

**AGENDA ITEM EXECUTIVE SUMMARY**

Agenda Item number: 6c

Title:

Wearing Face Coverings in Public Places – Discussion Only

Presenter:

Mark Koenen and Chief Keegan

Meeting: Government Operations Committee

Date: August 3, 2020

Proposed Cost: \$ NA

Budgeted Amount: \$ NA

Not Budgeted: **Executive Summary** (*if not budgeted please explain*):

In conjunction with efforts to combat the impacts of coronavirus, Ald. Payleitner approached the Mayor and City Administrator about hosting a public discussion regarding face coverings/masks. The request followed an article, residents shared with Ald. Payleitner that is ongoing in Naperville

For your information we have attached below related ordinances and an article from the *Wall Street Journal* and *Daily Herald* (Naperville news story) to prepare for this discussion.

Attachments (*please list*):

-City Ordinance 2020-M-15 and Exec. Order no. 2

-*Wall Street Journal*, July 17, 2020 article, Jason Gay, “Please Wear a Face Mask So I Can Shut Up About Wearing Face Masks”

-*Daily Herald*, July 27, 2020 article, Marie Wilson, “Naperville leaders to promote wearing masks”

-IML...sample ordinance, “

Recommendation/Suggested Action (*briefly explain*):

No action required. The discussion may trigger additional guidance to staff for follow up.

Refer to:	
Minutes	4-27-20
Page	

City of St. Charles, Illinois

Ordinance No.: 2020-M-15

**An Ordinance Confirming and Extending a
Declared State of Emergency Within the City
of St. Charles Due to the COVID-19 Pandemic**

**Adopted by the
City Council
of the
City of St. Charles
April 27, 2020**

Published in pamphlet form by
authority of the City Council
of the City of St. Charles,
Kane and Du Page Counties,
Illinois, **May 3, 2020**



City Clerk



(S E A L)

City of St. Charles, Illinois
Ordinance No. 2020-M-15

**An Ordinance Confirming and Extending a Declared State of Emergency
Within the City of St. Charles Due to the COVID-19 Pandemic**

WHEREAS, the City of St. Charles (“City”) has a population of more than 25,000 persons and is, therefore, a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

WHEREAS, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals, and welfare; and

WHEREAS, on March 9, 2020, the Governor of the State of Illinois issued a Gubernatorial Disaster Proclamation declaring a state of emergency throughout the State of Illinois as a result of the COVID-19 pandemic; and

WHEREAS, on March 18, 2020, the City passed Ordinance No. 2020-M-11, establishing temporary executive powers and the Mayor of the City declared a state of emergency within the City pursuant to 65 ILCS 5/11-1-6, 20 ILCS 3305/11 and Sections 2.34 and 2.36 of the City Code of the City; and

WHEREAS, on April 6, 2020, the City passed Ordinance No. 2020-M-12, confirming and extending to and until May 4, 2020 a declared state of emergency within the City due to the COVID-19 pandemic; and

WHEREAS, while the City is currently responding to this COVID-19 pandemic, it is deemed necessary and in the interest of the people of the City, in accordance with the City’s responsibility to ensure public health and safety and pursuant to the authority vested in the City pursuant to the Illinois Constitution, including Article VII, Section 6 of the 1970 Illinois Constitution, the laws of the State of Illinois, including Section 11 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/11, Sections 11-1-6, 11-20-5, 8-10-5 and 10-3-6, among others, of the Illinois Municipal Code and Sections 2.34 and 2.36 of the Code of the City, to consent to the declaration that an emergency exists within and a disaster exists in the City and renew and continue the emergency powers of the Mayor.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES, KANE AND DUPAGE COUNTIES, ILLINOIS, AS FOLLOWS:

1. RECITALS. The facts and statements contained in the preambles to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

2. **DECLARATION OF AN EMERGENCY AND DISASTER.** It is hereby determined that it is advisable, necessary and in the best interest of the City that the findings, determination and declaration of the Mayor on March 18, 2020, as extended, that a state of emergency and a disaster exists in the City due to the coronavirus disease (COVID-19) outbreak continues to exist and that the actions taken by the Mayor resulting from and in furtherance of that declaration, including but not limited to COVID-19 Executive Order No. 2, Emergency Face Covering Measures, be and are hereby ratified and affirmed.

