

ORDINANCE NO. 47-2020

**AN ORDINANCE REQUIRING FACE COVERINGS IN ANY PUBLIC SPACE TO
LIMIT THE SPREAD OF COVID-19, AND DECLARING AN EMERGENCY**

WHEREAS, COVID-19 is a respiratory disease that can result in serious illness or death and is easily spread from person to person; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) reports over 2,545,250 cases of COVID-19 in the United States, resulting in over 126,369 deaths, to date; and

WHEREAS, on March 9, 2020, Governor Mike DeWine issued Executive Order 2020-01D, declaring a State of Emergency, as a result of community spread of COVID-19 in the State of Ohio; and

WHEREAS, on March 11, 2020, the World Health Organization officially declared COVID-19 to be a global “pandemic” requiring “urgent and aggressive action” to control the spread of the virus; and

WHEREAS, the State of Ohio has 52,865 confirmed cases of COVID-19 and 2,876 deaths and continues to experience “community spread” of the virus that causes COVID-19; and

WHEREAS, COVID-19 endangers the lives of the citizens of Reynoldsburg, creating an emergency to life and public safety and disrupting commerce; and

WHEREAS, the CDC reports that, while people are most contagious when they exhibit symptoms of COVID-19, some spread is possible before an individual may exhibit such symptoms and even when an individual remains asymptomatic; and

WHEREAS, on March 22, the Ohio Department of Health issued an Order requiring all Ohioans to stay in their homes to prevent further spread of COVID-19, later amending such Order on April 30, May 20, and May 22, 2020, to allow business to open with the recommendation that facial coverings be worn except in certain circumstances; and

WHEREAS, on April 1, 2020, Mayor Joe Begeny issued a Declaration of Emergency in response to COVID-19 to protect the well-being of the citizens of the City as well as those who work, attend school, and visit the City from the dangerous effects of COVID-19; and

WHEREAS, as businesses have reopened, more people are traveling in and out of the State of Ohio and within the City of Reynoldsburg; and

WHEREAS, a local and statewide emergency continues to exist with limits on mass gatherings and recommendations of social distancing; and

WHEREAS, as a result of the above-described emergency, there is a continuing need to protect all citizens and guests of the City of Reynoldsburg from the risks relating to the COVID-19 pandemic; and

WHEREAS, the CDC recommends wearing face coverings in public where other physical distancing measures are difficult to maintain to help prevent the spread of COVID-19 from symptomatic, asymptomatic, or unknown carriers to others; and

WHEREAS, on July 1, 2020, the Franklin County Department of Health stated, “It’s time to require face coverings to give us the best opportunity to protect and promote the health, safety and economic recovery of our community.”; and

WHEREAS, on July 2, 2020, the Governor of the State of Ohio designated Franklin County as a Risk Level 3 with a “very high exposure and spread” with guidance to “limit activities as much as possible,” and the Governor identified Franklin County as the only county in the State of Ohio approaching a Risk Level 4, which would indicate the county has a “severe exposure and spread,” and the Franklin County Commissioners have adopted a resolution urging all communities in the County to encourage and mandate the appropriate wearing of face coverings; and

WHEREAS, requiring face coverings to be worn by any person in a public place within the City of Reynoldsburg promotes health, safety, and efforts to limit the spread of COVID-19 while enabling the continuation of essential services, business, and travel necessary to protect public health and safety, and for the continuity of social and commercial life during the state of emergency; and

WHEREAS, on July 8, 2020, the Ohio Department of Health, pursuant to Ohio Revised Code Section 3701.13, issued an Order for Butler, Cuyahoga, Franklin, Hamilton, Huron, Montgomery, and Trumbull Counties stating that “all individuals... shall wear facial coverings at all times” when indoors outside of their place of residence, outside when unable to maintain social distancing, and for ride-sharing or public transportation; and

WHEREAS, the July 8, 2020 Department of Health Order will remain in effect for the affected Counties until each of the Counties no longer is designated as a Level 3 or Level 4 Public Health Advisory alert; and

WHEREAS, the majority of residential and commercial property located in the City of Reynoldsburg is in Franklin County and are subject to the July 8, 2020 Department of Health Order; and

WHEREAS, there remains residential and commercial property located in the City of Reynoldsburg that is located in Licking and Fairfield Counties, which are not subject to the July 8, 2020 Department of Health Order but which are in close proximity to Franklin County; and

WHEREAS, after consideration of the known information about COVID-19, and in consultation with the Franklin County Department of Health, and considering the July 8, 2020 Order from the Ohio Department of Health, the City Council of the City of Reynoldsburg finds that the safety of its citizens is best protected by implementing a requirement to wear face coverings in public places as set forth herein for the entire City of Reynoldsburg; and

WHEREAS, for the reasons stated in this preamble, this Ordinance is hereby declared to be an emergency measure and shall take effect at 8:00 a.m. on July 14, 2020.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF REYNOLDSBURG:

Section 1. All individuals within the City of Reynoldsburg shall wear a face covering over the individual's nose, mouth, and chin in accordance with the following:

