



Legislation Text

File #: 1807-2020, **Version:** 1

Due to the ongoing health crisis and public health emergency and to reduce and prevent the spread of Covid-19, there exists a need to amend ordinance 1643-2020 mandating face coverings (masks) in the City of Columbus to conform to subsequently issued requirements of the Ohio Department of Health.

Fiscal Impact: No funding is required for this legislation

To amend Ordinance 1643-2020 requiring the wearing of face coverings in the City of Columbus to conform to orders of the Ohio Department of Health in order to further reduce and prevent the spread of Covid-19; to allow for enforcement and assessment of a civil penalty by Columbus Public Health for a violation of said amended mandate; and to declare an emergency. **(REPEALED BY ORD. 1352-2021; PASSED 6/7/2021)**

WHEREAS, COVID-19 is a respiratory disease that can result in serious illness or death, caused by the SARS-CoV-2 virus, which is a new strain of coronavirus that had not been previously identified in humans and can easily spread from person to person. The virus is spread between individuals who are in close contact with each other (within about six feet) through respiratory droplets. It may be possible that individuals can get COVID-19 by touching a surface or object that has the virus on it and then touching their own 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, Health and Human Services Secretary Alex M. Azar II declared a public health emergency for the United States to aid the nation's healthcare community in responding to COVID-19; and

WHEREAS, on February 1, 2020, the Ohio Department of Health issued a statewide Health Alert Network to provide local health departments with updated guidance for COVID-19; and

WHEREAS, on March 9, 2020, Governor Mike DeWine signed an Executive Order declaring a State of Emergency for the entire State of Ohio in relation to COVID-19 pursuant to the Governor's authority vested in him by the Constitution, the laws of the State of Ohio and in accordance with Revised Code section 5502.22; and

WHEREAS, the Governor's Executive Order declaring a State of Emergency for the entire State of Ohio urged all citizens to heed to the advice of the Department of Health and other emergency officials regarding COVID-19 in order to protect their health and safety; and

WHEREAS, on March 12, 2020, Ohio Department of Health Director Amy Acton signed an order prohibiting mass gatherings in the state of Ohio; and

WHEREAS, on March 13, 2020, President Donald J. Trump declared a National Emergency, invoking the Stafford Act and allowing the Federal Emergency Management Agency to coordinate disaster response and aid state and local governments in addressing the COVID-19 pandemic; and

WHEREAS, on March 13, 2020, the Columbus Board of Health declared a Public Health Emergency due to this imminent threat of an acutely hazardous disease, posing a high probability of widespread exposure to an infectious agent

that poses a significant risk of substantial harm to a large number of people, including a large number of serious or long-term disabilities or a large number of deaths; and

WHEREAS, the CDC reports that people are most contagious when they are most symptomatic (the sickest); however, some spread might be possible before people show symptoms; and

WHEREAS, on March 18, 2020, the Mayor, through Executive Order 2020-01, declared a State of Emergency in Columbus based on the COVID-19 pandemic; and

WHEREAS, on March 22, 2020, under 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 was amended on April 30, May 20 and May 22, and extended on July 6, 2020 by Interim Health Director Lance Himes until such time as the emergency has passed so to allow businesses to open with the requirement that face coverings be worn by all employees except in certain circumstances; and

WHEREAS, in the City of Columbus there is a current threat of an acutely hazardous disease, illness, or health condition; specifically, COVID-19, that is believed to be caused by the appearance of a novel infectious agent and Franklin County, where Columbus is located, has been designated by the State Public Health Advisory System Risk Levels as Level 3, characterized by very high exposure and spread with a recommendation to limit activities as much as possible and to follow all current health orders; and

WHEREAS, face coverings can decrease the spread of respiratory droplets from people, and evidence has grown, as shown in numerous recent studies, that the use of face coverings decreases the spread of COVID-19 within populations; and

WHEREAS, on July 6, 2020, after weighing the available information about the COVID-19 virus, consulting with Columbus Public Health, considering the guidance from Orders issued by the Ohio Department of Health and Governor DeWine, Council concluded that the safety of the citizens of Columbus is best protected by implementing a face covering requirement and so passed Ordinance 1634-2020 mandating same; and

WHEREAS, on July 8, 2020, the Ohio Department of Health subsequently issued face covering mandates for Franklin County which are, in some respects, more expansive than the requirements of 1634-2020; and

WHEREAS, on July 23, 2020, the Ohio Department of Health issued a face covering mandate for the entirety of the State of Ohio which is, in most respects, similar to July 8, 2020 mandate issued for Franklin County; and

WHEREAS, the Ohio Department of Health Order specifically does not seek to preempt the continued enforcement of local face covering ordinances but it is nonetheless preferred that all such violations in the City be subject to the same civil penalty provisions and that they be enforced by Columbus Public Health; **NOW THEREFORE**,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That SECTION 4 of Ordinance 1634-2020 be amended as follows:

