

MUNICIPAL BUILDING, MOBILE, ALABAMA, JULY 1, 2020

The Council of the City of Mobile, Alabama met in the Auditorium of the Mobile Government Plaza, on Wednesday, July 1, 2020, at 2:00 p.m.

Present:

Chairman: Manzie
Councilmembers: Richardson, Small, Williams, Daves, Rich and Gregory
Absent: None

The meeting was called to order. The Council reviewed and discussed the agenda for their special meeting to be held today at 2:00 p.m.

Adopted:

COUNCIL PRESIDENT

ASSISTANT CITY CLERK

MUNICIPAL BUILDING, MOBILE, ALABAMA, JULY 1, 2020

The City Council of the City of Mobile, Alabama met in the Auditorium of the Mobile Government Plaza, on Wednesday, July 1, 2020, at 2:00 p.m., in a special meeting.

The meeting was called to order by Assistant City Clerk Mary Ann Merchant.

INVOCATION:

Councilmember Fredrick Richardson, Sr., District 1, offered the invocation.

Present on Roll Call:

Chairman: Manzie
Councilmembers: Richardson, Small, Williams, Daves, Rich and Gregory
Absent: None

STATEMENT OF RULES BY PRESIDING OFFICER:

The Presiding Officer provided an overview of the City Council rules of procedure.

COMMUNICATIONS FROM THE MAYOR:

Mayor Stimpson reiterated the need for face coverings in public places.

ADOPTION OF THE AGENDA:

Councilmember Small moved to adopt the agenda, which move was seconded by Councilmember Rich and the vote was as follows:

Ayes: Richardson, Manzie, Small, Williams, Daves, Rich and Gregory
Nays: None

The vote was then announced by the Assistant City Clerk whereupon the Presiding Officer declared the agenda adopted.

PRESENTATIONS OF PETITIONS AND OTHER COMMUNICATIONS TO THE COUNCIL:

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The following people spoke in support of Ordinance 39-019:

- 1. Sabrina Mass, 1050 Belvedere Circle West
- 2. Wendy Bedsole, 5405 Colonial Oaks Drive North
- 3. Bert Eichold, 165 South Georgia Avenue

The following people spoke in opposition of Ordinance 39-019:

- 1. Heather Hardesty, 850 Kali Oka Road, Saraland, AL
- 2. Reggie Hill, 1007 Center Street
- 3. Pam Maloney, 3710 Cottage Hill Road
- 4. Rhonda “Mary” Crabtree, 5300 Grand Bay Wilmer Road
- 5. Athena McDaniel, 113 Vanderbilt Drive
- 6. Matthew Crabtree, 3700 Cottage Hill Road
- 7. Chris Hergenroder, 13230 Hackberry Drive

ORDINANCES HELD OVER:

ORDINANCE REQUIRING WEARING FACE COVERINGS IN PUBLIC. The following ordinance, which was introduced and read at the regular meeting on June 30, 2020, and held over until the special meeting of July 1, 2020, was called up by the Presiding Officer.

ORDINANCE: 39-019-2020
Sponsored by: Councilmember Rich and Mayor Stimpson

WHEREAS Coronavirus Disease 2019 (COVID-19) has been detected in Alabama;

WHEREAS the appearance of COVID-19 in the State poses the potential of widespread exposure to an infectious agent that poses significant risk of substantial harm to a large number of people;

WHEREAS the State Board of Health has designated COVID-19 to be a disease of epidemic potential, a threat to the health and welfare of the public, or otherwise of public health importance;

WHEREAS on March 13, 2020, on recommendation of the State Health Officer, Kay Ivey, Governor of the State of Alabama, declared a state public health emergency exists in the State of Alabama;

WHEREAS on March 16, 2020, the Jefferson County Health Officer, in response to a rapidly growing number of cases of COVID-19 being detected in Jefferson County, issued an order suspending certain public gatherings in that county;

WHEREAS on March 17, 2020, the State Health Officer issued a similar order for counties surrounding Jefferson, including Blount, St. Clair, Shelby, Tuscaloosa, and Walker Counties,

