

VILLAGE OF PENINSULA, OHIO

ORDINANCE NO.: 16-2020

INTRODUCED BY: Councilperson Kaplan

DATE PASSED: July 13, 2020

AN ORDINANCE REQUIRING FACIAL COVERINGS

WHEREAS, on or about March 20, 2020, Mayor Daniel Schneider, Jr. declared a State of Emergency for the Village of Peninsula as a result of the COVID-19 pandemic; and

WHEREAS, that local and a statewide State of Emergency continues to exist, and certain Ohio Department of Health Orders impose limits on mass gatherings and include strong recommendations to physically distance; and

WHEREAS, effective July 8, 2020, the Ohio Department of Health issued an Order mandating facial coverings in several Ohio Counties, which Order presently includes Summit County; and

WHEREAS, Council concludes that similar additional measures requiring facial coverings are necessary to help slow the spread of COVID-19 in the local community; and

WHEREAS, Council further concludes that the safety of Village residents, guests, tourists, business owners, employees, and patrons is best protected by implementing the within facial covering requirement, which will remain in effect while the Mayor's March 20, 2020 Declaration of Emergency continues in place or action to repeal this Ordinance is taken by Council.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Peninsula, Summit County, Ohio, to wit:

SECTION 1. Council hereby and herein enacts Section 521.14 of the Codified Ordinances, which requires all persons while within the jurisdiction of the Village of Peninsula that are in indoor areas accessible to the public or outdoor areas in which they are unable to consistently maintain a distance of six feet or more from individuals who are not members of their household to wear a facial covering provided expressly for that purpose. The Ordinance's requirements to wear a facial covering and the applicable exceptions are attached hereto and incorporated herein as Exhibit A. This Ordinance shall remain in effect while the Mayor's March 20, 2020 Declaration of Emergency continues in place or action to repeal this Ordinance is taken by Council. This Ordinance in no way modifies any State of Ohio and/or Summit County Health Department requirements requiring certain workers to wear facial coverings.

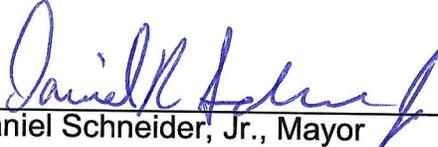
SECTION 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public and/or in compliance with all legal requirements including Section 121.022 of the Ohio Revised Code.

SECTION 3. This Ordinance shall take effect and be in force after the earliest period permitted by law.

SECTION 4. Effective Date. This Ordinance shall take effect on the 13 day of July, 2020.

IN WITNESS WHEREOF, we have hereunto set our hands this 13 day of July, 2020.

Passed:


Daniel Schneider, Jr., Mayor

Attest:


Trevor K. Elkins, Fiscal Officer

Approved as to Legal Form.


Bradric T. Bryan, Solicitor

I, Trevor K. Elkins, Fiscal Officer of the Village of Peninsula, Summit County, Ohio, do hereby certify that the foregoing Ordinance was duly passed by the Council of the Village of Peninsula, at a meeting held on the 13 day of July, 2020.


Trevor K. Elkins, Fiscal Officer

Posting Certificate

I, Trevor K. Elkins, Fiscal Officer of the Village of Peninsula, Summit County, Ohio, hereby certify that there is no newspaper published in the Municipality, and publication of the foregoing Ordinance was made by posting true and accurate copies thereof at five of the most public places in the Village as previously determined by Council, each for a period of at least fifteen days, commencing on the 13 day of July, 2020, as follows:

1. Terry Lumber & Supply;
2. Valley Fire District;
3. Peninsula Library & Historical Society;
4. Peninsula Village Hall Lobby; and
5. Peninsula Post Office.


Trevor K. Elkins, Fiscal Officer

EXHIBIT A (Village of Peninsula Ordinance 16-2020)

521.14 FACIAL COVERINGS REQUIRED.

(a) Definitions. "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 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. A face shield that covers the nose, mouth, and chin also meets the Facial Covering requirements of this Ordinance.

(b) Requirement for Facial Covering. Persons shall be required to wear facial coverings in indoor areas accessible to the public, including, but not limited to, the following circumstances:

(1) All customers must wear Facial Coverings when they are inside a retail business establishment, unless an exception set forth in subsection (e) applies to the customer.

(2) All customers in restaurants and bars must wear Facial Coverings when not seated at a table or a chair at a bar area, unless an exception set forth in subsection (e) applies to the customer.

(3) All customers and employees must wear Facial Coverings in office spaces open to the public in areas that are open to the public, unless an exception set forth in subsection (e) applies and the owner or lessor permits the customer to remain in the space without a mask. Employees are not required to wear a mask when alone in an office or personal workspace.

(c) Requirement for Facial Covering in Outdoor Areas. Persons shall be required to wear facial coverings when they are outdoors and are unable to consistently maintain a distance of six feet or more from individuals who are not members of their household.

(d) Requirement for Facial Covering While Engaging in Door to Door or Solicitation Activities. Persons engaging in door to door or any type of solicitation activities are required to wear a facial covering at all times when interacting with other persons.

(e) Exceptions. This Ordinance does not require Facial Coverings for, and a Facial Covering does not need to be worn by persons who:

(1) Should not wear a Facial Covering due to any medical or behavioral condition or disability, including, but not limited to, any person who has trouble breathing, is incapacitated, suffers from severe autism, or is otherwise unable to put on or remove the facial covering without assistance;

(2) Is actively eating or drinking;

(3) Is strenuously exercising;

(4) Is seeking to communicate with someone who is hearing-impaired in a way that

requires the mouth to be visible;

(5) Is giving a speech for a broadcast or to an audience;

(6) Is temporarily removing his or her Facial Covering to secure government or medical services or for identification purposes;

(7) Is a child under the age of ten years old or is a minor child who cannot safely wear a Facial Covering; or

(8) is engaged in employment or an activity for which facial coverings are prohibited by law or regulation or are inconsistent with industry standards.

(f) Anyone who declines to wear a Facial Covering for any reason is not exempt from the requirement to practice adequate social distancing, which consists of keeping a minimum of six feet between them and any other person outside of their household.

(g) Right to Refuse Service and Provision of Masks.

(1) Businesses who observe a violation of this Ordinance have the right to refuse service based upon the violation.

(2) Businesses are encouraged to make Facial Coverings available for customers upon request.

(h) Penalty and Enforcement Process.

(1) Violations of the within Ordinance constitute a minor misdemeanor and may be punishable with a fine of up to \$150.00. Enforcement of this Ordinance shall occur through the following process:

a. Initial warnings. Anyone observed violating this Ordinance by a law enforcement officer shall initially be issued a verbal warning.

b. Persons Failing to Comply After Receiving Warnings. Persons that refuse to comply after receiving a verbal warning from a law enforcement officer may be issued a written warning or minor misdemeanor citation for violation of this Ordinance.