



Office of
**INDIAN RIVER COUNTY
ATTORNEY**

Dylan Reingold, County Attorney
William K. DeBral, Deputy County Attorney
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MEMORANDUM

TO: Board of County Commissioners
FROM: Dylan Reingold, County Attorney
DATE: August 14, 2020
SUBJECT: Face Covering Ordinance

BACKGROUND.

On July 14, 2020, the Indian River County Board of County Commissioners enacted an emergency face covering ordinance. The ordinance requires all persons working in restaurants, grocery stores, food service, salons, gyms, any retail establishments, or businesses open to the public or any other indoor facility visited by the public to wear face coverings. The ordinance also requires all persons entering an indoor County facility and those utilizing public transit and transportation in Indian River County to wear face coverings. All other persons physically present in any public place are strongly encouraged to wear face coverings. The ordinance does contain various exceptions. Although the ordinance is intended to serve as a mechanism to seek voluntary compliance, the ordinance does include the ability to issue citations for noncriminal, civil infractions. The ordinance applies throughout the unincorporated areas of Indian River County and in County buildings and facilities in the incorporated areas of Indian River County. That ordinance is set to sunset on September 15, 2020.

The County Attorney's Office has drafted the attached proposed ordinance and provided legal notice of the public hearing on the ordinance. The proposed ordinance continues the requirements and recommendations set forth in the initial ordinance until November 17, 2020.

The only proposed change in the ordinance is to eliminate two of the exceptions. The first was to eliminate the exception for persons observing social distancing in accordance with CDC guidelines. Under the ordinance, employees are not required to wear a face covering if they are maintaining social distancing. Thus, the exception would only apply to the general public in County buildings and those using public transit. Since the general public is most often going to be in those areas open to the general public, then wearing a face covering should be required so as not to impede the flow and movement of the public by those not wearing face coverings. Additionally, the exception for persons working in a business or profession who do not have interactions with other persons seemed unnecessary as there is already an exception for employees who are maintaining social distancing.

FUNDING.

The cost of publication of the required public notice for the public hearing was \$114.57. The cost was funded from the Cares Act Fund/County Attorney's Office/Recording Fees (account number 13910214-03830).

RECOMMENDATION.

The County Attorney's Office recommends that after the public hearing the Indian River County Board of County Commissioners vote to approve the draft proposed ordinance.

ATTACHMENT(S).

Draft Face Covering Ordinance