WHEREAS on March 19, 2020, the State Health Officer issued an order, and on March 20, 2020, March 27, 2020, April 3, 2020, April 28, 2020, and May 8, 2020, amended orders, of statewide application suspending certain public gatherings;

WHEREAS social-distancing and related measures remain necessary on a statewide basis to prevent the spread of COVID-19; and

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WHEREAS Ala. Code § 22-2-2 authorizes the State Health Officer, on behalf of the State Board of Health, to direct that conditions prejudicial to health in public places within the State be abated;

NOW THEREFORE, THESE PREMISES CONSIDERED, it is ordered that the following Safer at Home order be implemented statewide:

1. Recommendations for individuals. Effective April 30, 2020, at 5:00 P.M., all individuals—and especially vulnerable persons—are encouraged to exercise personal responsibility in slowing the spread of COVID-19 by:

- a. Minimizing travel outside the home, especially if sick;
- b. Wearing face coverings around people from other households when it is necessary to leave the home;
- c. Washing hands frequently with soap and water or hand sanitizer, especially after touching frequently used items or surfaces;
- d. Refraining from touching one's face;
- e. Sneezing or coughing into a tissue, or the inside of one's elbow; and
- f. Disinfecting frequently used items and surfaces as much as possible.

“Vulnerable persons” means individuals 65 years and older or individuals with serious underlying health conditions, including high blood pressure, chronic lung disease, diabetes, obesity, asthma, and those whose immune system is compromised such as by chemotherapy for cancer and other conditions requiring such therapy.

2. Quarantine for infected persons. Effective immediately, any person who has tested positive for COVID-19—other than institutionalized persons—shall be quarantined to their place of residence for a period of 14 days, or other period of time as directed by the State Health Officer, or his designee, after receiving positive test results. Any person quarantined pursuant to this provision shall not leave their place of residence for any reason other than to seek necessary medical treatment. Any person requiring assistance while under quarantine may contact Alabama Voluntary Organizations Active in Disaster, <http://alvoad.communityos.org/cms>. While under quarantine, the person shall take precautions as directed by his or her health care provider or the Alabama Department of Public Health to prevent the spread of the disease to others.

3. Non-work related gatherings. Effective May 11, 2020, all non-work related gatherings of any size, including drive-in gatherings, that cannot maintain a consistent six-foot distance between persons from different households are prohibited.

Organizers of religious gatherings are strongly encouraged to read and implement the Alabama Department of Public Health's “Guidelines for Places of Worship,” available at <https://alabamapublichealth.gov/covid19/assets/cov-sah-worship.pdf>.

4. Protections for employees. Effective May 11, 2020, and unless otherwise permitted or required by this order, all employers shall take reasonable steps, where practicable as work duties permit, to protect their employees by:

- a. maintaining six feet of separation between employees;
- b. regularly disinfecting frequently used items and surfaces;
- c. encouraging handwashing;
- d. preventing employees who are sick from coming into contact with other persons;

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- e. facilitating remote working arrangements; and
- f. minimizing employee travel.

In addition to complying with the requirements of this paragraph, employers are strongly encouraged to read and implement the Alabama Department of Public Health's "Guidelines for Safeguarding All Businesses," available at <https://alabamapublichealth.gov/covid19/assets/covsah-businesses.pdf>.

5. Protections for customers, etc. Effective May 11, 2020, and unless otherwise permitted or required by this order, the operator of any business, government office, or other establishment open to the public shall take reasonable steps, where practicable, to protect their customers, constituents, or other guests by:

- a. maintaining six feet of separation between such persons (except for those persons who share the same household); and
- b. regularly disinfecting frequently used items and surfaces.

