



Legislation Text

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AN EMERGENCY ORDINANCE AMENDING CHAPTER 17 OF THE DULUTH CITY CODE TO ALLOW THE MAYOR TO ISSUE PUBLIC HEALTH MANDATES DURING EMERGENCY HEALTH CRISIS.

BY COUNCILOR RANDORF AND COUNCILOR MEDVED:

The city of Duluth does ordain:

Section 1. Preamble.

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

WHEREAS, on July 13, 2020, the council enacted emergency Ordinance 10708 requiring face coverings in indoor spaces of public accommodation in response to the COVID-19 pandemic; and

WHEREAS, on May 24, 2021, the council repealed the face covering mandate based on U.S. Centers for Disease Control and Prevention ("CDC") advice that fully vaccinated people no longer need to wear a face covering in any setting; and

WHEREAS, since the repeal of the face covering mandate, the COVID-19 Delta and Omicron variants 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; and

WHEREAS, positive test rates for COVID-19 in Minnesota are currently nearly 13 percent, more than twice the five percent level health officials find concerning; and

WHEREAS, Duluth children and citizens with underlying medical conditions are especially vulnerable to hospitalization due to COVID-19.

Section 2. Pursuant to the authority of Section 11 of the Duluth City Charter, 1959, as amended, (the "Charter") in order for the immediate preservation of the public peace, health and safety of the citizen of the city of Duluth, an emergency is hereby declared.

Section 3. That Chapter 17, Section 17-7, of the Duluth City Code is hereby amended as follows:

Sec. 17-7. Emergency regulations.

Whenever necessary to meet a civil defense emergency or a disaster, or to prepare for such an emergency or disaster for which adequate regulations have not been adopted by the governor or the city council, the mayor may, by proclamation, promulgate regulations, consistent with applicable federal or state law or regulations respecting: protection against nuclear disasters; the activation of warning systems; the conduct of persons and the use of property during emergencies and disasters, and warnings thereof; the repair, maintenance and safeguarding of essential public services; emergency health, fire and safety regulations, trial drills or practice periods required for preliminary training; and all other matters which are required to protect public safety, health and welfare in civil defense emergencies or disasters.

In an emergency health crisis, such as the COVID-19 pandemic, the mayor may issue public health mandates to safeguard the community.

Every proclamation of emergency, public health mandate or disaster regulations shall be in writing and signed by the mayor, shall be dated, shall refer to the particular civil defense emergency or disaster to which it pertains, if so limited, and shall be filed in the office of the city clerk, where a copy shall be kept posted and available for public inspection during business hours. Notice of the existence of such regulations or mandates and their availability for inspection at the clerk's office shall be conspicuously posted at the front of the city hall or other headquarters of the city and at such other places in the affected area as the mayor shall designate in the proclamation. Thereupon, the regulations or mandates shall take effect immediately or at such later time as may be specified in the proclamation. By like proclamation the mayor may modify or rescind any such regulation or mandate.

The city council may rescind any such regulation or mandate by resolution at any time. If not sooner

rescinded, every such regulation or mandate shall expire at the end of 30 days after its effective date or at the end of the civil defense emergency or disaster to which it relates, whichever occurs first. Any ordinance, rule or regulation inconsistent with an emergency or disaster regulation promulgated by the mayor shall be suspended during the period of time and to the extent that such conflict exists.

STATEMENT OF PURPOSE: This is an emergency ordinance amending Chapter 17, Section 17-7, of the Duluth City Code to allow the mayor to issue public health mandates during emergency health crisis, such as the COVID-19 pandemic.

Pursuant to Section 11 of the Charter, the Preamble must be separately unanimously approved by council prior to the adoption of the ordinance.