

BY: Lerner

ORDINANCE NO. 14-2020

**AN EMERGENCY ORDINANCE PERTAINING TO THE WEARING OF
FACIAL COVERINGS IN PUBLIC PLACES TO HELP CONTROL OR
CURTAIL FURTHER COMMUNITY SPREAD OF COVID-19**

WHEREAS, COVID-19 is a respiratory disease that can result in serious illness or death; is caused by the SARS-CoV-2 virus, which is a new strain of coronavirus that was not previously identified in humans and can easily be spread from person to person; is spread between individuals who are in close proximity to each other (within about six feet) through respiratory droplets produced when an infected person coughs or sneezes; and may possibly be contracted by touching a surface or object that has the virus on it and then touching the mouth, nose or eyes; and

WHEREAS, on January 30, 2020, the International Health Regulations Emergency Committee of the World Health Organization declared the outbreak of COVID-19 a public health emergency of international concern; and

WHEREAS, on January 31, 2020, the U.S. Health and Human Services Secretary declared a public health emergency for the United States to aid the nation's healthcare community in responding to COVID-19; and

WHEREAS, on March 9, 2020, Ohio Governor Mike DeWine issued Executive Order 2020-01D, declaring a State of Emergency in order 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, on March 11, 2020, the head of the World Health Organization declared COVID-19 a pandemic; and

WHEREAS, on March 22, 2020, under the direction of Governor 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; that order was extended until May 1, 2020, and has since been modified on April 30, May 20 and May 22, 2020 to allow businesses to open with limitations and with the recommendation that facial coverings be worn except in certain circumstances; and

WHEREAS, as businesses have reopened and with the arrival of Summer weather, more people are traveling and gathering throughout the State and throughout Licking County and the Granville community; and

WHEREAS, currently, the World Health Organization and the Centers for Disease Control have confirmed over 3,499,771 diagnosed cases and 137,420 deaths in the United States, and at least 69,311 diagnosed cases and 3,075 deaths in the State of Ohio, with the number of known cases in Ohio presently doubling approximately every month; and

WHEREAS, the World Health Organization (<https://www.who.int/emergencies/diseases/novel-coronavirus-2019/advice-for-public/when-and-how-to-use-masks>), the Centers for Disease Control (<https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cloth-face-cover-guidance.html>) the Cleveland Clinic (<https://consultqd.clevelandclinic.org/face-masks-reduce-risk-of-covid-19-infection-but-should-be-used-with-other-interventions/>) and the Mayo Clinic (<https://www.mayoclinic.org/diseases-conditions/coronavirus/in-depth/coronavirus-mask/art-20485449>), among others, have published data which supports the conclusion that facial coverings significantly reduce the spread of COVID-19; and

WHEREAS, requiring that facial coverings be worn in public places within the Village of Granville promotes and preserves the health, safety and well-being of Granville residents and visitors by helping to control or curtail further community spread of COVID-19, and is

needed for the continuity of social and commercial life and the continuation of essential services, business and travel during the public health emergency; and

WHEREAS, pursuant to its Charter and its Home Rule Authority under Article XVIII, §3 of the Ohio Constitution, the Village of Granville has authority to make rules for the general welfare, public safety and health of its residents; and

WHEREAS, it is the express purpose of this Ordinance to encourage individuals, organizations and businesses to voluntarily comply with public health recommendations in order to help control or curtail further community spread of COVID-19, and not to be arbitrary, unreasonable or punitive.

NOW, THEREFORE, BE IT ORDAINED BY COUNCIL OF THE VILLAGE OF GRANVILLE, COUNTY OF LICKING, STATE OF OHIO, THAT:

Section 1. Chapter 521 of the Codified Ordinances of the Village of Granville is hereby TEMPORARILY AMENDED, to read as follows:

521.17 DEFINITIONS

For purposes of sections 521.17 to 521.99 of this chapter:

- (a) “Employee” means a person who is employed by an Employer, or who contracts with an Employer or who contracts with a third person to perform services for an Employer, or who otherwise performs services for an Employer in consideration for direct or indirect monetary wages or profit, or any person who volunteers his or her services to such Employer for no monetary compensation.
- (b) “Employer” means an individual person, business, partnership, association, corporation, including a municipal corporation, trust or any non-profit entity that accepts the provision of services from one or more Employees.
- (c) “Facial Covering” means a covering of the nose, mouth and chin that is secured to the head with ties, straps, or loops over the ears or is simply wrapped around the lower face. A Facial Covering can be made of a variety of synthetic and natural fabrics, including cotton, silk or linen. Ideally, a Facial Covering has two (2) or more layers. A Facial Covering may be factory-made, sewn by hand, or improvised from household items such as scarfs, bandanas, t-shirts, sweatshirts or towels. These Facial Coverings are not intended for use by healthcare providers in the care of patients (i.e., “N95 masks”). A Facial Covering shall be worn so as to cover the mouth and nose in compliance with the Centers for Disease Control and Prevention (“CDC”) guidance on wearing Facial Coverings. A clear face shield that covers the nose and mouth also meets the definition of a Facial Covering.
- (d) “Proprietor” means the owner, manager, operator, liquor permit holder, or other person in charge or control of a public place or place of employment.
- (e) “Public place” means an area to which the public is invited or in which the public is permitted and includes service lines and lines for admittance, whether indoors or outdoors. A private residence is not a “public place” unless it is used as a childcare, adult day care or health care facility.

