

ORDINANCE 2020-17

AN ORDINANCE REQUIRING FACIAL COVERINGS IN PUBLIC INDOOR AND OUTDOOR AREAS AND DECLARING AN EMERGENCY.

WHEREAS, on April 14, 2020, the Village Council declared a State of Emergency in the Village of Hiram due to the threat to the health and safety of all citizens caused by the outbreak of COVID-19; and

WHEREAS, COVID-19 is a respiratory disease that can result in serious illness or death. It is caused by the SARS-CoV-2 virus, which is a new strain of coronavirus that had not been previously identified in humans and can easily spread from person to person. The current belief is that the virus is spread between individuals who are in close contact with each other (within about six feet) through respiratory droplets produced when an infected person sneezes or coughs. It is possible that individuals can get COVID-19 by touching a surface or an object that has the virus on it and then touching their own mouth, nose, or eyes; and

WHEREAS, as of July 30, 2020, the Center for Disease Control and Prevention (CDC) reported 4,405,932 cases of COVID-19 in the United States, resulting in 150,283 deaths; and

WHEREAS, evidence has shown that wearing face coverings can decrease the spread of respiratory droplets from people which can reduce the spread of COVID-19 within populations; and

WHEREAS, the Center for Disease Control recommends face coverings in public when other physical distancing measures are difficult to maintain to help slow the spread of COVID-19 from asymptomatic or unknowing carriers to others; and

WHEREAS, on July 23, 2020, the Ohio Department of Health issued a Director's Order mandating that all individuals, unless otherwise exempted, to wear masks in certain locations; and

WHEREAS, based on the known information about the COVID-19 virus, and considering the guidance from the Center for Disease Control and the Ohio Department of Health, Village Council concludes that the safety of all persons in the Village of Hiram is best protected by implementing a face coverings requirement that will remain in effect until the termination of the Declaration of a State of Emergency in the Village of Hiram by the Village Council.


NOW THEREFORE BE IT ORDAINED by the Council of the Village of Hiram, Portage County, Ohio, with at least two-thirds of the members thereto concurring that:

SECTION 1: The Codified Ordinances of the Village of Hiram are hereby amended by enactment of the attached Chapter 555.


SECTION 2: This Ordinance is declared an emergency measure becoming effective immediately upon its passage by Council and approval by the Mayor so as to protect and advance the public health, safety and general welfare of individuals in the Village of Hiram by reducing the spread of respiratory droplets which may transmit COVID-19 between and among individuals within the Village of Hiram.

SECTION 3: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of the Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements including §121.22 of the Revised Code of the State of Ohio.

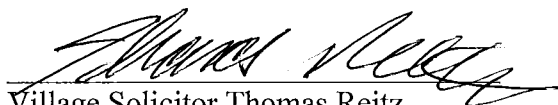
PASSED IN COUNCIL as an emergency on August 11, 2020.

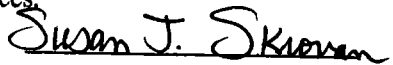

Mayor Lou Bertrand

ATTEST:


Fiscal Officer Susan J. Skrovan

Approved as to Form:


Village Solicitor Thomas Reitz

I, ~~SUSAN SKROVAN~~ Fiscal Officer of the Village of Hiram, Ohio, hereby certify that the foregoing ~~Resolution or~~ Ordinance No. ~~2020-17~~ has been duly posted in the required 5 places.
8/26/20 
Date Fiscal Officer, Village of Hiram

Chapter 555
Facial Coverings and Social Distancing During the
COVID-19 Pandemic

Section 555.01 Definitions

As used in this Chapter:

- (a) “Facial covering” means any material covering an individual’s nose, mouth and chin.
- (b) “Household” means those persons who reside in the same home and includes family members, foster children and legal wards even if they do not live in the household.
- (c) “Covered businesses” include any for-profit, non-profit, educational entities, or government entities (other than federal) regardless of the nature of service, the function it performs, or its corporate or entity structure and does not include schools, as defined in division (e) of this section, or jails or prison facilities.
- (d) “Family” means one (1) or more persons related by blood, adoption or marriage, or a family foster home, living and cooking together as a single housekeeping unit, exclusive of house-hold servants. A number of persons living and cooking together as a single housekeeping unit though not related by blood, adoption or marriage shall be deemed to constitute a family.
- (e) “Schools” mean any public, private, or charter school or institution that offer kindergarten through grade twelve instruction that should follow the guidelines set forth by the Ohio Department of Education and the Ohio Department of Health.

