1st Reading: 7-14-20
RECORD OF ORDINANCES 2nd Reading: 7-14-20
3rd Reading: 7-14-20

EMERGENCY CLAUSE ADOPTED 7/14/20

GOVERNMENT FORMS & SUPPLIES (844) 224-3338 FORM NO. 30043

Ordinance No. 8861 as amended 7/14/20 *Passed* July 14, 20 20

ORDINANCE REQUIRING FACE COVERINGS IN CERTAIN PUBLIC SPACES TO LIMIT THE SPREAD OF COVID-19, AND DECLARING AN EMERGENCY

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, 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 and the Order was extended until May 1, 2020 and has been since amended on April 30, May 20th and May 22, 2020 to allow businesses to open with the recommendation that facial coverings be worn except in certain circumstances; and

WHEREAS, on April 6, 2020, Mayor Mike Aspacher of the City of Bowling Green issued an Emergency Declaration due 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 asymptomatic or unknowing carriers to others; and

WHEREAS, the Wood County Hospital supports the wearing of face coverings in public and in places where social distancing is difficult to maintain, consistent with the Ohio Department of Health guidelines to help prevent the spread of COVID-19

WHEREAS, the Wood County Health Commissioner supports the wearing of facial coverings as best practice intervention to attempt to control the spread of COVID-19.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BOWLING GREEN, COUNTY OF WOOD, AND STATE OF OHIO:

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

a. 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 as to the areas within the place of business that are accessible to, and are intended for the use of, the public. For purposes of this Ordinance, "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 seating for such facilities), hotels and motels (excluding the rented room or suite), gyms and similar facilities; but excluding religious facilities.

b. When entering, exiting, or waiting in line to enter a government operated building or facility that is open to the public, and while inside a government operated building or facility as to the areas within such government facility that are accessible to, and are intended for the use of, the public.

c. In any public transportation vehicle such as a bus, taxi, or ride-sharing vehicle or any other vehicle for hire or at a transit stop or waiting area for any public transportation.

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, special needs, 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.

b. Individuals under 6 years old.

c. Restaurant and bar patrons while seated 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 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. For purposes of this Ordinance, "school or school districts" means any public, private, or charter school or institution that provides education for any or all of the following grades or education: kindergarten through twelfth grade; or a university, college, or similar post-secondary institution.

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. When an individual is in his or her work office, conference room, or other workspace not intended for use by the general public so long as physical separation of not less than six feet is maintained.

i. When inside a personal or commercial vehicle either parked or moving that is not a vehicle described in Section 1(c).

j. 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 personnel that support public safety operations.

k. Individuals complying with the directions of public safety employees or emergency responders as described in Section 2 (j).

l. Individuals 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.

SECTION 3: For the purposes of this Ordinance, "face covering" means a piece of cloth, fabric, or other material that fully covers the mouth, nose, chin, and is secured in place. 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 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 and chin in compliance with the CDC's guidance on wearing face coverings.

SECTION 4: This Ordinance shall remain in effect until ~~December 31~~ October 31, 2020, unless extended by majority vote of City Council.

SECTION 5: Whoever violates this Ordinance is subject to a civil penalty in the amount of $50.00 fine per offense.

SECTION 6: This Ordinance shall take effect as an emergency measure. The reason for the emergency is the prompt effectiveness of this measure is necessary so as to diminish the spread of COVID-19 in the Bowling Green community, and to protect especially vulnerable citizens from the effects of COVID-19, and thereby protect the public health, safety, and well-being of our citizens.

Passed: July 14, 2020
Date

President of Council
Mark Hollenbaugh

Attest:
Clerk of Council
KAY D. SCHERREIK

Approved: July 14, 2020
Date

Mayor
MICHAEL A. ASPACHER

MICHAEL J. MARSH
CITY ATTORNEY
kds

CERTIFICATION
This is to certify that the foregoing is a true copy of Ord No. 8861 passed by the Council of the City of Bowling Green, Ohio, July 14, 2020
Clerk of Council