

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. SHTR0011

Ordinance No. 0-84-20 Passed July 13, 2020

Introduced by All Members of Council

AN ORDINANCE IMPLEMENTING A REQUIREMENT TO WEAR FACE COVERINGS IN ANY PUBLIC SPACE TO LIMIT THE SPREAD OF COVID-19, AMENDING ATHENS CITY CODE TITLE 9, GENERAL REGULATIONS, CHAPTER 9.11, SANITATION AND HEALTH, TO ADD SECTION 9.11.10, FACE COVERINGS IN PUBLIC SPACES; AND DECLARING THIS ORDINANCE AS AN EMERGENCY MEASURE.

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

WHEREAS, on March 9, 2020, the Ohio Department of Health announced confirmed cases of COVID-19 in the State of Ohio, creating a dangerous condition that may affect the health, safety, and welfare of the citizens of Ohio; and

WHEREAS, on that same date, Governor Mike DeWine declared a "State of Emergency" for the entire State to protect the well-being of the citizens of Ohio from the dangerous effects of COVID-19 and to assist in protecting the lives, safety, and health of the citizens of Ohio; and

WHEREAS, the Center for Disease Control and Prevention (CDC) reports that people are most contagious when they are most symptomatic (the sickest); however, spread is possible before an individual may show symptoms and some individuals can have the virus and be asymptomatic; and

WHEREAS, on March 22, 2020, under the direction of Ohio Governor Mike DeWine, Ohio Department of Health Director Amy Acton, M.D. issued an order requiring all Ohioans to stay in their homes to prevent the further spread of COVID-19 until April 6, 2020; the order was then extended until May 1, 2020, and on April 30, 2020, the Ohio Department of Health issued the Stay Safe Ohio Order that reopened businesses, with exceptions, and continued a stay healthy and safe at home order; and

WHEREAS, as businesses have re-opened, more people are traveling throughout the state and within the City of Athens; and

WHEREAS, a statewide "State of 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 Athens from the risks relating to the COVID-19 pandemic; and

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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 asymptomatic or unknowing carriers to others; and

WHEREAS, the Athens City-County Health Commissioner advised the Mayor in a letter on July 8, 2020 that there is a surge in new COVID-19 cases through person-to-person transmission and stated that wearing a facial covering can reduce virus transmission by up to 75% and is an effective way to prevent the spread of the virus from an infected person; the Athens City-County Health Department letter is attached and incorporated into this Ordinance as Exhibit A; and

WHEREAS, the Athens City-County Health Department supports this Ordinance as best practice intervention to attempt to control the spread of COVID-19; and

WHEREAS, on July 13, 2020, the CDC reported 3,296,599 cases of COVID-19 in the United States, resulting in over 134,884 deaths; and

WHEREAS, on July 13, 2020, Athens County now has 6 times as many total cases as two weeks ago and nearly 22 times as many active cases, endangering the lives of the citizens of Athens and creating an emergency to life and public safety and disrupting commerce; and

WHEREAS, requiring face coverings to be worn by any person in a public space within the City of Athens promotes health, safety, and efforts to limit the spread of COVID-19 while enabling the continuation of essential services, businesses, education, and travel necessary to protect public health and safety and for the continuity of social and commercial life during the statewide "State of Emergency;" and

WHEREAS, after weighing the known information about the COVID-19 virus, consulting with the Athens City-County Health Department, and considering the guidance from the Ohio Department of Health, City Council concludes that the safety of City of Athens' citizens is best protected by implementing a requirement to wear face coverings in public spaces as set forth herein;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATHENS, OHIO:

SECTION I: Effective immediately, Athens City Code Title 9, General Regulations, Chapter 9.11, Sanitation and Health, is hereby amended to add Section 9.11.10, Face Coverings in Public Spaces, to read as follows:

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9.11.10. FACE COVERINGS IN PUBLIC SPACES

(A) ALL INDIVIDUALS WITHIN THE CITY OF ATHENS SHALL WEAR A FACE COVERING OVER THE INDIVIDUAL'S NOSE, MOUTH, AND CHIN IN ACCORDANCE WITH THE FOLLOWING:

- (1) WHEN ENTERING, EXITING, OR WAITING IN LINE TO ENTER A PLACE OF BUSINESS THAT IS OPEN TO THE PUBLIC AND WHILE INSIDE A PLACE OF BUSINESS WITHIN THE AREAS OF THE BUSINESS THAT ARE ACCESSIBLE TO AND INTENDED FOR THE USE OF THE PUBLIC.**
- (2) WHEN ENTERING, EXITING, OR WAITING IN LINE TO ENTER A CITY OF ATHENS OPERATED BUILDING OR FACILITY THAT IS OPEN TO THE PUBLIC AND WHILE INSIDE A CITY OF ATHENS OPERATED BUILDING OR FACILITY WITHIN THE AREAS OF SUCH CITY OF ATHENS FACILITY THAT ARE ACCESSIBLE TO AND INTENDED FOR THE USE OF THE PUBLIC.**
- (3) IN ANY PUBLIC TRANSPORTATION, SUCH AS A BUS OR OTHER PUBLIC TRANSIT VEHICLE, A TAXI OR RIDESHARING VEHICLE, ANY OTHER VEHICLE FOR HIRE, OR AT A TRANSIT STOP OR WAITING AREA FOR ANY PUBLIC TRANSPORTATION.**
- (4) IN ANY OUTDOOR SPACE WHERE OR WHEN A PERSON IS UNABLE TO MAINTAIN OR DOES NOT MAINTAIN PHYSICAL SEPARATION OF MORE THAN SIX (6) FEET FROM OTHERS WHO ARE NOT MEMBERS OF THEIR OWN HOUSEHOLD.**