SECTION 4. All individuals within the City of Columbus shall wear a face covering over the individual's nose and mouth 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;~~

b. ~~When entering, exiting, or waiting in line to enter a City of Columbus operated building or facility that is open to the public, and while inside a City of Columbus operated building or facility as to the areas within such facility that are accessible to, and are intended for the use of, the public~~In any indoor location that is not a residence;

eb. ~~Waiting for, riding, driving, or operating~~ In any public transportation such as a bus or other public transit vehicle regulated by the City of Columbus, as well as all Columbus airports, bus and train stations or stops. This includes but is not limited to a taxi or ridesharing vehicle or any other vehicle for hire, even if the vehicle is privately owned; however, this provision does not apply to people traveling alone or with household members or friends in their personal vehicles and this does not apply to rental vehicles where only members of a family are sharing a vehicle;

d. ~~In certain high-density occupational settings where social distancing is difficult, such as manufacturing, construction, and agriculture and to include businesses or operations within North American Industry Classification System (NAICS) sectors 311 to 339 (manufacturing), 236 to 238 (construction), and 111, 112, 1151, and 1152 (agriculture);~~

e. ~~Workers in long term care facilities (LTC), including skilled nursing facilities (SNF), adult care homes (ACH), family care homes (FCH), mental health group homes, and intermediate care facilities for individuals with intellectual disabilities (ICF-IID) shall wear a surgical mask;~~

f. ~~Health care facilities other than LTC facilities must follow the face covering requirements in the CDC Infection Control Guidance for Healthcare Professionals about Coronavirus (COVID-19);~~

gc. ~~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.~~

h. ~~County government agencies, with facilities owned or operated within the city of Columbus, are hereby ordered to have their on-site workers wear face coverings when they are or may be within six (6) feet of another person. Public-facing operations of County government agencies, with facilities owned or operated within the city of Columbus, must follow the requirements for places of business established in this Ordinance. All employees and members of the public shall be required to wear a face covering when entering, exiting, or within County government facilities owned or operated within the city of Columbus when they are or may be within six (6) feet of another person.~~

SECTION 2. That SECTION 6 of Ordinance 1634-2020 be amended as follows:

SECTION 6. 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; however, failure to produce medical documentation of the condition or disability may result in the imposition of a civil penalty as provided in Section 9 of this Ordinance.

b. Individuals under 6 years old;

c. An individual that is actively eating or drinking. If a patron within a restaurant, bar, or banquet or catering facility and is not seated at a table or at a bar, a face covering is required;

- d. Seeking to communicate with someone who is hearing-impaired or who has another disability where the ability to see in a way that requires the mouth is essential for communication to be visible;
- e. When giving a speech for a broadcast or to an audience;
- f. ~~Working at home or while in a personal vehicle~~ When face coverings are in violation of documented industry standards or a business's documented safety policies;
- g. When temporarily removing a face covering to secure government or medical services or for identification purposes;
- h. Individuals who would be at risk from wearing a Face Covering at work, as determined by local, state, or federal regulations or workplace safety guidelines;
- i. When wearing a face covering is impeding visibility to operate equipment or a vehicle;
- j. A child whose parent, guardian, or responsible person has been unable to place the face covering safely on the child's face;
- k. 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 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;
- l. In settings where it is not practicable or feasible to wear a face covering such as when receiving dental services, medical treatments, while swimming, or while acting as an on-duty lifeguard;
- m. ~~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~~ The individual is actively participating in athletic practice, scrimmage, or competition that is permitted under a current Ohio Department of Health Order ;
- n. 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;
- o. When an individual is ~~in his or her work office, conference room, or other workspace alone in an enclosed space, such as an office, or in lieu of an enclosed space, the individual is separated by at least six feet in all directions from all other individuals, and in either case the space is not intended for use or access by the general public, so long as physical separation of not less than six feet is maintained~~;
- p. ~~When inside a personal or commercial vehicle either parked or moving that is not a vehicle described in Section 4(e)~~;
- qp. 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 police officers, firefighters and other public safety or emergency medical personnel that support public safety functions;
- rq. Individuals complying with the directions of public safety employees or emergency responders as described in

Section 6(q);

sr. Individuals inside religious facilities;

ts. Facilities owned and operated by the Federal Government are exempt from this order.

SECTION 3. That existing SECTIONS 4 & 6 of Ordinance 1634-2020 are hereby repealed.

SECTION 4. This ordinance is hereby declared to be an emergency measure and upon signature by the Mayor shall take full force and effect at 8:00am on Tuesday July 28, 2020 and shall remain in effect until such time as all governing public health orders associated with the COVID-19 pandemic expire.