



## TOWN OF CUTLER BAY EMERGENCY ORDER NO. 20-07

The effects of COVID-19 continue to require extraordinary and immediate actions by the Town of Cutler Bay in order to further protect the community's health, safety, and welfare. According to the Centers for Disease Control (the "CDC"), COVID-19 spreads mainly from person to person through respiratory droplets produced when an infected person coughs, sneezes, or talks. These droplets can land in the mouths or noses of people who are nearby or may be inhaled into the lungs. According to the CDC, due to COVID-19's transmission method, it is critical to maintain six feet distancing to slow the spread of the virus. According to the CDC, where social distancing is difficult to maintain, the wearing of a face covering/mask helps avoid the spread of COVID-19 by providing an extra layer of protection to help prevent respiratory droplets from traveling in the air and onto other people.

It would serve the health, safety, and welfare of the Town of Cutler Bay community to require individuals to wear masks or face coverings/masks in any location where social distancing measures are not possible, whether indoors or outdoors. The Town of Cutler Bay previously issued Emergency Order No. 20-01 requiring facial coverings in certain circumstances and Miami-Dade County has issued various emergency orders relating to facial coverings.

By virtue of the powers and duties vested in me as the Town Manager of the Town of Cutler Bay, Miami-Dade County, Florida, in accordance with Section 252.38 of the Florida Statutes, under Chapter 12, Article II, Sec. 12-23 (a) of the Town Code, and pursuant to the Town's Declaration of a State of Emergency issued on March 13, 2020, I hereby find that it would further mitigate the spread of the COVID-19 virus and serve the health, safety and welfare of the residents of Cutler Bay to repeal Town of Cutler Bay Emergency Order No. 20-01, and impose more stringent standards than those set forth in Miami-Dade County Emergency Orders No. 21-20 and No. 23-20, as amended, as follows:

1. **Facial Covering Mandated.** Except as otherwise provided herein, where social distancing measures are not possible or are difficult to maintain, all persons shall be required to wear a Facial Covering over their nose and mouth consistent with CDC guidelines at all times while indoors or outdoors, including, but not limited to, at government facilities, Town Hall, community centers, parking lots, and retail, commercial and other establishments or facilities that have been authorized to open and remain opened pursuant to Miami-Dade County Emergency Order 23-20, as amended, and Town orders. A Facial Covering includes any covering which snugly covers the nose and mouth, whether store bought or homemade, and which is secured with ties or ear loops. Examples of compliant home-made masks may be found at <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html>.

2. **Exceptions.** The following persons are not required to wear a Facial Covering:
  - a. A child under the age of two;
  - b. An individual who has one or more medical conditions or disabilities that prevent wearing a Facial Covering;
  - c. An individual who is obtaining a service involving the nose or face for which temporary removal of the Facial Covering is necessary to perform the service;
  - d. An individual who works in a profession where use of a Facial Covering will not be compatible with the duties of the profession;
  - e. An individual who is engaged in outdoor work or exercise with appropriate social distancing in place;
  - f. An individual who is eating or drinking;
  - g. An individual who is hearing-impaired or an individual who is communicating with an individual who is hearing-impaired; and
  - h. An individual who has trouble breathing due to a chronic pre-existing condition.
3. Nothing herein shall operate to restrict any employee or customer from addressing any emergency or other exigent circumstance, even if a covering over the nose and mouth is not readily accessible at the time of such emergency or other exigent circumstance.
4. Medical and surgical face masks, such as “N95” masks or other similar medical or surgical masks, are in short supply and should be reserved for health care personnel and other first responders with the greatest need for such personal protective equipment. Persons are encouraged to review and comply with the CDC and Florida Department of Health guidelines on personal protective equipment, including with respect to the use of a medical or surgical face mask, such as an “N95” mask or other similar medical or surgical mask.
5. **Repealing Town of Cutler Bay Emergency Order No. 20-01.** As of the effective date of this Order, Town of Cutler Bay Emergency Order No. 20-01 is repealed and superseded by this Order.

No person shall violate the terms of this Emergency Order, except upon direct authorization of the Town of Cutler Bay Police Department. Any violation of this Emergency Order shall be subject to fine, imprisonment, or both in accordance with Section 12-31 of the Town Code. In addition, any business that allows a person to violate this Emergency Order may be subject to closure.

This Emergency Order shall be effective **commencing June 27, 2020 at 12:01 a.m. (EST)** and shall continue in effect from day-to-day until the State of Emergency issued on March 13, 2020 is declared to be terminated by the Town Manager or Town Council in accordance with Section 12-24 of the Town Code. This Emergency Order may be cancelled earlier by action of the Town Manager.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the seal of the Town of Cutler Bay to be affixed this 26<sup>th</sup> day of June, 2020 at 1:00 p.m. (EST).



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Rafael G. Casals, ICMA-CM, CFM  
Town Manager

Attest:



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Debra Eastman, MMC  
Town Clerk