3. **EXECUTIVE ORDER.** The Mayor shall be and is hereby authorized and directed to continue to exercise by executive order the extraordinary emergency powers and authority as conferred and as may be reasonably necessary to respond to the emergency during the time that this state of emergency exists.

4. **DURATION.** This Ordinance shall remain in effect through May 30, 2020, provided that the Ordinance shall immediately cease to be effective upon a declaration by the Governor or the Mayor that the state of emergency related to the COVID-19 pandemic no longer exists.

5. **AUTHORITY TO EXECUTE AND ENFORCE.** The officials, officers, employees and agents of the City are authorized to take such actions and execute such documents as are necessary to carry out the purpose and intent of this Ordinance. The Mayor, police officers, and all other officers and employees of the City shall enforce the rules and regulations so adopted and orders issued by the Mayor pursuant to this Ordinance.

6. **NOTICE.** Upon issuing the proclamation herein authorized, the City Clerk shall notify the news media situated within the City, and shall cause copies of the proclamation declaring the existence of the emergency to be posted at the following places within the City: City Hall and the police station.

7. **SEVERABILITY.** If any provision of this Ordinance, or the application of any provision of this Ordinance, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this Ordinance, or their application, that can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision, or application of such provision, is severable, unless otherwise provided by this Ordinance.

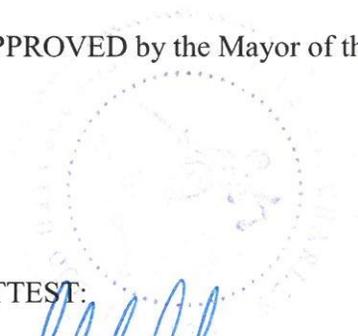
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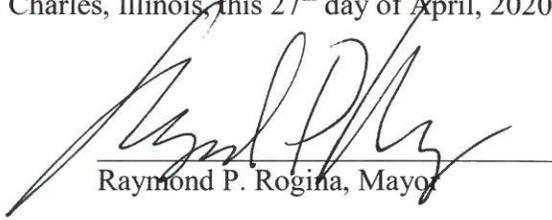
8. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of the conflict.

PRESENTED to the City Council of the City of St. Charles, Illinois, this 27th day of April, 2020.

PASSED by the City Council of the City of St. Charles, Illinois, this 27th day of April, 2020.

APPROVED by the Mayor of the City of St. Charles, Illinois, this 27th day of April, 2020.




Raymond P. Rogina, Mayor

ATTEST:



City Clerk

COUNCIL VOTE:

Ayes: 9

Nays: 1

Absent: 0

Abstain: 0

City of St. Charles
Office of the Mayor
St. Charles, Illinois

April 24, 2020

Executive Order 2020-2

**EXECUTIVE ORDER IN RESPONSE TO COVID-19
EMERGENCY FACE COVERING MEASURES
(COVID-19 EXECUTIVE ORDER NO. 2)**

WHEREAS, COVID-19 (a/k/a Novel Coronavirus) is a severe respiratory illness caused by the SARS-CoV-2 virus, a new strain of coronavirus that is spread from person to person, posing a threat to the health and safety of the residents of the City of St. Charles; and

WHEREAS, no drug or vaccine is currently available to treat or prevent COVID-19; and

WHEREAS, on January 27, 2020, United States Department of Health and Human Services Secretary Alex Azar declared a national public health emergency due to COVID-19; and

WHEREAS, on March 9, 2020, Illinois Governor J.B. Pritzker issued a Gubernatorial Disaster Proclamation declaring that all counties in the State of Illinois, including Kane and DuPage Counties, are disaster areas due to the Novel Coronavirus; and

WHEREAS, on March 11, 2020, the World Health Organization (“WHO”) declared COVID-19 to be a global pandemic; and

WHEREAS, on March 13, 2020, President of the United States Donald Trump issued a declaration of a national emergency due to the growing COVID-19 crisis in the United States, and on March 26, 2020, President Trump issued a major disaster declaration for the State of Illinois due to the COVID-19 crisis; and

