

# City of Bayfield

Office of the Clerk and Mayor  
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## RESOLUTION #572

### Requesting Bayfield County Health Department Issue a Public Health Order Requiring the Use of Masks

- WHEREAS,** To date, 6 individuals have tested positive for COVID-19 in Bayfield County, with 3 of those occurring within the last week in association with a large gathering. More cases are expected from this event. One of these individuals in the County died, and
- WHEREAS,** Our neighboring Counties are also seeing increased cases. As of July 12th, the number of confirmed cases in Wisconsin totaled over 38,000; and the number continues to rise, and
- WHEREAS,** Although the number of cases in Bayfield County are low compared to the rest of the state, many visitors from other counties and other states with higher infection rates come into the City daily. We have no way of knowing whether these people are infected or not, and
- WHEREAS,** The Centers for Disease Control and Prevention and the World Health Organization recommend that individuals wear cloth face coverings when they are in public settings where they cannot reliably maintain six feet of distance from others at all times, and
- WHEREAS,** Chapter 252 of the Wisconsin Statutes grants broad authority for a local health department to implement local health orders requiring or prohibiting certain conduct, such as requiring mask usage or prohibiting large gatherings, and
- WHEREAS,** The Wisconsin Statutes do not grant similar authority to local municipalities without a local health department to implement similar public health orders and recent Wisconsin Court decisions have cast doubt on the enforceability of any municipal mask ordinances or orders absent a public health officer's order.
- THEREFORE, BE IT RESOLVED,** that the Common Council of the City of Bayfield hereby requests that the Bayfield County Health Department issue a public health order substantially the same as the attached City of Bayfield Emergency Order; and additionally requiring the use of masks in all locations in Bayfield County that are open to the public, restricting large gatherings, and issuing other public health orders regarding the safe operations of businesses during this surge in Covid-19 cases.

This resolution shall be forwarded to the Bayfield County Health Department upon its adoption by the City of Bayfield Common Council.

Dated at the City of Bayfield, Wisconsin on this 15<sup>th</sup> day of July, 2020.

  
Gordon T. Ringberg, Mayor

Attest:

  
Billie L. Hoopman, Clerk

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## **ORDER OF THE CITY OF BAYFIELD**

**DATE OF ORDER:** JULY 15, 2020  
Goes into effect July 15, 2020, 6 p.m.

### **EMERGENCY ORDER**

This is a critical time for the City of Bayfield to minimize the spread of COVID-19, keep people healthy, and maintain a level of transmission that is manageable by healthcare and public health systems. The Bayfield County Health Department & City of Bayfield are using data and science to determine what actions are necessary across the City of Bayfield to slow the spread of the disease.

To date, 6 individuals have tested positive for COVID-19 in Bayfield County, with 3 of those occurring within the last week in association with a large gathering. More cases are expected from this event. One of these individuals in the County died. Our neighboring Counties are also seeing increased cases. As of July 12th, the number of confirmed cases in Wisconsin totaled over 38,000; and the number continue to rise.

Although the number of cases in Bayfield County are low compared to the rest of the state, many visitors from other counties and other states with higher infection rates come into the City daily. We have no way of knowing whether these people are infected or not.

COVID-19 is highly contagious and spreads mainly from person to person through respiratory droplets when a person with a COVID-19 infection coughs, sneezes, or talks. Many people with a COVID-19 infection do not have any symptoms, but can still transmit the virus to others. Evidence suggests that wearing a cloth face covering reduces the risk of a person with a COVID-19 infection spreading the infection to others either directly or via touched surfaces. Cloth face coverings can also protect people without a COVID-19 infection from exposure to droplets that may contain the virus. The Centers for Disease Control and Prevention and the World Health Organization recommend that individuals wear cloth face coverings when they are in public settings where they cannot reliably maintain six feet of distance from others at all times. Given the substantial increase in the numbers of cases of COVID-19 infections globally, nationally, and in our state, this precaution must now become mandatory.

While most people are able to wear cloth face coverings, some people may not be able to due to a medical condition, mental condition, or disability. Additionally, some people of color in the U.S. have experienced harassment and racism due to wearing a face covering in public. The following Order should not be used as justification to harass or harm another person who is either wearing or not wearing a face covering.

Data indicates that mass gatherings create particularly challenging environments for the COVID-19 pandemic. Physical movement within the establishment, duration of time spent in the establishment, and the degree of social mixing within individuals and groups are all greater in bars than in other businesses. Maintaining six feet of distance from people outside of one's own household is challenging in bar settings and mass gatherings.

Louder environments and the cacophony of conversation that are typical in bar settings and mass gatherings often require raised voices and greater projection of oral emitted viral droplets. In their totality, these factors present a higher likelihood of transmission of the coronavirus within groups, between groups, and among the workforce. Beyond higher risk of transmission in bar settings and mass gatherings, contract tracing, a key measure needed to control spread, is also more challenging in these settings. Undertaking contact tracing of a droplet-spread communicable disease based on exposure at a bar or mass gathering is extremely difficult because of the constant mixing among persons, including unknowing prolonged and close contact.

