



CITY OF WESTERVILLE, OHIO

EXECUTIVE ORDER 2020-01

AN ORDER REGARDING THE WEARING OF FACE COVERINGS IN PUBLIC TO DECREASE COMMUNITY SPREAD OF COVID-19

WHEREAS, COVID-19 is a respiratory disease that can result in serious illness or death and can easily spread from person to person; and

WHEREAS, Governor Mike DeWine has issued Executive Order 2020-01D, declaring a State of Emergency in the State of Ohio as a necessary state-wide preventive and proactive measure to slow the spread of COVID-19, and the Director of the Ohio Department of Health has issued multiple state-wide Orders relative to COVID-19, which remain in effect; and

WHEREAS, City Council passed Ordinance 2020-09 on March 17, 2020, which remains in effect, and section 6 thereof authorized the City Manager “to issue such administrative Executive Orders as are appropriate to give effect to this Ordinance”; and

WHEREAS, the spread of COVID-19 continues to threaten the lives of the citizens of the City of Westerville and substantially impairs the functioning of City government and its ability to protect the lives and property of the citizens of the City of Westerville; and

WHEREAS, on July 2, 2020, the Governor of Ohio, in conjunction with other health officials as part of the state Public Health Advisory System, designated Franklin County as a Risk Level 3, with a “very high exposure and spread” with guidance to “limit activities as much as possible” and to “follow all current health orders,” and the Governor specifically identified only Franklin County as the only county approaching a Risk Level 4, which would indicate the county has a “severe exposure and spread,” and the Franklin County Commissioners have adopted a resolution urging all communities in the County to encourage and mandate where appropriate the wearing of face coverings; and

WHEREAS, face coverings can decrease the spread of respiratory droplets from people, thus limiting the spread of COVID-19; and

WHEREAS; to help prevent the spread of COVID-19 from asymptomatic or unknowing carriers to others, the Centers for Disease Control and Prevention (CDC) recommends wearing face coverings in public where other physical distancing measures are difficult to maintain; and

WHEREAS, requiring face coverings to be worn best promotes health, safety, and efforts to limit the spread of COVID-19 while enabling the continuation of services, businesses, and travel necessary to protect public health and safety, and allowing for the continuity of social and commercial life during the State of Emergency; and

WHEREAS, it is necessary to empower business and property owners with the legal ability to assure mask wearing compliance by individuals on their premises.

NOW THEREFORE, I, David Collinsworth, City Manager of the City of Westerville, Franklin and Delaware Counties, Ohio, by virtue of the authority vested in me by the Ohio Constitution, the Charter of the City of Westerville, and Ordinance 2020-09, do hereby adopt this Order regarding the wearing of face coverings in the City of Westerville, as follows:

Section 1. Definition. For purposes of this Executive Order, "Face Covering" means a piece of cloth, natural or synthetic fabric, or other similar breathable material that fully covers the wearer's mouth and nose, and that is secured around the lower face. A face covering may be made by machine, such as a medical or fabric cloth masks, N95 mask or other personal protective equipment, or may be made by hand, or can be improvised from household items such as scarfs, bandanas, t-shirts, sweatshirts, or towels.

Section 2. Business and property owners, including government entities, are hereby authorized to trespass from their property individuals who fail to wear a Face Covering while such individuals are entering, exiting, waiting in line to enter, or engaged in activities inside the areas of the property intended for the use of the general public.

Section 3. Owners and operators of vehicles, including government entities, offering transportation services to the public, are hereby authorized to refuse service to individuals who fail to wear a Face Covering while occupying such vehicle or who fail to wear a Face Covering while waiting at a transit stop or waiting area for transportation services.

Section 4. Where outdoor properties and facilities are offered for the use of the public, and where such properties are used by individuals who are unable to maintain or do not maintain physical separation of not less than six (6) feet from others who are not members of their own household, the owners and operators thereof, including government entities, are authorized to trespass from their property individuals who fail to wear a Face Covering while using the property or facility;

Section 5. The authorization provided in this Order to require the wearing of Face Coverings shall not apply to the following individuals or in the following situations:

- a) To any individual who cannot wear a Face Covering because of a medical condition, mental health condition, or developmental disability, or who is unable to put on, wear, or remove the face covering without assistance;
- b) To any individual who should not wear Face Coverings, as provided under the guidance of the CDC, the Ohio Department of Health, or any public health agency having jurisdiction;
- c) To individuals 8 years of age or less;
- d) To any individual less than eighteen years of age whose parent, guardian, or responsible person has been unable to place or maintain a Face Covering safely on the individual's face;
- e) In medical, dental, personal care, grooming, tattoo, or other similar establishments, but only to the extent reasonably necessary for a patient or customer to receive the services provided to the part of the nose, mouth, chin, face, or head which the Face Covering covers or by which the Face Covering is secured;
- f) To a customer in a restaurant or bar, but only while the customer is seated at a table or bar and only to the extent reasonably necessary for the customer to consume the food or beverage being provided;
- g) In swimming pools, float tanks, shower or spray establishments, or other similar situations, but only to the extent reasonably necessary for a customer to participate in the services provided;
- h) While actively exercising in a gym or other similar facility so long as physical separation of not less than six feet is maintained and the individual wears a Face Covering when not actively exercising;
- i) To any individual who is utilizing outdoor property or facilities and actively engaged in recreational exercise or athletic activities;
- j) In an area not used by a customer and not intended for access by the general public;
- k) To any individual who while working would be at risk from wearing a Face Covering as determined by local, state, or other federal regulations or workplace safety guidelines;
- l) To any individual who is communicating with someone who is hearing impaired, when such communication requires the speaker's mouth to be visible;
- m) To any individual who is within a personal vehicle by themselves, or only with others of the same household;

- n) To an individual during the exercise of religious services or practices;
- o) To individuals acting in their official capacity as peace officers, firefighters, emergency medical personnel, personnel who support public safety operations, and public safety personnel, if the wearing a Face Covering would interfere with or limit their ability to carry out their official duties or functions;
- p) To individuals complying with directions of law enforcement, public employees at the scene of an emergency, or individuals who temporarily remove their face covering for identification purposes.

Section 6. That this Executive Order is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, or safety, such necessity arising from the rapid spread of the COVID-19 virus in Central Ohio, and therefore, shall take effect and be in force on or after 8:00am on Wednesday July 8, 2020.

Section 7. This Executive Order shall remain in full force and effect for 90 days unless and until it is extended, modified, superseded, or rescinded by any of the following:

- a) Executive Order of the City Manager;
- b) Action of Council in accordance with Section 8 of City Ordinance 2020-09;
- c) Order of any public health agency having jurisdiction;
- d) Termination or modification of the Governor's Executive Order 2020-01D;
- e) State or Federal law or rule.

This Executive Order is issued this 6th day of July, 2020



David A. Collinsworth, City Manager