WHEREAS, on March 20, 2020, Governor Pritzker issued an Executive Order requiring all non-essential persons to stay at home with limited exceptions and non-essential businesses to cease operations with limited exceptions, which was recently extended to May 30, 2020 (“Stay at Home Order”); and

WHEREAS, on March 18, 2020, Raymond P. Rogina, as Mayor of the City of St. Charles (“City”) issued a Declaration of a Local State of Emergency for the City to address the impact of COVID-19 on the City and its residents and businesses and property owners (“Emergency Declaration”); and

WHEREAS, the Emergency Declaration provides the Mayor with, among other powers, the authority “to take any and all actions and issue any order as is imminently necessary for the protection of life, property, health, safety, and public welfare; and

WHEREAS, the WHO has indicated that COVID-19 is spread primarily by respiratory droplets produced when an infected person coughs or sneezes and droplets can also be generated by talking, laughing, or exhaling; and

WHEREAS, the Center for Disease Control (“CDC”) has stated that people experiencing no symptoms can spread COVID-19 more widely than previously thought, and that people are the most contagious before they start showing symptoms; and

WHEREAS, on April 3, 2020, the CDC announced that it recommends wearing cloth face coverings in public settings where other social distancing measures are difficult to maintain (e.g., grocery stores and pharmacies); and

WHEREAS, the U.S. Surgeon General acknowledged that there is a significant amount of asymptomatic spread and recommends that individuals use face coverings to reduce the spread of COVID-19; and

WHEREAS, the Director of the National Institute of Allergy and Infectious Diseases has further recommended that individuals wear facial coverings to prevent individuals from infecting others; and

WHEREAS, the number of individuals in Illinois infected with COVID-19 continues to increase regularly, and often daily, and each day COVID-19 continues its spread constitutes a separate occurrence of this natural disaster; and

WHEREAS, preparedness, response, and recovery from the COVID-19 virus are of paramount importance and the virus has the risk of substantially endangering the health, safety, and property of the citizens of the City of St. Charles.

THEREFORE, pursuant to the authority vested in the Office of Mayor by the Illinois Municipal Code (65 ILCS 5/11-1-6), the Illinois Emergency Management Agency Act (20 ILCS 3305/1), the City Code of the City of St. Charles (Secs. 2.34 and 2.36), the Emergency Declaration issued on March 18, 2020, and the findings set forth above, I, Raymond P. Rogina, Mayor of the City of St. Charles, in an effort to encourage people to be courteous of one another, protect essential workers, and the overall health and safety of the public, do hereby order the following:

A. Covering of Nose and Mouth. Except as provided in Subsection B, all persons over the age of two are required to wear some form of covering over their nose and mouth (such as a homemade mask, scarf, bandana, or handkerchief) while engaging in the following activities:

1. Working in Essential Businesses and Operations (as defined by Governor Pritzker’s Stay at Home Order) that are open to the public or when employees have contact with the public to include, without limitation, grocery stores, restaurants, hardware and supply stores, financial institutions, laundry services, essential government functions, etc.

2. In a public place where unable to practice six foot social distancing, and engaging in essential activities such as shopping for necessary supplies and services, seeking medical supplies or medication, visiting a health care professional, etc.

3. Riding in public transportation, taxis, or ride shares.

A business owner or operator may refuse admission or service to any individual who fails to wear face coverings as required by this Order.

B. Exceptions. Subsection A will not apply to any person who is engaging in the following activities:

1. Outdoor activity and permissible outdoor physical activity as defined in the Stay at Home Order (walking, hiking, running, or biking) while practicing social distancing of at least six feet from others.

2. Riding in a personal vehicle.

3. When alone or with household members in a separate single space.

4. When doing so poses a greater health, safety, or security risk to the individual or the public.

5. When drinking or eating.

C. Types of Face Coverings. Appropriate face coverings include homemade masks, scarves, bandanas, or handkerchiefs. Medical-grade masks or N95 respirators should be reserved for use by health care and medical providers and first responders.

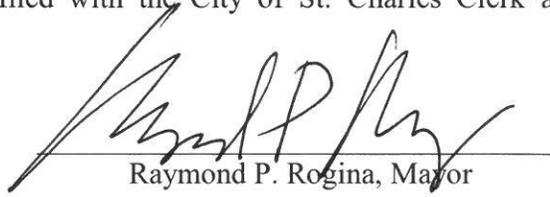
D. Penalty. The City of St. Charles Police Department is authorized to enforce this Executive Order. Any violation of this Executive Order may subject the violator to a fine in an amount of not less than \$50.00 and not exceeding \$500.00 per each violation.