Section 555.02 Facial Coverings (Masks)

- (a) Except as provided herein, all individuals present in the Village of Hiram shall wear facial coverings at all times when:
 - (1) In any indoor location that is not a residence;
 - (2) Outdoors and unable to consistently maintain a distance of six feet or more from individuals who are not members of their family/household; or
 - (3) Waiting for, riding, driving, or operating public transportation, a taxi, car service, or a ride sharing vehicle. This does not apply to private or rental vehicles where members of a family/household are sharing a vehicle.
- (b) The requirement to wear a facial covering does not apply when:
 - (1) The individual is under ten years of age;

- (2) A medical condition, including those with respiratory conditions that restrict breathing, mental health conditions, or disability contraindicates the wearing of a facial covering;
- (3) The individual is communicating or seeking to communicate with someone who is hearing-impaired or has another disability, where the ability to see the mouth is essential for communication;
- (4) The individual is alone in an enclosed space, such as an office, or in lieu of an enclosed space, the individual is separated by at least six feet in all directions from all other individuals, and in either case the space is not intended for use or access by the public;
- (5) The individual is actively engaged in exercise in a gym or indoor facility so long as six or more feet of separation between individuals exists;
- (6) The individual is actively participating in athletic practice, scrimmage, or competition that is permitted under a separate Ohio Department of Health order;
- (7) The individual is actively engaged in a public safety capacity, including but not limited to law enforcement, firefighters, or emergency medical personnel;
- (8) The individual is seated and actively consuming food or beverage in a restaurant or bar;
- (9) Facial coverings are prohibited by law or regulation;
- (10) Facial coverings are in violation of documented industry standards;
- (11) Facial coverings are in violation of a business's documented safety policies;
- (12) Individual is actively participating in broadcast communications;
- (13) The individual is an officiant of a religious service; or
- (14) In an industrial or manufacturing facility, employees are separated by at least six feet in all directions, or by a barrier in a manufacturing line or work area.
- (15) Schools offering instruction (or some portion of it) that comply with the guidelines set forth by the Ohio Department of Education and the Ohio Department of Health.
- (16) Childcare centers, family child care, in home aids, day camps and after school programs licensed by the Ohio Department of Job and Family Services (ODJFS) that comply with current and future guidelines set forth by ODJFS and the Ohio Department of Health.

Section 555.03 Civil Penalties and Enforcement

If an individual is observed failing to comply with Face Covering requirements of Chapter 555, the following schedule of Civil Penalties shall be imposed on individuals:

- a) For a first violation, a warning of violation shall be issued;
- b) For a second violation and for each subsequent violation, a fine of \$25.00 shall be issued;
- c) The civil penalties prescribed in this section are in addition to any rights, remedies, or other penalties provided by law under Ohio Health Department 3701.13;
- d) ~~In addition to Village of Hiram Police Officers, this chapter may be enforced by Village of Hiram Firefighters and employees of the Village of Hiram Service Department.~~

Section 555.04 Severability

If any portion of this chapter, or any section or part of a section is declared by a court of competent jurisdiction to be invalid, the declaration must be limited solely to that portion, section, or part of a section that was directly involved in the controversy before the court on which judgment was rendered and may not affect or impair the validity of the remainder of this chapter.

Section 555.05 Expiration

This Chapter 555 shall expire upon the termination of the Village Council's declaration of a State of Emergency in the Village of Hiram dated April 14, 2020, as amended.