Based upon the foregoing, I, Gordon T. Ringberg, Mayor of the City of Bayfield, by the authority vested in me by the Laws of the State, including, but not limited to, Wis. Stats. Secs. 252.03(1), (2) and (4), order the following as necessary to prevent, suppress, and control the spread of COVID-19:

1. **Safety of individuals.** All individuals should take precautions when leaving their homes to ensure their safety, the safety of the members of their household, and the safety of the public.
  - a. **All individuals.** For individual safety and the safety of the community, all individuals should:
    - i. Maintain physical distancing of six (6) feet between individuals who are not members of the same living unit or household, to the greatest extent possible.
    - ii. Wash hands with soap and water for at least twenty (20) seconds as frequently as possible or use hand sanitizer.
    - iii. Cover coughs or sneezes (into the sleeve or elbow, not hands).
    - iv. Frequently clean high touch surfaces and objects.
    - v. Not shake hands.
    - vi. Wearing a face covering when inside.

vii. Wear a face covering when you are in outside public settings where you cannot always reliably maintain six feet of distance from others.

b. **Vulnerable individuals.** Vulnerable individuals include people over sixty-five (65) years of age, people that are pregnant, people in long-term care facilities, people with compromised or weakened immune systems, and people with serious underlying health conditions including high blood pressure, chronic lung disease, serious heart conditions, liver disease, kidney disease requiring dialysis, diabetes, obesity, or asthma.

c. **Face Coverings.**

i. Every individual, age 10 and older, while in the City of Bayfield must wear a face covering that covers their nose and mouth when:

1. In any enclosed building where other people, except for members of the person's own household or living unit, could be present.
2. In line to enter any indoor space where you cannot always reliably maintain six feet of distance from others.
3. Driving or riding on public transportation or other ride share vehicle for hire.
4. In public settings where they cannot always reliably maintain six feet of distance from others.

ii. Individuals may remove their face coverings under the following circumstances in combination with a minimum of 6 ft. social distance:

1. While they are eating or drinking.
2. When communicating with an individual who is deaf or hard of hearing and communication cannot be achieved through other means.
3. While obtaining a service that requires the temporary removal of the face covering.
4. When necessary to confirm the individual's identity.
5. When federal or state law prohibits wearing a face covering.

- iii. The following individuals are exempt from the requirement to wear a face covering; however, they are still expected to maintain a minimum of 6 ft. social distance:
  - 1. Individuals for whom wearing a face covering would create a risk to the person related to their work, as determined by government safety guidelines.
  - 2. Individuals with a medical condition, mental health condition, or disability that prevents them from wearing a face covering.

2. **Mass Gatherings.** A Mass Gathering is a planned event with a large number of individuals in attendance, such as a concert, festival, meeting, training, conference, performance, show, or sporting event. Individuals that are members of the same household or living unit do not count towards the mass gathering numbers in their own household or living unit.

- a. **Mass Gatherings Inside.** A Mass Gathering inside any property is permitted with ten (10) individuals or less not including employees. Individuals must maintain physical distancing of 6 ft. minimum.
- b. **Mass Gatherings Outside.** A Mass Gathering outside is permitted with fifty (50) individuals or less not including employees. Individuals must maintain physical distancing.
- c. **Granting Exceptions:** Exceptions may be granted if a business applies to the City with a detailed plan that addresses physical distancing, face coverings, and other relevant requirements.
- d. **Libraries, Pavillon, and community centers.** If open, libraries, the Pavilion, and other community centers shall comply with the requirements in Sections 1.c. and 4 of this Order.

3. **Businesses.** All businesses are subject to the following requirements:

- a. Limit capacity to 50% of approved capacity levels.
- b. Develop and implement a written hygiene policy and procedure that includes:

- i. Ensuring employees who have a fever or other symptoms of COVID-19 will not be allowed to work.
  - ii. Establishing hand-washing expectations and ensuring supplies are available to employees.
  - iii. Describing proper cough and sneeze etiquette.
- c. Develop and implement a written cleaning policy and procedure that includes:
- i. Guidelines for cleaning and disinfecting frequently touched surfaces multiple times a day.
  - ii. Guidelines for frequently wiping down any shared equipment, such as work-spaces, credit card machines, lunchroom items, carts, and baskets.
  - iii. Guidelines for cleaning common areas and equipment between use or shift changes.
  - iv. Protocols for cleaning and disinfecting in the event of a positive COVID-19 case on site.
- d. Develop and implement a written protective measure policy and procedure that includes:
- i. Ensuring individuals are at least six (6) feet from others whenever possible.
  - ii. Ensuring employees are always provided with and wear face coverings when indoors
- e. Document staff receipt, acknowledgement, or training on the policies in Sections 4b.-4.d.
- f. Limit staff and customers in offices, facilities, and stores. All businesses should, to the greatest extent possible, facilitate remote work and other measures that limit the number of individuals present at an office, facility, or store. Businesses to the greatest extent feasible should:
- i. Offer online or virtual services, including for, meeting with clients, providing counsel, or other professional services.
  - ii. Hold meetings and collaborate online or by phone.
  - iii. Alternate work teams or stagger shifts.