E. Severability. If any provision of the Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

The intent of this Executive Order is to further increase the wearing of face coverings when in public to reduce the spread of the COVID-19 virus, protect essential workers and all members of our community. This Executive Order does not alleviate the need for strict social distancing practices and adherence to the Stay at Home Order.

This Executive Order will be effective as of May 1, 2020, at 12:00 a.m., and shall expire at the conclusion of the earlier Emergency Declaration, as may be extended, or the Stay at Home

Order. This Executive Order will be filed with the City of St. Charles Clerk as soon as practicable.



Raymond P. Rogina, Mayor

Issued by the Mayor of St. Charles on April 24, 2020.
Filed with the City Clerk on April 24, 2020.

State of Illinois)
) ss.
Counties of Kane and DuPage)

Certificate

I, CHUCK AMENTA, certify that I am the duly elected and acting Municipal City Clerk of the City of St. Charles, Kane and DuPage Counties, Illinois.

I further certify that on **April 27, 2020**, the Corporate Authorities of such municipality passed and approved Ordinance No. **2020-M-15** entitled:

An Ordinance Confirming and Extending a Declared State of Emergency Within the City of St. Charles Due to the COVID-19 Pandemic

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. **2020-M-15**, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on **May 3, 2020**, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at St. Charles, Illinois, this **27th** day of **April 2020**.



Municipal Clerk

(S E A L)



Please Wear a Face Mask So I Can Shut Up About Wearing Face Masks

I'm as tired of this discussion as anyone else. So let's mask up and make progress.

