

City of Oxford Ordinance 3579: An Ordinance Prohibiting Mass Gatherings

AN ORDINANCE PROHIBITING MASS GATHERINGS OF MORE THAN TEN (10) NON-HOUSEHOLD MEMBERS WITHIN THE CITY OF OXFORD, OHIO, TO LIMIT THE SPREAD OF COVID-19, AND DECLARING AN EMERGENCY.

City of Oxford Council adopted Ordinance 3579 on August 18, 2020.

WHEREAS, the Constitution of the State of Ohio, in Article XVIII, Section 3, grants municipalities the authority to exercise all powers of local self-government and to enforce local police, sanitary, and other similar regulations as are not in conflict with the general laws; and

WHEREAS, pursuant to this constitutional home rule authority, the people of the City of Oxford have adopted a Charter and Codified Ordinances to exercise the powers of local self-government and enforce local police power regulations; and

WHEREAS, the City has substantial, legitimate interests in preserving and maintaining the health of Oxford residents, members of the university community, including students, and guests by stopping the spread of COVID-19; and

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 over 4 million cases of COVID-19 in the United States, resulting in over 156,000 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 of Ohio to protect the well-being of the citizens of Ohio from the dangerous effects of COVID-19; 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 15, 2020, the CDC issued Interim Guidance for mass gatherings or large community events, stating that such events that consist of fifty (50) or more people should be cancelled or postponed; and

WHEREAS, on March 17, 2020, the Ohio Department of Health issued an Amended Director's Order to limit and/or prohibit mass gatherings and the closure of venues in the State 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 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, which shall 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 facial 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, on July 14, 2020, the City of Oxford issued an ordinance requiring facial coverings in any public space within the City of Oxford, Ohio, to limit the spread of COVID-19, and declaring an emergency; and

WHEREAS, on July 23, 2020, the Ohio Department of Health issued a facial covering Order mandating that individuals be required to wear facial coverings throughout the State of Ohio; and

WHEREAS, as of August 6, 2020, the Ohio Department of Health has issued an Orange Level alert for Butler County due to the COVID-19 virus, which means there is an increased risk of exposure and spread meaning one should limit one's activities as much as possible; and

WHEREAS, multiple areas of the United States are experiencing "community spread" of the virus that causes COVID-19. Community spread, defined as the transmission of an illness for which the source is unknown, means that isolation of known areas of infection is no longer enough to control the spread; and

WHEREAS, SARS-CoV-2, the virus that causes COVID-19, has been demonstrated to transmit infection from infected persons when symptomatic, asymptomatic, and pre-symptomatic; and

WHEREAS, mass gatherings, defined as non-household gatherings of greater than ten (10) people, increase the risk of community transmission of the virus COVID-19; and

WHEREAS, after weighing the known information from the COVID-19 virus and considering the guidance and orders from the Ohio Department of Health and Butler County General Health District, City Council concludes that the safety of City of Oxford citizens, residents and guests is best protected by implementing a requirement prohibiting mass gatherings of non-household members, both indoors and outdoors, with mass gatherings defined to mean more than ten (10) individuals, 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, OHIO, HEREBY ORDAINS THAT:

Section 1. All individuals within the City of Oxford are prohibited from hosting, maintaining or participating in mass gatherings in accordance with the following:

- a. "Mass gatherings" for purposes of this Ordinance, means any social gathering, event or convening that brings together greater than ten (10) non-household persons at the same time, to include both indoor and outdoor gatherings.
- b. "Non-household" for purposes of this Ordinance, means any individuals who do not reside within the same housing unit or dwelling.

Section 2. The mandatory prohibition on mass gatherings through this Ordinance does not apply in the following situations:

- a. Normal operations at bus stops or hubs, medical facilities, libraries, shopping malls and centers, or other spaces where more than ten (10) persons may be in transit.
- b. Typical office environments.
- c. Schools and University classes or officially sanctioned functions.
- d. Factories, warehouses and distribution centers.
- e. Retail, grocery stores, restaurants and bars where large numbers of people are present, but it is unusual for them to be within arm's length of one another.
- f. Athletic and sporting events, including recreational and club sports.
- g. Notwithstanding this Ordinance, buildings and venues that traditionally host mass gatherings, whether indoors or outdoors, may continue to be used for sanctioned community events.
- h. This Ordinance does not apply to and/or excludes members of the media.
- i. This Ordinance does not apply to and/or excludes religious gatherings, gatherings for the purpose of the expression of First Amendment protected speech, weddings and funerals.

Section 3. Regardless of whether an event or gathering falls within the definition of mass gathering, all persons are urged to maintain social distancing (approximately six feet away from other people) whenever possible and to continue to wash hands, utilize hand sanitizer and practice proper respiratory etiquette (coughing into elbow, etc.)

Section 4. 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: Police Civil Citations. Whoever violates this Ordinance is subject to a civil penalty in the amount of \$500.00 for first time violations and \$1,000.00 for any subsequent violations thereafter.

Section 5. 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 August 18, 2020
INTRODUCED BY MICHAEL SMITH
PREPARED BY LAW (STAFF)