

AN ORDINANCE

Requiring Face Coverings in Any Public Indoor Space to Limit the Spread of COVID-19, and Declaring an Emergency.

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, On March 12, 2020, the City of Dayton declared a local emergency due to the COVID-19 pandemic; and

WHEREAS, The Centers for Disease Control and Prevention (CDC) reported over 40,345,484 cases of COVID-19 in the United States, resulting in over 649,299 deaths; and

WHEREAS, The CDC recommends that everyone-including individuals that are fully vaccinated-wear masks in indoor public settings in all areas with substantial and high transmission of COVID-19; and

WHEREAS, The CDC states that COVID-19 is currently in a high level of community transmission in Montgomery County, Ohio, and endangers the lives of the citizens of Dayton, creating an emergency to life and public safety and disrupting commerce; and

WHEREAS, The CDC reports that even fully vaccinated people can spread COVID-19 before an individual may show symptoms; and

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

WHEREAS, A local state of emergency continues to exist; and

WHEREAS, As a result of the above described emergency there is a continuing need to protect all citizens and guests of the City of Dayton 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, Requiring face coverings to be worn by any person in a public place within the City of Dayton best promotes health and safety by limiting 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 and consulting with Public Health-Dayton Montgomery County, the City Commission concludes that the safety of City of Dayton citizens is best protected by implementing a requirement to wear face coverings in indoor public places as set forth herein; and

WHEREAS, For the reasons stated in the preamble hereof, this Ordinance is declared to be an emergency measure and shall take effect immediately upon its passage; now, therefore,

BE IT ORDAINED BY THE COMMISSION OF THE CITY OF DAYTON:

Section 1. All individuals within the City of Dayton shall wear a face covering over the individual's nose and mouth in accordance with the following:

a. When going indoors at 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, "place of business" means any indoor 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; but excluding religious facilities. Facilities that the general public would not be in attendance on a daily basis are excluded.

b. When entering, a City of Dayton operated building or facility that is open to the public, and while inside a City of Dayton operated building or facility as to the areas within such City of Dayton 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 other indoor location.

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.

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.

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. Outdoors or in an unenclosed structure, such as open-air stadiums or open-air concert venues.

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. When an individual is in his or her work office, conference room, or other workspace not intended for use by the general public.

h. 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.

i. Individuals complying with the directions of public safety employees or emergency responders as described in 3(h).

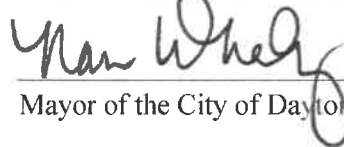
Section 4. For the purposes of this Ordinance, "face covering" means a piece of cloth, fabric, or other material that fully covers the mouth and nose and that is secured with ear straps or otherwise tied so as to prevent slipping. A face covering may be factory-made or may be handmade and improvised 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. Whoever violates this Ordinance is subject to a civil penalty in the amount of \$85.

Section 6. For the reason set forth in the preamble hereof, the Commission declares this Ordinance to be an emergency measure which shall take effect immediately upon its passage and shall remain in effect until rescinded by the Commission.

PASSED BY THE COMMISSION... **SEPTEMBER 15**, 2021

SIGNED BY THE MAYOR..... **SEPTEMBER 15**....., 2021



Mayor of the City of Dayton, Ohio

Attest:



Clerk of the Commission

Approved as to form:



City Attorney