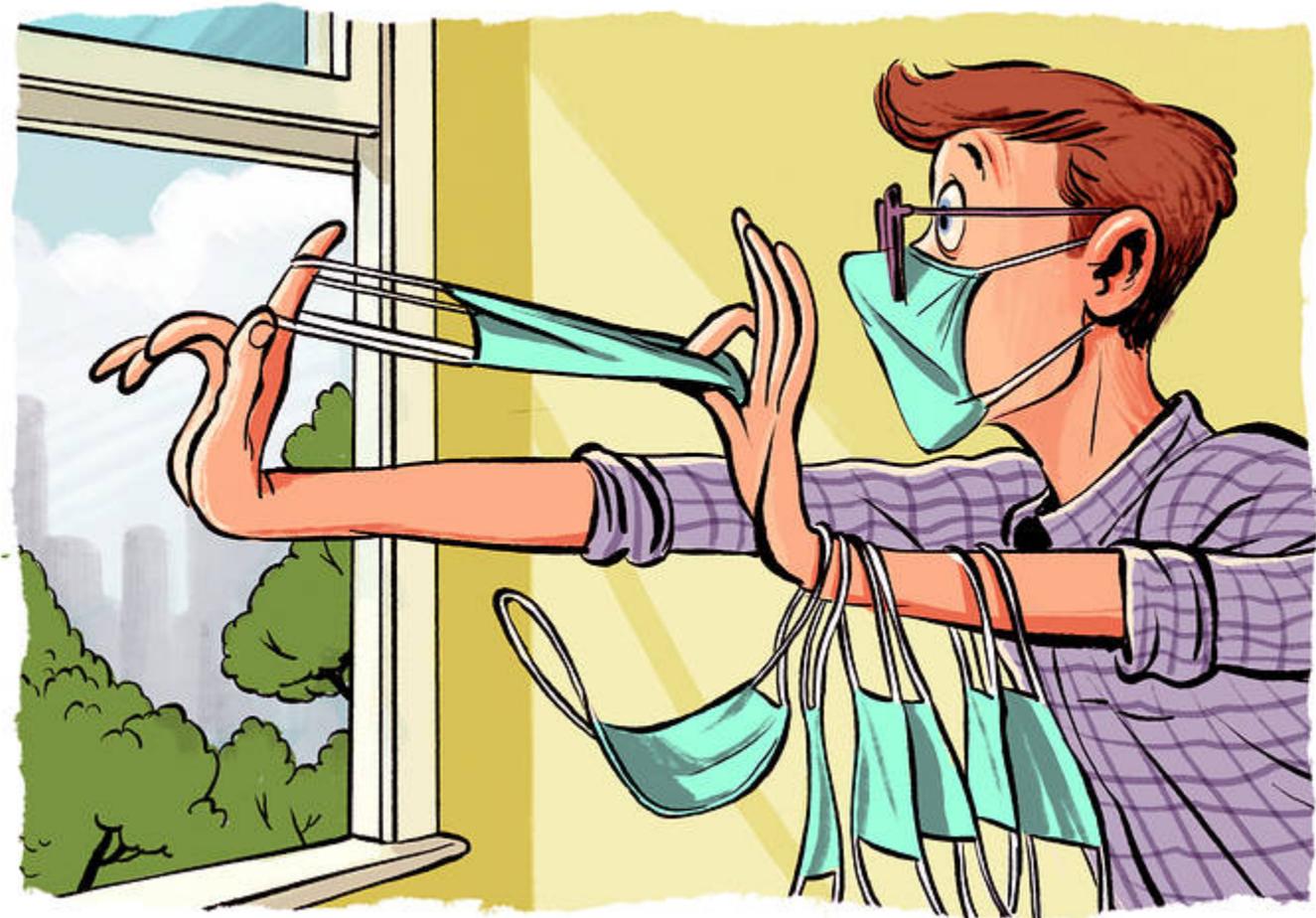


ILLUSTRATION: ZOHAR LAZAR



By

Jason Gay

July 17, 2020 9:04 am ET

- [SAVE](#)
- [PRINT](#)
- [TEXT](#)

Let's do this. Let's wear the mask. Me in the mask. You in the mask. *Everybody in the mask!* Yes, it sounds like the lyrics to a bad summer anthem, the kind of song I turn up a little too loudly in the family car.

But let's get it done. Mask up. I can't believe it's the third week of July and we're still arguing about masks in this country. The rest of the planet must look at us like we're a bunch of lunatics.

Still: I want to be a sunbeam of positivity. I love you all, and I'm going to assume your families love you, too. (I'm, like, 35% sure my family loves me.) We all have a lot left to live for! There's so much to see, do and watch on [Netflix](#). Not to mention Hulu.

Also: I need everyone to stick around to read my terrible columns for years to come.

It's not like I'm asking you to help me move. I'm not asking you to drive me to the airport.

What's that? You don't want a column about a topic like this from me? That makes two of us, my friend. Do you really think I want to be writing about masks? Are you kidding? I want to be writing about talking pets. I wrote about masks in May. I thought I was done. I want to be writing about guacamole and poison ivy and making fun of the Mets.

But look at the new cases, friends. We're still in this battle, and there's something we all can do: Wear the mask.

You've heard it a bajillion times, but here's the basic idea: If you're going to be indoors in a building that is asking you to wear a mask, wear a mask. If you're in a crowd and not able to be socially distant, wear a mask.

That's it! That's all that's being asked here. I'm not asking you to help me move. I'm not asking you to drive me to the airport. I don't think I'm going to the airport until 2041.

You don't want a column about a topic like this from me? That makes two of us, my friend.

Yes, early on, the government foolishly waffled on whether we really needed masks, and you'll always be able to find somebody who's less than convinced, but the consensus is widening and the inconvenience is mild.

Here's what the Journal's Bojan Pancevski and Jason Douglas wrote in late June: *While only medical-grade N95 masks can filter tiny viral particles and prevent catching the virus, medical experts say even handmade or cheap surgical masks can block the droplets emitted by speaking, coughing and sneezing, making it harder for an infected wearer to spread the virus.*

"Face coverings work," Robert Redfield, director of the CDC, said this week. "It's our major defense to prevent ourselves from getting this infection. If all of us would put on a face covering now for the next four weeks to six weeks, I think we could drive this epidemic to the ground in this country."