6. Retailers. Effective May 11, 2020, all retail stores shall comply with the following rules:

- a. Emergency maximum occupancy rate. Occupancy shall be limited to no more than 50 percent of the normal occupancy load as determined by the fire marshal. This "emergency maximum occupancy rate" shall be posted in a conspicuous place, and enough staff shall be posted at the store entrances and exits to enforce this requirement.
- b. Social distancing. An employee of the retail store may not knowingly allow customers or patrons to congregate within six feet of a person from another household.
- c. Sanitation. The retail store shall take reasonable steps to comply with guidelines on sanitation from the Centers for Disease Control and Prevention (CDC) and the Alabama Department of Public Health.

7. Close-contact service providers. Effective May 11, 2020, close-contact service providers—such as barber shops, hair salons, waxing salons, threading salons, nail salons and spas, body art facilities, tattoo services, and massage therapy establishments and services—shall comply with the following rules:

- a. Social distancing. Employees shall not knowingly allow clients or persons accompanying a client to congregate within six feet of a person from another household.
- b. Facial coverings. Each employee shall wear a mask, or other facial covering that covers his or her nostrils and mouth, at all times while providing services within 6 feet of a client.
- c. Hand sanitation.
 - (i) Employees shall wash their hands thoroughly with soap and water immediately before providing services within 6 feet of a client.
 - (ii) Employees of all close-contact service providers are encouraged—and employees providing nail services or facial services are required—to wear gloves when providing services within 6 feet of a client. To the extent employees wear gloves when providing services, they should use a new pair of gloves for each client and should put them on immediately after washing their hands.
- d. Sanitation. A close-contact service provider shall take reasonable steps, where practicable, to regularly disinfect frequently used items and surfaces.

In addition to complying with the requirements of this paragraph, close-contact service providers are strongly encouraged to read and implement the Alabama Department of Public Health's "Guidelines for Close Contact Personal Service Businesses," available at <https://alabamapublichealth.gov/covid19/assets/cov-sah-close-contact.pdf>.

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8. Athletic facilities. Effective May 11, 2020, athletic facilities—such as fitness centers and commercial gyms, spas, and yoga, barre, and spin facilities—shall comply with the following rules:

a. Social distancing.

- (i) Employees shall not knowingly allow patrons or guests to congregate within six feet of a person from another household.
- (ii) Employees shall not knowingly allow patrons or guests to participate in athletic activities in violation of paragraph 10.
- (iii) Employees shall take reasonable steps to prevent people from congregating in lobby areas, break rooms, and other common areas.

b. Limits on facility access. An athletic facility shall limit facility occupancy to 50 percent of the normal occupancy load as determined by the fire marshal. Athletic facilities shall also prohibit patrons and guests from accessing showers, hot tubs, steam rooms, lockers, saunas and other recreational water or spa facilities. Pools may be open subject to the social-distancing rules of this paragraph.

c. Facial coverings. Each employee shall wear a mask or other facial covering that covers his or her nostrils and mouth at all times while in regular interaction with clients or guests.

d. Sanitation. An athletic facility shall take reasonable steps, where practicable, to regularly disinfect frequently used items and surfaces.

In addition to complying with the requirements of this paragraph, operators of athletic facilities are strongly encouraged to read and implement the Alabama Department of Public Health's "Guidelines for Athletic Facilities," available at <https://alabamapublichealth.gov/covid19/assets/cov-sah-athletic-facilities.pdf>.

9. Entertainment venues. Effective May 22, 2020, at 5:00 P.M., entertainment venues shall comply with the following rules:

a. Social distancing.

- (i) Employees shall not knowingly allow patrons or guests to congregate within six feet of a person from another household.
- (ii) Employees shall take reasonable steps to prevent people from congregating in lobby areas, break rooms, and other common areas.

b. Emergency maximum occupancy rate. Indoor and enclosed entertainment venues shall limit occupancy to 50 percent of the normal occupancy load as determined by the fire marshal. Outdoor venues or those not assigned a normal occupancy load by the fire marshal shall limit occupancy as required to comply with the social distancing requirements of this paragraph.

c. Facial coverings. Each employee shall wear a mask or other facial covering that covers his or her nostrils and mouth at all times while in regular interaction with clients or guests.

d. Sanitation. An entertainment venue shall take reasonable steps, where practicable, to regularly disinfect frequently used items and surfaces.

