entertainment, or recreation facility, or public transportation, or an institution of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public. Examples include retail stores, rental establishments, Duluth Transit Authority buses, facilities, and bus shelters, government buildings, the Duluth Skywalk system, places of worship, and service establishments as well as educational institutions, recreational facilities, and service centers.

2. Face Covering means a face mask that complies with CDC guidelines and that:

(a) Covers the mouth and nose;

(b) Fits snugly against the sides of the face; and

(c) Is secured on the face.

C. Face Covering Required Indoors.

1. A Space of Public Accommodation Shall Require Face Coverings Indoors. No person in control of a Space of Public Accommodation shall allow a person who is five years of age or older to enter or remain in their Space of Public Accommodation without wearing a Face Covering.

2. Face Covering Required in a Space of Public Accommodation. No person who is five years of age or older shall enter or remain in a Space of Public Accommodation without wearing a Face Covering.

3. Required Notices. Persons in control of Spaces of Public Accommodation shall post notice of this Face Covering requirement in conspicuous locations inside and outside entrances to their Space of Public Accommodation.

D. Exceptions to Section C.

Section C shall not apply to:

1. Persons unable to wear Face Coverings for genuine medical reasons;

2. Persons in a private room of a multi-tenant residence, such as an apartment building, or lodging establishment, such as a hotel, motel, or vacation rental. Face Coverings must be worn in all indoor common areas of said establishments;

3. Business patrons in Spaces of Public Accommodation who are actively eating and/or drinking provided that all individuals wear a Face Covering when walking to or from their seat while standing in or walking through public areas such as lobbies and restrooms, and when an employee of the business is at the table serving or clearing;

4. Business owners, managers, and employees who are in an area of a business establishment that is not open to customers, patrons, or the public, provided that six feet of distance exist between persons;

5. Education and childcare facilities with written plans in compliance with state guidelines.

6. Fitness facilities with written plans in compliance with state guidelines.

7. In settings where it is not feasible to wear a Face Covering, including when obtaining or rendering goods or services such as the receipt of medical or dental services, or swimming; and

8. Police officers, fire fighters and other first responders when not practical or engaged in a public safety matter.

E. Violations of the Proclamation and Declaration.

Violations of this Proclamation and declaration may result in:

1. Issuance of warning letter(s);

2. Fines not to exceed those set in accordance with Section 31-8 of the Duluth City Code for the first and second offenses and a fine as provided in Section 1-7 of the Duluth City Code for all subsequent offenses; and/or

3. Civil trespass from the Space of Public Accommodation;

4. Prosecution, if applicable, for trespass in violation of Duluth City Code 34-30; and/or

5. Criminal prosecution, if applicable, for criminal trespass in violation of Minnesota Statutes Section 609.605.

3. All City departments and offices are directed to operate and support the response to this incident, under the direction and coordination of the City's Emergency Manager Shawn Krizaj and Emergency Management Team, including implementing new employee protocols, strategies, and processes to ensure that public services are maintained.

4. The City's Emergency Manager Shawn Krizaj shall request and coordinate appropriate aid and resources from surrounding jurisdictions, Saint Louis County, the State of Minnesota, and the Federal government, as needed.

5. Under the Open Meeting Law, specifically Minnesota Statutes 13D.021, in-person public meetings of the City Council and other public bodies under the Mayor's jurisdiction are not practical or prudent because of the COVID-19 health pandemic and the emergency declared under Minnesota Statutes Chapter 12 by Governor Walz.
6. Public meetings shall continue to be held via internet and telephone consistent with Minnesota Statutes, Section 13D.021 due to the current health pandemic and emergency.
7. This Proclamation and Declaration shall terminate February 12, 2022, at 5:00 p.m.
8. The City Clerk is directed to file this Proclamation and Declaration promptly in the office of the City Clerk and publish it on the city website.

Dated this 13th day of January 2022.



Mayor of the City of Duluth