MORE FROM JASON GAY

- [The Kids Are All Fried](#) June 26, 2020
- [Arnold the Grammarian](#) June 12, 2020
- [The Summer of Beach Body Amnesty](#) May 29, 2020
- [Will the Office of the Future Be Different? I Doubt It](#) May 15, 2020

Let's not play games. Please don't confuse this as political, red state/blue state, "virtue signaling" or any of that cravenly dismissive talk-radio [Twitter](#) egg nonsense. A mask does not suppress freedom, masculinity or even beauty. Who knows? You might look better in a mask. I almost surely do.

Even you-know-who seems to be on board, with an official Presidential mask. The First Lady, too. "Even in the summer months, please remember to wear face coverings and practice social distancing," Melania Trump posted on Twitter this week. "The more precaution we take now can mean a healthier and safer country in the fall."

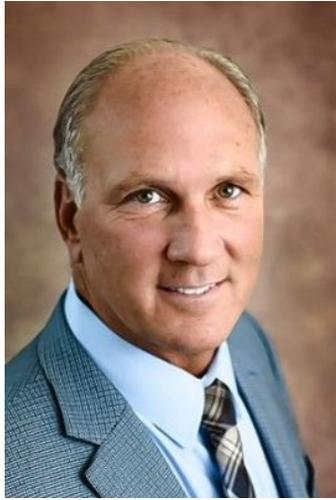
If you can't do it, if there's some medical reason a mask doesn't work for you—that's A-OK. Pretty much every business has an alternative for you. If you still are having an issue getting what you need, email me— jason.gay@wsj.com—and I'll help in any way I can. That's a real offer. Please do not email me to yell about the Mets. Or your guacamole.

This stuff has stakes. It's bigger than you and me. Let's mask it and move on. America is ready for what's next. I want to go back to the talking dogs.

Write to Jason Gay at Jason.Gay@wsj.com

Wall Street Journal

Naperville leaders to promote wearing masks



Naperville Mayor Steve Chirico



Marie Wilson

Updated

7/21/2020 10:14 PM

Naperville City Council members plan to work on a public service announcement-style video or videos to promote the wearing of masks in public, as is required by a state executive order to decrease the spread of the COVID-19 virus.

Council members on Tuesday discussed masks after nine members of the public requested they do more to ensure people use face coverings. Several of the speakers said they've been disappointed with the level of mask-wearing in downtown Naperville, and most asked for the city to write its own mandate to require masks by a local ordinance.

"Naperville needs a mask mandate," Margaret Collins said in written comments submitted before Tuesday's virtual meeting. "Especially in our downtown area, the streets and sidewalks are increasingly crowded

with groups of people not social distancing and not wearing masks. Naperville should set a good example and help Illinois defeat this virus once and for all."

The council declined to put a mask ordinance on the books, citing enforcement concerns. But members lined up unanimously behind an idea from council member Kevin Coyne to film a PSA or a series of PSAs for social media to promote mask-wearing in public.

Coyne said the Census Naperville Complete Count Committee has had success promoting census completion through a series of short videos, so he would like to see the same approach to encourage compliance with wearing masks. Face coverings are required to be worn in Illinois in indoor public places and in outdoor public places when six-foot social distancing is not possible, per an executive order from Gov. J.B. Pritzker.

Coyne said a PSA from council members could be effective because members have their own constituencies and political views that "run the entirety of the political spectrum."

Council members all said they support the wearing of masks to help decrease virus transmission, as each person who wears a mask helps protect others. They also all said recording a video for social media would be the appropriate way to put the city's leadership behind the mask effort.

"It makes you part of a team that you're encouraging people to do something that is positive," council member Judith Brodhead said.

The city also plans to coordinate with the Downtown Naperville Alliance on potentially increasing signs about mask-wearing and social

distancing when in the downtown area.

Mayor Steve Chirico said further encouragement of the practice of wearing masks will help keep case counts, hospitalizations and deaths low across Naperville and the broader DuPage County region.

"This is working and it is proven, so we need to keep encouraging it," Chirico said about mask use. "Countries that are doing this well are able to have open economies and still keep the public safe."