(B) THE REQUIREMENT TO WEAR A FACE COVERING THROUGH THIS ORDINANCE DOES NOT APPLY TO THE FOLLOWING:

- (1) ANY INDIVIDUAL WITH A MEDICAL CONDITION, INCLUDING THOSE WITH RESPIRATORY CONDITIONS THAT RESTRICT BREATHING, MENTAL HEALTH CONDITION, OR FOR WHOM A DISABILITY CONTRAINDICATES THE WEARING OF A FACIAL COVERING. ANY INDIVIDUAL WHO IS COMMUNICATING OR SEEKING TO COMMUNICATE WITH SOMEONE WHO IS HEARING-IMPAIRED OR HAS ANOTHER DISABILITY WHERE THE ABILITY TO SEE THE MOUTH IS ESSENTIAL FOR COMMUNICATION.**
- (2) CHILDREN UNDER 10 YEARS OLD.**
- (3) 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.**
- (4) SCHOOLS AND CHILD CARE CENTERS (INCLUDING STUDENTS, ADMINISTRATORS, AND TEACHERS) ON OR IN SCHOOLS OR**

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CHILD CARE CENTER FACILITIES, IN ORDER TO FOLLOW THE REGULATIONS AND GUIDELINES PROMULGATED BY THEIR GOVERNING BODIES AND THE OHIO DEPARTMENT OF EDUCATION. FOR THIS ORDINANCE "SCHOOLS OR CHILD CARE CENTERS" MEANS ANY PUBLIC OR PRIVATE INSTITUTION THAT PROVIDES EDUCATION OR SUPERVISION FOR CHILDREN OF ANY AGE FROM BIRTH UP TO AND INCLUDING KINDERGARTEN THROUGH POST SECONDARY EDUCATION.

- (5) 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.**
- (6) WALKING OR EXERCISING OUTDOORS SO LONG AS PHYSICAL SEPARATION OF MORE THAN SIX (6) FEET IS MAINTAINED OR WHILE WALKING OR EXERCISING OUTDOORS WITH OTHER MEMBERS OF THE SAME HOUSEHOLD.**
- (7) WHILE ENGAGED IN EXERCISING IN A GYM OR OTHER SIMILAR INDOOR FACILITY SO LONG AS PHYSICAL SEPARATION OF MORE THAN SIX (6) FEET IS MAINTAINED AND THE INDIVIDUAL WEARS A FACE COVERING AT ALL TIMES WHEN NOT ENGAGED IN EXERCISING.**
- (8) WHEN INDIVIDUALS ARE ALONE OR ABLE TO MAINTAIN A PHYSICAL SEPARATION OF MORE THAN SIX (6) FEET IN THEIR WORK OFFICE, CONFERENCE ROOM, OR OTHER WORKSPACE NOT INTENDED FOR USE BY THE GENERAL PUBLIC.**
- (9) WHEN INSIDE A PERSONAL OR COMMERCIAL VEHICLE EITHER PARKED OR MOVING THAT IS NOT A VEHICLE DESCRIBED IN SECTION A (3).**
- (10) 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.**
- (11) INDIVIDUALS COMPLYING WITH THE DIRECTIONS OF PUBLIC SAFETY EMPLOYEES OR EMERGENCY RESPONDERS AS DESCRIBED IN SECTION B (10).**
- (12) AN INDIVIDUAL COMPLETING A TASK WHO WOULD BE OUT OF COMPLIANCE WITH INDUSTRY SAFETY STANDARDS LIKE NEC, OSHA, NFPA, ETC.**
- (13) AN INDIVIDUAL WHO IS THE OFFICIANT OF A RELIGIOUS SERVICE.**

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(C) THE TERMS SHALL MEAN THE FOLLOWING:

"FACE COVERING" MEANS A PIECE OF TIGHTLY WOVEN CLOTH, FABRIC, OR OTHER MATERIAL THAT FULLY COVERS THE MOUTH, NOSE, AND CHIN AND THAT IS SECURED WITH EAR STRAPS OR OTHERWISE SECURED 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, SCARVES, MEDICAL MASKS, AND CLOTH MASKS; AND ALSO INCLUDES 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 NOSE, MOUTH, AND CHIN IN COMPLIANCE WITH THE CDC'S GUIDANCE ON WEARING FACE COVERINGS.