- g. Safe business requirements when remote work is not possible.** All businesses are required to take the following measures to limit exposure to COVID-19 to staff, customers, and the public when remote work is not possible:

    - i.** Where possible, offer curbside pick-up, curbside drop-off, and delivery of goods and services.
    - ii.** Where possible, offer online or phone payments, appointments, and reservations.
    - iii.** Door-to-door solicitation is allowed with physical distancing.
    - iv.** Ensure spacing of chairs in waiting rooms to ensure physical distancing is maintained between individuals.
  - h. Meetings, trainings, and conferences** are considered Mass Gatherings and must comply with Section 2 of this Order.
  - i.** Businesses must **establish lines outside to regulate entry**, with markings indicating where customers should stand to remain six (6) feet apart from one another while waiting to enter. These markings should be professional and attractive and should not interfere with passage along sidewalks or other public spaces. Businesses should also offer alternatives to lines, including allowing customers to wait in their cars for a text message or phone call and scheduling pick-ups or entries to stores.
  - j.** Follow all Equal Employment Opportunity Commission guidelines with regards to face coverings.
- 4. Industry-specific requirements.** In addition to complying with Section 4, the following businesses have additional requirements as listed below. All businesses with check-out registers shall implement practices recommended by the Wisconsin Economic Development Council (e.g. plastic barriers; pens will not be re-used, etc.)
- a. Stores that sell food or groceries**, including grocery stores, bakeries, farm and produce stands, supermarkets, food banks and food pantries, convenience stores, and other establishments engaged in the retail sale of groceries, prepared food, alcoholic and non-alcoholic beverages. Such establishments shall:

    - i.** Encourage pickup and delivery options.
    - ii.** Prohibit customer self-dispensing of bulk food items and condiments.
    - iii.** Beverage stations are exempt from this requirement.

- iv. Except for produce areas, cease any customer self-service operations of all unpackaged food, such as salad bars, and buffets.
- v. Limit indoor dine-in capacity to 50% of approved seating capacity levels. Space tables and chairs to ensure at least six (6) feet physical distancing between customers who are not members of the same household or living unit. Limit each table to six (6) customers who are members of the same household or living unit. Physical barriers (e.g. clear plastic shields) between tables is encouraged, where feasible.
- vi. Outdoor seating is allowed. Space tables and chairs to ensure at least six (6) feet physical distancing between customers who are not members of the same household or living unit. Limit each table to eight (8) customers who are members of the same household or living unit.
- vii. Sampling of food is prohibited.

**b. Restaurants and bars. Restaurants and bars shall:**

- i. "Restaurant" has the meaning as defined in Wis. Stats. Ch. 97.01 (14g) and whose sale of alcohol beverages accounts for 50% or less of the establishment's gross receipts from July 1, 2019 to June 30, 2020. "Bar" is an establishment in which fermented malt and/or distilled beverages are sold for consumption upon said premises and whose sale of alcohol beverages accounts for 51% or more of the establishment's gross receipts from July 1, 2019 to June 30, 2020, and whose primary business is that of a bar.
- ii. Encourage pick-up and delivery options.
- iii. Cease any customer self-service operations of all unpackaged food, such as salad bars and buffets. Beverage stations are exempt from this requirement.
- iv. Prohibit customer self-dispensing of condiments.
- v. At restaurants, limit indoor dine-in capacity to 50% of approved seating capacity levels. Space tables and chairs to ensure at least six (6) feet physical distancing between customers who are not members of the same household or living unit. Limit each table to six (6) customers who are members of the same household or living unit. Physical barriers (e.g. clear plastic shields) between tables is encouraged, where feasible.
- vi. Outdoor seating is allowed. Space tables and chairs to ensure at least six (6) feet physical distancing between customers who are not members of the same household or living unit. Limit each table to six (6) customers who are members of the same household or living unit.
- vii. In restaurants, maintain at least six (6) feet between each stool for customers that are not members of the same household or living unit.
- viii. Customers must always be seated when not in transit.



ix. Sampling of food is prohibited.

c. **Retail stores.** Retail stores shall:

- i. Limit the number of individuals in the business (excluding employees) up to 50% of approved capacity levels.
- ii. Sampling of goods (ex. food or make-up) is prohibited.