For purposes of this paragraph, "entertainment venue" includes bowling alleys, arcades, concert venues, theaters, auditoriums, performing centers, tourist attractions (including museums and planetariums), race tracks, commercial or public playgrounds, adult entertainment venues, casinos, and bingo halls. "Entertainment venue" does not include playgrounds operated by educational institutions and child day care facilities; playgrounds operated by education institutions and child day care facilities are covered by, and subject

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to, paragraph 13. “Entertainment venue” also does not include “night clubs,” which are covered by, and subject to, paragraph 18.

In addition to complying with the requirements of this paragraph, entertainment venues are strongly encouraged to read and implement the Alabama Department of Public Health’s “Guidelines for Entertainment Venues and Tourist Attractions,” available at <https://www.alabamapublichealth.gov/covid19/assets/cov-sah-entertainment-tourist.pdf>.

10. Athletic activities. Effective May 22, 2020, at 5:00 P.M., persons attending or participating in athletic activities shall comply with the following rules.

a. Permitted team activities. From May 22, 2020, at 5:00 P.M., until June 14, 2020, participation in team athletic activities is limited to practices that involve conditioning, skill drills, and similar activities, subject to the rules of this paragraph. Beginning June 15, 2020, participation in team athletic activities may proceed in any respect subject to the rules of this paragraph.

b. Social distancing.

(i) Players, coaches, officials, and spectators shall not congregate within 6 feet of a person from another household except to the extent necessary—and only to the extent necessary—for players, coaches, and officials to directly participate in the athletic activity.

(ii) Players, coaches, officials, and spectators shall refrain from high fives, handshakes, and other physical contact except to the extent necessary—and only to the extent necessary—for players, coaches, and officials to directly participate in the athletic activity.

c. Facial coverings. Players, coaches, and officials shall wear a mask or other facial covering that covers his or her nostrils and mouth at all times except when a player or official is directly participating in the athletic activity.

d. Sanitation. Players, coaches, and officials shall not share water coolers, drinking stations, water bottles, cups, or other drinking devices. Organizers of athletic activities shall take reasonable steps, where practicable, to regularly disinfect frequently used items and surfaces.

For purposes of this paragraph, “athletic activities” means “sports that involve interaction with another person of closer than six feet” and “activities that require use of shared sporting apparatus and equipment.”

In addition to complying with the requirements of this paragraph, persons attending or participating in athletic activities are strongly encouraged to comply with any guidelines adopted by the relevant governing organization, if one exists for the athletic activity in question, to the extent those guidelines are consistent with the requirements of this paragraph.

In addition, organizers of athletic activities are strongly encouraged to read and implement the Alabama Department of Public Health’s “Guidelines for Adult and Youth Athletic Activities,” available at <https://www.alabamapublichealth.gov/covid19/assets/cov-sah-athleticactivities.pdf>.

11. Beaches. Effective May 11, 2020, anyone using the beaches shall maintain a consistent six-foot distance between himself or herself and all persons from a different household. For purposes of this section, the term “beach” means the sandy shoreline area abutting the Gulf of Mexico, whether privately or publicly owned, including beach access points.

12. Senior Citizen Centers. Effective March 20, 2020, all regular programs at Senior Citizen Centers shall be ended except that Senior Citizen Centers and their partners are

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urged to assure that their clients continue to receive needed meals via curbside pick-up or delivery.

13. Educational institutions. Effective June 1, 2020, all schools, public and private—including elementary, secondary, postsecondary, technical, and specialty schools, and colleges and universities—shall comply with the following rules:

- a. Social distancing. Schools shall take reasonable steps, where practicable, to maintain six feet of separation between persons of different households.
- b. Sanitation. Schools shall take reasonable steps, where practicable, to regularly disinfect frequently used items and surfaces.
- c. Facial coverings. Employees shall, to the greatest extent practicable, wear a mask or other facial covering that covers his or her nostrils and mouth at all times when in regular interaction within six feet of a person from a different household.