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ORDINANCE NO. _____

AN ORDINANCE REGARDING FACE COVERINGS
TO PRESERVE AND PROTECT RESIDENTS

[If home rule.]WHEREAS, the **City/Village** of _____, _____ County, Illinois (“**City/Village**”), is a home rule unit of government and, pursuant to the provisions of Article VII, Section 6(a) of the Illinois Constitution, may exercise any power and perform any function pertaining to its government and affairs; and

[If non-home rule.]WHEREAS, the **City/Village** of _____, _____ County, Illinois (“**City/Village**”), is a non-home rule unit of government; and

WHEREAS, the Illinois Municipal Code, 65 ILCS 5/11-20-5, provides that municipalities may do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of diseases; and

WHEREAS, the **City/Village** has determined that the outbreak of novel coronavirus (COVID-19), a highly contagious disease, jeopardizes the public health and safety of the residents of the **City/Village**; and

WHEREAS, the United States Centers for Disease Control and Prevention (CDC) and the Illinois Department of Public Health (IDPH) have identified the risks associated with the outbreak of COVID-19 and made recommendations for suppression of the disease that include all individuals wear face coverings in public settings where other social distancing measures may be difficult to maintain, because people who are asymptomatic can spread COVID-19; and

WHEREAS, in order to protect the health, safety and welfare of the persons within the **City/Village**, the **City/Village** has determined that suppression of disease will be enhanced by implementing the following health restrictions.

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

The foregoing recitals shall be and are hereby incorporated as findings of fact as if said recitals were fully set forth herein.

SECTION 1: PROTECTIVE FACE COVERINGS REQUIRED

All persons within the municipal boundary of the **City/Village** engaging in any activity outside of their residence, while other people are present, shall wear protective face coverings when they must leave their home or report to work.

Examples of when face coverings are required include, but are not limited to:

- Shopping or working at retail businesses, like grocery stores or pharmacies;
- Picking up food from a drive thru or curbside pickup;

IML Model Ordinance: Face Coverings

- Visiting a health care provider;
- Traveling on public transportation, taxis or rideshare;
- Interacting with customers, clients or coworkers at a place of business or worship that is open to the general public;
- Performing services for state and local government agencies, where close interactions with other people are unavoidable; and
- When feeling sick, coughing or sneezing or otherwise ill.

SECTION 2: EXCEPTIONS

(a) Protective face coverings are not required for children under two years of age, or for those with medical issues that would be compromised by wearing a face covering.

(b) Protective face coverings are not required when engaged in physical activity such as walking or running while maintaining social distancing from others of not less than six feet.

(c) Protective face coverings are not required when alone or with members of the same household.

(d) Protective face coverings are not required when eating or drinking, whether in public or private.

SECTION 3: DURATION

The restrictions herein shall be effective until the **City/Village** repeals this ordinance.

SECTION 4: NOTICE

Upon passage of this ordinance, the municipal clerk shall publish the ordinance in pamphlet form, notify the news media situated within the **City/Village**, and shall cause at least four copies of the ordinance to be posted at prominent places within the **City/Village**.

SECTION 5: VIOLATIONS

Any person violating the provisions of this ordinance shall be guilty of an offense against the **City/Village** and shall be punished as provided by section ____ - ____ of the **City/Village** code.

A business owner or operator may refuse admission or service to any individual who fails to wear a face covering reasonably designed and made to inhibit, filter or restrict the passing of a person's breath, sneeze, cough or other exhaling from one's nose and mouth.

SECTION 6: EFFECT ON OTHER ORDINANCES

Nothing contained in this section shall be construed to impair the powers contained in this code, giving powers to the police and fire departments, but shall be construed together with existing ordinances now in effect for the safety and welfare of the citizens of the **City/Village**.

SECTION 7: EFFECTIVE DATE

Due to the urgent need to protect the public health and safety due to COVID-19, this ordinance shall be in full force and effect immediately upon passage. **[Requires approval by 2/3 affirmative vote of all members then holding office to be immediately effective.]**

SECTION 8: REPEAL OF CONFLICTING PROVISIONS

All ordinances and resolutions, or parts thereof, in conflict with the provisions of this ordinance are, to the extent of the conflict, expressly repealed on the effective date of this ordinance.

SECTION 9: SEVERABILITY

If any provision of this ordinance or application thereof to any person or circumstances is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

Passed the ____ day of _____, 20____.

AYES: _____

NAYS: _____

Absent: _____

Approved this ____ day of _____, 20____.

Mayor/Village President

ATTEST:

Clerk