INTRODUCED BY: J. Pasch ORDINANCE NO. 2020-95

AN ORDINANCE REQUIRING FACIAL COVERINGS IN INDOOR AREAS ACCESSIBLE TO THE PUBLIC; AND DECLARING THIS TO BE AN URGENT MEASURE

WHEREAS, on or about March 16, 2020, Mayor Martin S. Horwitz declared a state of emergency for the City of Beachwood as a result of the COVID-19 pandemic; and

WHEREAS, this local and a corresponding statewide State of Emergency continues to exist and along with certain Ohio Department of Health Director's Orders places limits on mass gatherings and strong recommendations to physically distance; and

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

WHEREAS, Council further concludes that the safety of City residents, guests, business owners and patrons is best protected by implementing a facial covering requirement.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Beachwood, County of Cuyahoga and State of Ohio, that:

Section 1: All persons while within the jurisdictional limits of the City of Beachwood and in indoor areas accessible to the public are required to wear a facial covering provided expressly for that purpose. The requirement to wear a facial covering and the applicable exceptions are attached hereto and incorporated herein as Exhibit "A". This Ordinance shall in no way modify any State of Ohio and/or Cuyahoga County Board of Health requirements for workers to wear facial coverings.

Section 2: This Ordinance shall be in full force and effect immediately upon adoption and shall expire on the later of December 30, 2020 or by an order issued by the Governor or Director of the Ohio Department of Health that a state of emergency no longer exists in Ohio.

Section 3: It is found and determined that all formal actions and deliberations of Council and its committees relating to the passage of this legislation that resulted in formal action were in meetings open to the public where required by Chapter 105 Codified Ordinances of the City.

Section 4: This Ordinance is declared to be an urgent measure which is immediately necessary for the preservation of the public peace, health or safety or the efficient operation of the City, and for the further reason that it may be effective immediately; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

WHEREFORE, this Ordinance shall be in full force and effect from and after the earliest date permitted by law.

Attest: I hereby certify this legislation was duly adopted on the 6th day of July, 2020, and presented to the Mayor for approval or rejection in accordance with Article III, Section 8 of the Charter on the 7th day of July, 2020.

Whitney M. Crook

Clerk

Approval: I have approved this legislation this 7th day of July, 2020 and filed it with the Clerk.

Mayor

Ordinance 2020-95
EXHIBIT A

Facial Covering Requirements

1) 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 (2) or more layers. A Face Covering may be factory made, sewn by hand, or can be 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.

2) Requirements for facial coverings in any door to door activities in the City and in indoor areas accessible to the public, including but not limited to the following indoor areas accessible to the public:

a) All customers must wear Facial Coverings when they are inside a retail business establishment, unless the customer states that an exception applies as set forth in Section 3.

b) All customers in restaurants and bars must wear Facial Coverings when not at their table, unless the customer states that an exception applies as set forth in Section 3.

c) All customers must wear Facial Coverings in office spaces open to the public when they are inside the establishment, unless the customer states that an exception applies as set forth in Section 3.

d) All customers of personal care and grooming businesses must wear Facial Coverings when they are inside the establishment, unless the customer states that an exception applies. Customers may take off their Facial Covering if they are receiving a facial treatment, shave, or other services on a part of the head which the Facial Covering covers or by which the Facial Covering is secured.

3) Exceptions

a) This Ordinance does not require Facial Coverings for, and a Facial Covering does not need to be worn by, a customer or patron who:

i) 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, or is unconscious or incapacitated, or is otherwise unable to put on or remove the facial covering without assistance);

ii) Is actively eating or drinking;

iii) Is strenuously exercising;

iv) Is seeking to communicate with someone who is hearing-impaired in a way that requires the mouth to be visible;

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

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

vii) Is a child whose parent, guardian, or responsible person has been unable to place the Facial Covering safely on the child's face.

viii) For whom facial coverings are prohibited by law or regulation or are inconsistent with industry standards while the customer is on duty;

b) Anyone who declines to wear a Facial Covering for any reason is not exempt from the requirement to practice adequate social distancing, keeping a minimum of 6' between them and any other person outside of their household.

4) Children under five (5) years of age should not wear a Facial Covering.

5) Right to refuse service and provision of masks

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

b) Businesses are encouraged to make face coverings available for customers upon request. The City will facilitate sourcing face coverings on an as-available basis.

6) Enforcement Process

a) The enforcement of this Section shall occur through the following process:

i) Initial warning

(1) An initial verbal warning shall be issued, along with written information pertaining to the requirements of this Section, by the Police Department in the event that a law enforcement officer is made aware of a violation and is able to witness said violation.

ii) Any subsequent violations shall result in the individual being subject to a civil penalty in the amount of $85.00.