In addition to complying with the requirements of this paragraph, educational institutions are strongly encouraged to adopt and implement additional measures to supplement these minimum rules. Guidance applicable to public K-12 schools is available at <https://www.alabamapublichealth.gov/covid19/assets/adoe-school-sponsored-activities.pdf>.

14. Child day care facilities. Effective May 23, 2020, at 5:00 P.M., facilities providing child day care, including any child day care facility described in Ala. Code § 38-7-2, shall comply with the following rules:

- a. Social distancing. Employees shall not knowingly allow parents or other guests to congregate within six feet of a person from another household. Facilities shall also take reasonable steps to prevent parents or other guests from congregating in lobby areas, cafeterias, and other common areas.
- b. Sanitation. Child day care facilities shall take reasonable steps, where practicable, to regularly disinfect frequently used items and surfaces.
- c. Facial coverings. Each employee shall wear a mask or other facial covering that covers his or her nostrils and mouth at all times while in regular interaction with students or guests.

In addition to complying with the requirements of this paragraph, child day care facilities are strongly encouraged to read and implement the Alabama Department of Public Health's "Guidelines for Child Day Care Facilities," available at <https://www.alabamapublichealth.gov/covid19/assets/cov-sah-childcare-facilities.pdf>.

15. Camps. Effective May 23, 2020, day and overnight youth summer camps shall comply with the following rules:

- a. Social distancing.
 - (i) Employees shall not knowingly allow campers or guests to congregate within six feet of a person from another household.
 - (ii) Employees shall not knowingly allow campers or guests to participate in athletic activities in violation of paragraph 10.
- b. Sanitation. Camps shall take reasonable steps where practicable, to regularly disinfect frequently used items and surfaces.
- c. Facial coverings. Employees shall, to the greatest extent practicable, wear a mask or other facial covering that covers his or her nostrils and mouth at all times when in regular interaction with campers and guests.

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In addition to complying with the requirements of this paragraph, day and overnight youth summer camps are strongly encouraged to read and implement the Alabama Department of Public Health's "Guidelines for Day and Overnight Youth Summer Camps," available at <https://www.alabamapublichealth.gov/covid19/assets/cov-sah-youth-camps.pdf>.

16. Hospitals and similar institutions. Effective March 20, 2020, all Hospitals and Nursing Home/Long Term Care Facilities (including Assisted Living and Specialty Care Assisted Living Facilities) shall prohibit visitation of all visitors, as defined by the facility, and non-essential health care personnel, except for certain compassionate care situations such as maternity, end-of-life, and support for persons with disabilities.

17. Medical procedures. Effective April 30, 2020, at 5:00 P.M., dental, medical, or surgical procedures may proceed unless the State Health Officer or his designee determines that performing such procedures, or any category of them (whether statewide or regionally), would unacceptably reduce access to personal protective equipment or other resources necessary to diagnose and treat COVID-19. Providers performing these procedures shall follow all applicable COVID-19-related rules adopted by a state regulatory board or by the Alabama Department of Public Health. In the absence of such rules, providers should take reasonable steps to comply with applicable COVID-19-related guidelines from the Centers for Medicare and Medicaid Services (CMS) and the CDC, including "Re-opening Facilities to Provide Non-emergent NonCOVID-19 Healthcare: Phase I" from CMS, available at <https://www.cms.gov/files/document/covid-flexibility-reopen-essential-non-covid-services.pdf>, and "Infection Control Guidance for Healthcare Professionals about Coronavirus (COVID-19)" from the CDC, available at <https://www.cdc.gov/coronavirus/2019-ncov/hcp/infectioncontrol.html>.