521.18 FACIAL COVERINGS REQUIRED

(a) Except as exempted by applicable provisions of this Ordinance, all individuals within the Village of Granville shall wear a Facial Covering while present in any indoor Public Place.

(b) All Proprietors and Employers shall require all Employees who interact with the public to wear a Facial Covering. This requirement shall not apply to Employees in the situations where the Ohio Department of Health has ordered that Facial Coverings are not required, including but not limited to the following:

- 1) Where Facial Coverings in the work setting are prohibited by law or regulation;
- 2) Where Facial Coverings are in violation of documented industry standards;

- 3) Where Facial Coverings are not advisable for health reasons;
- 4) Where Facial Coverings violate a business's documented safety policies;
- 5) Where the Employee is working alone in an assigned work area not open to the public; and
- 6) Where there is a functional (practical) reason for an Employee not to wear a Facial Covering.

Proprietors and Employers must provide written justification upon request by the Village Manager as to why an Employee is exempt from wearing a Facial Covering.

(c) All individuals, organizations and places of business may refuse to enter into any transaction of any kind for anything of value in exchange for money, goods, services or other consideration, with any person who does not comply with this Ordinance, and may direct such person to leave the premises.

521.19 EXEMPTIONS

The requirement to wear a Facial Covering imposed by this Ordinance does not apply to the following locations and situations:

- (a) Any person who:
 - 1) Cannot wear a Facial Covering because of a medical condition, mental health condition or disability;
 - 2) Is unable to remove the Facial Covering without assistance; and
 - 3) Should not wear Facial Coverings under current CDC, Ohio Department of Health or Licking County Department of Health guidance.

A person shall not be required to produce documentation of the medical condition, mental health condition or disability to qualify for this exemption.

- (b) Any person under ten (10) years of age;
- (c) Restaurant and bar patrons while seated;
- (d) Persons on or in school or school district facilities. While all schools and school districts in Granville are strongly encouraged to follow the provisions of this Ordinance, this exemption is provided so that schools and school districts may follow applicable regulations and guidelines promulgated by their respective governing bodies and the Ohio and United States Departments of Education;
- (e) Persons on or in religious facilities. While all religious facilities in Granville are strongly encouraged to follow the provisions of this Ordinance, this exemption is provided so as not to encroach upon or interfere with the constitutional guaranty of the free exercise of religion;
- (f) In settings where it is not feasible or practicable to wear a Facial Covering, such as while receiving dental services, personal care services, government services or medical treatments; or while swimming; or while temporarily removing a Facial Covering for identification purposes;
- (g) While actively engaged in exercise or recreational activity in a gym or other similar indoor facility, so long as physical separation of at least six (6) feet is maintained and the person wears a Facial Covering when not actively engaged in such activity;
- (h) When an individual is in his or her work office, conference room, or other workspace that is not intended for use by the general public;
- (i) When communicating with an individual who is hearing-impaired and such communication requires the mouth to be visible; and
- (j) Persons while acting in their official capacity as a public safety employee or emergency responder, when wearing a Facial Covering would interfere with or limit their ability to carry out their official duties or functions. These include police and peace officers, firefighters, and other public safety or emergency medical personnel who support public safety operations, as well as persons complying with the directions of public safety employees or emergency responders.

521.20 ENFORCEMENT

This chapter shall be enforceable by the Licking County Board of Health and by the Village Manager, and by their respective designee(s). The Licking County Health Commissioner and his or her designee(s) and the Village Manager and his or her designee(s) shall have concurrent jurisdiction to enforce all provisions of this chapter.

521.99 PENALTY

(a) Upon the receipt of a first or second verified report that an Employer or Proprietor has violated Section 521.18(b) of this Ordinance, the Licking County Health Department or the Village Manager shall issue a written warning to that Employer or Proprietor. Thereafter, the provisions of subsection (d) hereof shall apply.

(b) No person shall be cited for a violation of any provision of Sections 521.11 et seq. of this Ordinance unless two (2) prior written warnings have been issued to that person. Thereafter, the provisions of subsection (d) hereof shall apply.

(c) A copy of any written warning or citation that is issued to a juvenile for a violation of any provision of Sections 521.11 et seq. of this Ordinance shall also be personally served on the parent or guardian of that juvenile, in order to provide actual notice of the alleged violation to the parent or guardian.

(d) Whoever violates any provision of Sections 521.11 et seq. of this Ordinance after the issuance of two (2) prior written warnings is guilty of a minor misdemeanor, punishable by a maximum fine of One Hundred Fifty Dollars (\$150.00).

Section 2. This ordinance is hereby declared an emergency for the reasons stated above, and shall take effect and be in full force at 6:00 p.m. on Thursday, July 16, 2020. At its second regular meeting each month, Council shall review the status of this Ordinance, and shall consider whether it should be amended or repealed. Unless it is first amended or repealed by act of Council, it shall remain in effect until the COVID-19 public health emergency no longer exists, such time to be determined by the Ohio Director of Health and the Executive Director of the Emergency Management Agency in consultation with the Governor. Thereafter, it shall lapse automatically if not formally repealed by act of Council.

Passed this 15th day of July, 2020.

/S/ Melissa Hartfield

Mayor Melissa Hartfield

ATTEST:

/S/ Autumn Klein

Autumn Klein, Clerk of Council

APPROVED AS TO FORM:

/S/ Michael J. King

Michael J. King, Law Director