

City of Oxford Ordinance 3573: An Ordinance Requiring Face Coverings

AN ORDINANCE REQUIRING FACE COVERINGS IN ANY PUBLIC SPACE WITHIN THE CITY OF OXFORD, OHIO, TO LIMIT THE SPREAD OF COVID-19, AND DECLARING AN EMERGENCY.

City of Oxford Council adopted Ordinance 3573 on July 14, 2020.

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, the Centers for Disease Control and Prevention (CDC) reported almost 3 million cases of COVID-19 in the United States, resulting in over 131,065 deaths; 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, COVID-19 endangers the lives of the citizens and residents of Oxford, creating an emergency to life and public safety and disrupting commerce; and

WHEREAS, the CDC reports that people are most contagious when they are most symptomatic, but the virus is also spread by people who are infected, but 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 and the order was extended until May 1, 2020 and has been since amended on April 30, May 20 and May 22, 2020 to allow businesses to open with the recommendation that facial coverings be worn except in certain circumstances; and

WHEREAS, the Governor and the Ohio Department of Health have issued amended Director's Orders to both protect citizens, residents, and guests of the State of Ohio all of which are incorporated herein by reference; and

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

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

WHEREAS, Miami University (the “University”) announced it will allow students on campus for the Fall semester that may include both in person and virtual classes; and

WHEREAS, the return of students to the University will result in a large influx of people from across the country and international students; and

WHEREAS, the University has also informed the City that facial coverings will be required to be worn on University owned properties, including University buildings and facilities; and

WHEREAS, due to the above described statewide emergency there is a continuing need to protect all citizens and residents and guests of the City of Oxford 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 asymptomatic or unknowing carriers to others; and

WHEREAS, as of July 6, 2020, Butler County General Health District has issued a Red Level alert due to the increased risk of contracting the COVID-19 virus, which means there is a very high risk of exposure and spread meaning one should limit one’s activities as much as possible; and

WHEREAS, on July 8, 2020, the Ohio Department of Health issued a facial covering order mandating that individuals are required to wear facial coverings during the Red Level alert in Butler County; and

WHEREAS, the Butler County General Health District does not oppose the City of Oxford’s passage of this Ordinance; and

WHEREAS, requiring face coverings to be worn by any person in a public place within the City of Oxford best promotes health, safety, and efforts to limit the spread of COVID-19 while enabling the continuation of essential services, businesses, 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, after weighing the known information about the COVID-19 virus, consulting with the Butler County General Health District, and considering the guidance and orders from the Ohio Department of Health, City Council concludes that the safety of City of Oxford citizens, residents and guests is best protected by implementing a requirement to wear face coverings in public places as set forth herein; and

WHEREAS, that for the reasons stated in the preamble hereof, this Ordinance is declared to be an emergency measure and shall take effect at the earliest date permitted by law; now, therefore:

THE COUNCIL OF THE CITY OF OXFORD HEREBY ORDAINS THAT:

Section 1. All individuals within the City of Oxford shall wear a face covering over the individual's nose and 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:
 - i. For purposes of this Ordinance, "business" means any for-profit, non-profit, educational entities, or governmental entities (other than federal or state university) regardless of the nature of the service, the function it performs, or its corporate or entity structure.
"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, and the local school district; but excluding religious facilities.
- b. When entering, exiting, or waiting in line to enter a City of Oxford operated building or facility that is open to the public, and while inside a City of Oxford operated building or facility as to the areas within such City of Oxford 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.
- 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. All places of business shall require all employees that interact with the public to wear a face covering; and all places of business shall only sell or otherwise enter into any transaction of any kind for anything of value in exchange for goods, commodities, services, or provide temporary lodging to those who comply with this Ordinance. Any manager, owner, or person in charge of a place of business who fails or refuses to comply with this Ordinance may be in violation of this Ordinance.

Section 3. 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 6 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. 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.
- e. 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.
- f. 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.
- g. The individual is actively participating in athletic practice, scrimmage, or competition that is permitted under a separate Department of Health order.
- h. When an individual is in his or her work office, conference room, or other workspace not intended for use by the general public.
- 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 medical personnel that support public safety operations.
- k. Individuals complying with the directions of public safety employees or emergency responders as described in 3(i).

Section 4. 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 5. A violation of this Ordinance shall be governed and processed by the provisions set forth in Chapter 507 of the Oxford Code of Codified Ordinances titled: Administrative Ticketing, Code Compliance and Hearing. Whoever violates this Ordinance is subject to a civil penalty in the amount of \$100.00.

Section 6. For the reasons set forth in the preamble hereof, the Council declares this Ordinance to be an emergency measure which shall take effect at the earliest possible date permitted by law and shall remain in effect during the pendency of State of Ohio Executive Order 2020-01D.

ADOPTED on July 14, 2020

INTRODUCED BY MICHAEL SMITH

PREPARED BY LAW (STAFF)