18. Restaurants and similar establishments. Effective May 11, 2020, all restaurants, bars, breweries, or similar establishments shall operate as follows:

a. Such establishments may continue to offer food for take-out or delivery provided the social distancing protocols, including maintaining a consistent six-foot distance between persons, are followed.

b. Such establishments are strongly encouraged to offer online ordering and curbside pickup of food.

c. Hospital food service areas are excluded from this order provided they have their own social distancing plan.

d. Insofar as such establishments offer on-premises consumption of food or drink, they shall limit the party size at tables to no more than eight persons and maintain at least six feet of separation between people seated at different tables, booths, chairs, or stools. Games played at restaurants, bars, breweries, or similar establishments, such as pool and darts, may be played if players maintain 6 feet of distance from other players, game equipment is not shared by players during game play, and equipment is sanitized in between uses.

e. Each employee shall wear a mask or other facial covering that covers his or her nostrils and mouth at all times while in regular interaction with patrons or guests.

f. Such establishments shall disallow self-service by guests at drink stations, buffets, or salad bars.

In addition to complying with the requirements of this paragraph, establishments subject to this paragraph are strongly encouraged to read and implement the Alabama Department of Public Health's "Guidelines for Restaurants and Bars," available at <https://alabamapublichealth.gov/covid19/assets/cov-sah-restaurants-bars.pdf>.

19. Duration. This Order shall remain in full force and effect until 5:00 P.M. on July 3, 2020. Prior to 5:00 P.M. on July 3, 2020, a determination shall be made whether to extend this Order—or, if circumstances permit, to change this Order.

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20. Preemption. To the extent this Order conflicts with any order previously issued by the State Health Officer concerning COVID-19 mitigation measures, this Order supersedes and preempts the conflicting provisions of the previously issued order effective on the dates specified above. This Order also supersedes and preempts all orders previously issued by the Jefferson and Mobile County Health Officers concerning COVID-19 mitigation measures, and this Order shall remain in full force and effect until rescinded or modified by order of the State Health Officer or its expiration. After the date this order is issued, the Jefferson and Mobile County Health Officers are authorized, after approval by the State Health Officer, to implement more stringent measures as local circumstances require.

This Order also supersedes and preempts any county and municipal orders or ordinances, whenever adopted, that purport to impose less stringent COVID-19-related curfew or quarantine measures.

The ordinance was read by the Assistant City Clerk; whereupon Councilmember Daves moved that the ordinance be adopted, which was seconded by Councilmember Rich.

Councilmember Daves moved to amend the resolution as follows:

WHEREAS, by Proclamation dated March 13, 2020, Governor Kay Ivey found that the appearance of COVID-19 in the State of Alabama creates the potential of widespread exposure to an infectious agent that poses a significant risk of substantial harm to a large number of people and declared a state public health emergency under *ALA CODE* Section 31-9-1, *et seq*; and

WHEREAS, by Resolution and Proclamation of Emergency dated March 17, 2020, the City Council of the City of Mobile, pursuant to its authority to provide for the health and safety of persons and property under *ALA CODE* Section 31-9-10(b)(1) and to preserve the health of the inhabitants of the municipality under *ALA CODE* Section 11-45-1, declared that it is in the best interest of the City to adopt policies and procedures consistent with directives from the Centers for Disease Control (CDC) to prepare and protect the City from dangers arising from the unprecedented pandemic arising from the spread of COVID-19; and

WHEREAS, the City Council is authorized to adopt ordinances to preserve the health and welfare of the inhabitants of the municipality, Alabama Code Section 11-45-1; and

WHEREAS, the Council finds that COVID-19 presents a clear and present threat to the health, safety and welfare of the residents of the City of Mobile, and that it is in the best interests of the community to require the wearing of face coverings in public places to control community spread of COVID-19 in the City of Mobile and its police jurisdiction;

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Mobile, Alabama that face coverings shall be required in public places within the City of Mobile to slow the spread of the novel Coronavirus disease, known as COVID-19, as follows:

SECTION 1:

DEFINITIONS:

1. Face Covering: A device to cover the nose and mouth of a person to impede the spread of saliva or other fluids during speaking, coughing, sneezing or other intentional or involuntary action. Medical grade face coverings are not required; coverings may be fashioned from scarves, bandanas or other suitable fabrics. The face covering must cover the mouth and nose of the wearer. A face covering is not a “mask,” for purposes of Chapter 39 Article IX – Masks, Section 39-191, *et seq*.

