Resolved by the City Council of the City of Burlington, as follows:

That WHEREAS, on April 3, 2020 the Center for Disease Control (CDC) reversed its initial guidance against public mask wearing and now recommends wearing cloth face coverings in public settings where other social distancing measures are difficult to maintain (e.g., grocery stores and pharmacies), especially in areas of significant community-based transmission; and

WHEREAS, the City of Burlington recognized the value of widespread mask wearing in advance of the CDC’s reversal of its position on mask wearing and eventual endorsement of mask wearing; and

WHEREAS, the City of Burlington launched a community mask making project at the beginning of the Covid-19 pandemic in early March 2020; and

WHEREAS, as of May 8, 2020 the City has distributed more than 15,000 cloth face coverings through more than 80 different local organizations; and

WHEREAS, the City continues to distribute free, washable, reusable cloth face coverings to any resident who wants them through local grocery stores, markets, and organizations; and

WHEREAS, the CDC advises the use of simple cloth face coverings to slow the spread of the virus and help people who may unknowingly have the virus from transmitting it to others; and

WHEREAS, the Vermont Department of Health “recommends that all Vermonters wear cloth face coverings when outside of the home to help slow the spread of COVID-19;” and

WHEREAS, the Vermont Agency of Commerce and Community Development, the agency the Governor has authorized to provide guidance on his orders, has stated in its May 13, 2020 memo, “Employees must wear face coverings over their nose and mouth when in the presence of others. In the case of retail cashiers, a translucent shield or “sneeze guard” is acceptable in lieu of a mask. Businesses and non-profit and government entities may require customers or clients to wear masks;” and

WHEREAS, Vermont Governor Phil Scott announced on May 11, 2020 that retail stores may reopen on May 18, 2020, with certain precautions; and
Resolutions Relating to COVID-19 Emergency Order – Wearing Face Coverings Required in Retail Stores (Revised)

WHEREAS, Governor Scott issued an Addendum 14 to his Executive Order on May 15, 2020, which includes in paragraph 3 the following authorization for municipalities: “The legislative body of each municipality may enact more strict local requirements regarding mask use than those set forth herein;” and

WHEREAS, Covid-19 remains a health hazard to residents of Burlington and a significant threat to vulnerable populations; and

WHEREAS, the citizens of Burlington have demonstrated that they support taking all precautions to slow the spread of Covid-19 and their cooperation with State and CDC guidelines has been essential to “flattening the curve” so far, thus assuring our health care facilities have not been overwhelmed by the spread of this disease; and

WHEREAS, the people of Burlington believe in taking care of our own and strive to help and protect our neighbors and loved ones; and

WHEREAS, wearing a face covering is an important act we can do in an effort to protect others from an infection that we may not even know we have; and

WHEREAS, Section 16 of the Vermont Emergency Management statute, 20 V.S.A. 16, authorizes the cities of the state to make orders, rules, and regulations that may be necessary for emergency management purposes so long as they are not inconsistent with any orders, rules, or regulations promulgated by the governor or any state agency;

NOW, THEREFORE, BE IT RESOLVED that this City Council hereby issues the following COVID-19 Emergency Order re: Wearing Face Coverings Required in Retail Stores:

1. Requirement to Wear Face Covering. Starting May 18, 2020, all establishments located in the City of Burlington that will be open to the public for service and/or the sale of products and commodities on a retail basis shall require both staff and customers to wear cloth face coverings or face shields over their nose and mouth while inside the establishment.

2. Covered Establishments. This Order covers retail establishments, including but not limited to

- stores selling clothing, shoes, furniture, gifts, books, and other products to the general public;
- grocery stores;
- hardware stores;
- garden supply stores;
- convenience stores.
3. Establishments Not Covered. Establishments that are not primarily selling products to retail customers, such as offices, restaurants, bars, and hotels shall not be subject to this Order, but must abide by all state requirements for safe operation.

4. Requirements for Cloth Face Coverings or Face Shields. Cloth face coverings should meet the following criteria published by the CDC:

- fit snugly but comfortably against the side of the face
- be secured with ties or ear loops
- include multiple layers of fabric
- allow for breathing without restriction
- be able to be laundered and machine dried without damage or change to shape.

Face shields should meet the following criteria:

- be made with a clear plastic such as PET (Polyethylene Terephthalate) or PETG (Polyethylene terephthalate glycol)
- extend to below the chin and to the ears
- have no exposed gap between the forehead and the shield's headpiece.

5. Avoid Purchasing Medical Masks. Unless necessary for medical reasons, non-medical professionals should avoid purchasing medical or N-95 masks so as not to deplete the supply of those critical medical masks available for healthcare workers and first responders.

6. Exceptions. The CDC advises that cloth face coverings should not be placed on young children under age 2, anyone who has trouble breathing, or is unconscious, incapacitated or otherwise unable to remove the mask without assistance.

7. Posting of Requirement. Each covered establishment must post signage at the entrance and at other appropriate locations stating that customers are required to wear face coverings by order of the Burlington City Council. The City Clerk will ensure that this Order is posted in suitable posting locations throughout the City, including the City website.

8. Effective Period. This Order shall remain in effect until this Council amends, rescinds, or suspends this Order or the Mayor declares an end to the COVID-19 emergency in Burlington, whichever occurs first.