- A. In any indoor location that is not a residence.
- B. When entering, exiting, or waiting in line to enter a City of Reynoldsburg operated building or facility that is open to the public, and while inside a City of Reynoldsburg operated building or facility as to the areas within such City of Reynoldsburg facility that are accessible to, and are intended for the use of, the public.
- C. In any public transportation such as a bus or other public transit vehicle, a taxi or ridesharing vehicle or any other vehicle for hire, or at a transit stop or waiting area for any public transportation. This does not apply to private or rental vehicles where members of a family are sharing a vehicle. This does not apply to vehicles engaged in direct travel through the City that does not stop in the City.
- D. In any outdoor space or outdoor place where or when a person is unable to maintain or does not maintain physical separation of not less than six feet from others who are not members of their own household.

Section 2. The requirement to wear a face covering through this Ordinance does not apply in the following situations:

- A. Any individual who cannot wear a face covering because of a medical condition, mental health condition or developmental disability, or who is unable to remove the face covering without assistance, and any individual who should not wear face coverings under the CDC guidance. An individual is not required to produce medical documentation of the condition or disability, provided an employer may require such documentation from an employee in accordance with state and federal law.
- B. Individuals under 10 years old.
- C. Restaurant and bar patrons while eating or drinking. If a patron is not seated at his or her table or at the bar, a face covering is required.
- D. School individuals, including, but not limited to, students, administrators, and teachers, on or in school or school district facilities, so that schools and school districts may follow the regulations and guidelines promulgated by their governing bodies and the Ohio Department of Education.

- E. In settings where it is not practicable or feasible to wear a face covering such as when receiving dental services, medical treatments, or while swimming.
- F. Walking or exercising outdoors so long as physical separation of not less than six feet is maintained, or while walking or exercising outdoors with other members of the same household.
- G. While actually engaged in exercising in a gym or other similar indoor facility so long as physical separation of not less than six feet is maintained and the individual wears a face covering at all times when not actually engaged in exercising.
- H. Any individual who is utilizing outdoor property or facilities and actively engaged in recreational exercise or athletic activities.
- I. An individual is actively participating in athletic practice, scrimmage, or competition that is permitted under a Department of Health Order.
- J. In an area of a place of business not used by a customer and not intended for access by the general public, as long as individuals are maintaining a safe six-foot distance.
- K. To any individual who is communicating with someone who is hearing impaired or has other disability, when such communication requires the speaker's mouth to be visible.
- L. When an individual is in his or her work office, conference room, or other workspace not intended for use by the general public.
- M. When inside a personal or commercial vehicle either parked or moving that is not a vehicle described in Section 1(C).
- N. Individuals while acting in their official capacity as a public safety employee or emergency responder when wearing a face covering would interfere with or limit their ability to carry out their official duties or functions. These include peace officers, firefighters, and other public safety or emergency medical personnel that support public safety operations.
- O. Any individual who is not in compliance with this Ordinance but who, upon request of a law enforcement officer, comes into compliance with the Ordinance within a reasonable period of time, shall not be cited under Section 5 of this Ordinance.
- P. When facial coverings are prohibited by law or regulation, in violation of documented industry standards, or when in violation of a business's documented safety policies.
- Q. Individual is actively participating in broadcast communications.

R. Individual is an officiant of religious services.

Section 3. For the purposes of this Ordinance, "face covering" means a piece of cloth, fabric, or other material that fully covers the mouth and nose and that is secured with ear straps or otherwise tied so as to prevent slipping. A face covering may be factory-made or may be handmade and improvised from household materials. Face coverings include, but are not limited to, bandanas, scarfs, medical masks, and cloth masks; and also include respirators, N95 masks or other personal protective equipment that provides a higher level of protection than a face covering defined in this Section. A face covering shall be worn so as to cover the mouth and nose in compliance with the CDC's guidance on wearing face coverings.

Section 4. Whoever violates this Ordinance is subject to a civil penalty in the amount of \$55. Any business who permits an individual(s) in any indoor location who is in violation of this Ordinance shall be subject to a civil penalty in the amount of \$300. For the purpose of this Ordinance, a suspected violation of this Ordinance shall not provide a lawful basis for the initiation of a traffic stop by law enforcement.

Section 5. For the reasons set forth in the preamble hereof, the Council of the City of Reynoldsburg declares this Ordinance to be an emergency measure which shall take effect at 8 a.m. on Wednesday, July 15, 2020 and shall remain in effect for entire City for any period of time in which the State of Ohio designates either Franklin, Licking, and/or Fairfield Counties as a Level 3 or Level 4 Public Health Advisory alert pursuant to the Ohio Department of Health Order dated July 8, 2020.

Passed this 13th day of July, 2020.

Leanora Jenkins

Leanora Jenkins, Council President

Attest:

Mollie Prasher
Mollie Prasher, Clerk of Council

Joe Begeny
Joe Begeny, Mayor

7-13-2020
Date