2. Public Place: Any place other than an individual’s home or personal vehicle that is generally open to the public; provided, however, that face coverings or masks should be worn when interacting with someone other than a member of the household at home or when traveling with someone who is not a member of the household.

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3. Social Distancing: Maintaining at all times physical separation between individuals of not less than six (6) feet.

4. Vulnerable Individuals: Elderly individuals or individuals with serious underlying health conditions, including high blood pressure, chronic lung disease, diabetes, obesity, asthma and those whose immune system is compromised such as by chemotherapy for cancer and other conditions requiring such therapy.

SECTION 2:

Face coverings shall be worn at all times by persons in public places in the City of Mobile, except that persons engaging in businesses and activities regulated by the Order of the State Health Officer Suspending Certain Public Gatherings due to Risk of Infection by COVID-19, as amended May 21, 2020 and further amended, (the May 21 Order)

(<https://www.alabamapublichealth.gov/legal/assets/order-adph-cov-gatherings-052120.pdf>),

as attached hereto as Exhibit 1, and incorporated herein, shall comply with the facial covering and social distancing requirements of that Order. To the extent that the provisions of this ordinance conflict with the provisions of the May 21 Order, as it may be further amended by the State Health Officer, the May 21 Order, as further amended, shall control.

SECTION 3:

ADDITIONAL EXCEPTIONS:

Face coverings are not required for:

1. Outdoor activities in parks and other open spaces, provided social distancing is maintained. This exception does not apply to outdoor activities in parking lots, shopping malls, congested sidewalks, or other populated areas.

2. Children twelve (12) years of age and under.

3. Persons for whom wearing a face covering poses a substantial mental or physical health, safety or security risk such as persons who have trouble breathing or are unconscious, incapacitated or otherwise unable to remove the cover without assistance.

SECTION 4:

This Ordinance shall remain in effect for thirty (30) days unless extended by action of the City Council.

SECTION 5:

To the extent this Ordinance is in conflict with other ordinances of the City of Mobile, this Ordinance shall supersede the other ordinances until those ordinances are amended or repealed.

SECTION 6:

Failure to comply with this Ordinance is punishable by a fine of \$50.00 for the first offense, and \$100.00 for the second and each subsequent offense. Mobile City Code Section 1-32, the Schedule of Fines, is amended to include this fine.

SECTION 7:

If any subsection, sentence, clause, phrase, or word of this Ordinance or any application of it to any person, structure, or circumstance is held to be invalid or unconstitutional by a

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decision of a court of competent jurisdiction, then such decision shall not affect the validity of the remaining portions or application of this Ordinance.

SECTION 8:

This Ordinance shall become effective on adoption, approval and publication as required by law.

The move was seconded by Councilmember Rich. Following comments by Councilmembers Richardson, Gregory, Rich, Daves and Williams. The vote was as follows:

Ayes: Richardson, Manzie, Small, Williams, Daves, Rich and Gregory
Nays: None

The vote was then announced by the Assistant City Clerk, whereupon the Presiding Officer declared the amendment adopted.

The Presiding Officer then called for the vote on the original ordinance as amended. Following comments by Councilmembers Small and Manzie and Mayor Stimpson. The vote was as follows:

Ayes: Richardson, Manzie, Small, Daves, Rich and Gregory
Nays: Williams

The vote was then announced by the Assistant City Clerk, whereupon the Presiding Officer declared the ordinance adopted as amended.

ANNOUNCEMENTS:

No comments.

Councilmember Richardson moved to adjourn the meeting, which move was seconded by Councilmember Daves and the vote was as follows:

Ayes: Richardson, Manzie, Small, Williams, Daves, Rich and Gregory
Nays: None

The vote was then announced by the Assistant City Clerk, whereupon the Presiding Officer declared the regular meeting adjourned at approximately 4:38 p.m.

Adopted:

COUNCIL PRESIDENT

ASSISTANT CITY CLERK