"PLACE OF BUSINESS" MEANS ANY FACILITY, BUILDING, OR STRUCTURE OPERATED BY OR FOR A BUSINESS ENGAGED IN THE SALE OR OTHER TRANSACTION OF ANY KIND FOR ANYTHING OF VALUE IN EXCHANGE FOR GOODS, COMMODITIES, SERVICES, OR TEMPORARY LODGING, AND THAT IS OPEN TO THE GENERAL PUBLIC OR BY APPOINTMENT, AND INCLUDES BUT IS NOT LIMITED TO GROCERY STORES, RETAIL STORES, PHARMACIES, HEALTH CARE FACILITIES, RESTAURANTS AND BARS (INCLUDING OUTDOOR AREAS FOR SUCH FACILITIES), HOTELS AND MOTELS (EXCLUDING THE RENTED ROOM OR SUITE), GYMS AND SIMILAR FACILITIES.

(D) IF ANY SECTION, SUBSECTION, SENTENCE, CLAUSE, OR PHRASE OF THIS ORDINANCE IS FOR ANY REASON HELD TO BE INVALID OR UNCONSTITUTIONAL BY A DECISION OF ANY COURT OF COMPETENT JURISDICTION, SUCH DECISION SHALL NOT AFFECT THE VALIDITY OF THE REMAINING PORTIONS OF THE ORDINANCE, AND CLAUSES OF THIS ORDINANCE ARE DECLARED TO BE SEVERABLE.

(E) ANY VIOLATION OF THIS SECTION SHALL BE CONSIDERED AN ADMINISTRATIVE OFFENSE REQUIRING A FINE OF \$100.00 PAYABLE TO THE CITY OF ATHENS THROUGH THE ATHENS CITY POLICE DEPARTMENT. ANY PERSON CITED WITH A VIOLATION OF THIS ORDINANCE WHO WISHES TO APPEAL THE VIOLATION SHALL VISIT THE ATHENS CITY POLICE DEPARTMENT AND REQUEST THAT AN APPEAL BE SET BEFORE THE APPEALS BOARD ESTABLISHED FOR THIS PURPOSE BY THE ATHENS CITY-COUNTY HEALTH DEPARTMENT. THE DECISION OF THE APPEALS BOARD SHALL BE FINAL. ANY PERSON CITED WITH A VIOLATION OF THIS ORDINANCE WHO DOES NOT REQUEST AN APPEAL OR PAY THE REQUIRED ADMINISTRATIVE FINE WITHIN

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30 DAYS SHALL RECEIVE A MINOR MISDEMEANOR CITATION INTO ATHENS COUNTY MUNICIPAL COURT.

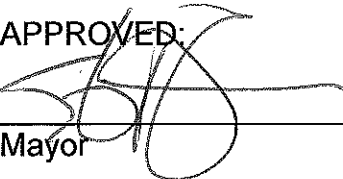
SECTION II: This Ordinance shall be an emergency measure necessary for the health, welfare and safety of the residents of the City of Athens, Ohio, and it shall be in full force and effect upon its passage and approval by the Mayor, and shall remain in effect during the pendency of State of Ohio Executive Order 2020-01D.


President of Council

ATTEST:


Clerk of Council

APPROVED:


Mayor

July 8, 2020

Mayor Steve Patterson
Office of the Mayor
City Building
8 East Washington Street
Athens, Ohio 45701

Dear Mayor Patterson:

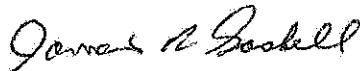
Following the statewide implementation of Responsible RestartOhio, the Athens City-County Health Department has observed increased community spread of the SARS-CoV-2 virus which causes COVID-19 disease, an increase in infected individuals seeking medical care and outbreaks in businesses and congregate care/living facilities in Athens County. Clusters of COVID-19 cases are occurring related to people gathering at work, at church, and in public spaces.

Despite the mandatory sector-specific operating requirements developed by the Ohio Department of Health, the phased lifting of restrictions has resulted in a surge of new cases due to increased person-to-person transmission. This surge is occurring because most individuals are not complying with Public Health recommendations on wearing face coverings and social distancing in public spaces.

Physical distancing of six feet and wearing a facial covering such as a cloth mask continue to be important to stop virus transmission. Recent analyses indicate that wearing a facial covering can reduce virus transmission by up to 75%. A facial covering such as a cloth mask is an effective way to prevent the spread of the virus from an infected person.

The Athens City-County Health Department supports the City of Athens' ordinance requiring individuals to wear face coverings in public spaces to limit the spread of the virus. We applaud the City of Athens leadership in adopting this best-practice intervention to support Public Health efforts to control the spread of the SARS-CoV-2 virus within Athens County and the surrounding region.

Sincerely,



James R. Gaskell, M.D.
Health Commissioner

James Gaskell, MD
Health Commissioner
Medical Director

Jack Pepper, RS
Administrator



Public Health
Prevent. Promote. Protect.

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