d. **Salons and spas.** Facilities including hair salons, barber shops, nail salons, day spas, massage/chiropractic/physical/acupuncture/acupressure therapists, electrolysis providers, waxing salons, eyebrow-care establishments, tattoo and piercing parlors, body art establishments, tanning facilities and similar facilities shall:

- i. Limit the number of customers or clients to 50% of approved capacity levels. If capacity level is four (4) or less, one (1) client or customer is permitted.
- ii. Space customer or client chairs, tables, or stations at least six(6) feet apart from each other.

e. **Gyms and fitness centers.** Gyms, fitness centers, and similar facilities shall:

- i. Provide materials for members to disinfect equipment before and after exercise at each piece of equipment or station.
- ii. Limit the number of individuals in the business(excluding employees) to 50% of the approved capacity limit.
- iii. Increase frequency of cleaning of all equipment, common areas, locker rooms, and restrooms.
- iv. To the extent possible, space equipment at least six (6) feet apart, especially for treadmills and other high-exertion aerobic fitness equipment.
- v. Use floor markings to indicate spacing of individuals, particularly in areas where individuals congregate or cluster including drinking fountains, the front desk or reception area, and cleaning stations.
- vi. Group exercise classes may only be offered if physical distancing can always be maintained and there is no person-to-person contact. Group exercises classes must comply with Section 2 of this Order.

- vii. Activities where physical distancing cannot be maintained are not allowed unless they are between individuals from the same household or living unit.
  - viii. Saunas, whirlpools, hot tubs, and steam rooms are closed.
- f. **Places of amusement and activity.** Places of amusement and activity including sailing trips, kayak excursions, boat tours, ferries, marinas, museums, theaters, concert and music venues, golf courses and similar places shall:
- i. To the extent possible, all reservations and payments must be made in advance online or by phone.
  - ii. Businesses shall limit the number of individuals on the premises (excluding employees) to 50% of approved capacity limits. Events such as, but not limited to, concerts, festivals, carnivals, fairs, parades, movies, performances, and shows are subject to Section 2 of this Order.
  - iii. Ensure that physical distancing can be maintained between all individuals, not within the same household or living unit, at all times.
  - iv. Seating, stations, or recreational areas must be spaced to ensure at least six (6) feet of physical distancing between individuals not within the same household or living unit.
  - v. All equipment provided or rented should be cleaned in between each customers use.
  - vi. Granting Exceptions: Exceptions may be granted if a business applies to the City with a detailed plan that addresses physical distancing, face covering and other relevant requirements.
- g. **Lodging,** including hotels, motels, campgrounds, B&B, and vacation rentals.
- i. Prohibit guests from congregating in lobbies or other common areas, including providing adequate space to adhere to physical distancing while queuing for front desk services.
  - ii. Adopt cleaning protocols for guest rooms and common areas based on Bayfield County Health Department guidelines. Provide training

for housekeeping associates for proper handling of linens and cleaning/disinfecting supplies and provide appropriate personal protective equipment.

iii. Follow all requirements in Section 5 of this Order.

5. **Religious Entities and Groups.** Religious entities and groups are entities that are organized and operated for a religious purpose. Examples include, but are not limited to mosques, synagogues, temples, religious studies, churches and nondenominational ministries. Religious entities and groups shall comply with Sections 1.c. and Section 4 of this Order.
6. **Leased Premises.** Landlords or rental property managers may enter leased residential premises and show properties if all individuals are wearing face coverings and maintaining physical distancing.
7. Businesses must follow all regulatory and licensing requirements. If this Order contains provisions that are more restrictive than otherwise permitted in any regulatory or licensing requirement, the provisions of this Order shall control.

## ENFORCEMENT AND APPLICABILITY

1. **Enforcement.** Violation or obstruction of this Order is a violation of the City of Bayfield Ordinance 1-3 and any subsequent or similar ordinance adopted by the City of Bayfield in conformity therein. Failure to comply may be subject to fine. (This is what Duluth is doing) The city may levy escalating fines for people who fail to comply with the mask requirement, charging \$100 for a first violation, \$250 for a second, and \$1,000 for any additional transgressions. (Ask Chief Fangman).
2. **Severability.** If any provision of this Order or its application to any person or circumstance is held to be invalid, then the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.
3. **Public Notification:**
  - a. The public shall be informed of this order via prominently posting of Council minutes and the full text of the order on the City's website.
  - b. The order shall be posted at the entrance to City Hall.

- c. Signs and posters about the order, notably face covering requirements, shall be posted along primary roads entering the City and in other prominent public places. These will also be made available to businesses for posting.
  - d. Broader distribution will be done via press release.
  
- 4. **Duration.** This Order shall become effective Wednesday, July 15, 2020 at 6 p.m. This Order shall remain in effect until further notice.