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July 13, 2020

**SPECIAL WHITEHOUSE COUNCIL AGENDA**  
**July 14, 2020**  
**6:30 P.M.**

Due to the coronavirus (COVID-19) pandemic, Whitehouse Village Council is urging citizens to access public meetings remotely. You may do so by phone by dialing **1-408-418-9388**. You will then be prompted to press the following access code **132 260 2468**. The Password will be **2223**. To help minimize background noise, **please make sure that you mute your microphone.**

Notice is hereby given that the Whitehouse Village Council will meet on for a special meeting on Tuesday, July 14, 2020, at 6:30 PM.

Welcome and thank you for attending the Whitehouse Village Council meeting. The purpose of the Village Council meeting is to conduct the official business of the Village of Whitehouse and to hear citizen's comments pertaining to items that appear on the agenda and comments for future consideration. We welcome and encourage your participation. If you wish to make a comment, please wait to be recognized then step to the podium and state your name and address for the record. Please make your comments as concise as possible to allow time for others who wish to make comments. The Mayor presides over the Council meeting and has the authority to take the actions necessary to maintain order and proper decorum among those present. Thank you for your cooperation.

- I. Call to Order
- II. Roll Call
- III. Request Authorization for Legislation Regarding Face Mask Requirements
- IV. **Ordinance 12-2020: Requiring Face Coverings in Any Public Space**
- V. Adjournment

**ORDINANCE NO. 12-2020**

**AN ORDINANCE REQUIRING FACE COVERINGS IN ANY PUBLIC SPACE, 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, The Centers for Disease Control and Prevention (CDC) reported over 2.5 million cases of COVID-19 in the United States resulting in over 126,000 deaths; and

WHEREAS, On March 9, 2020, the Ohio Department of Health announced confirmed cases of COVID-19 in the State of Ohio, creating a dangerous condition that may affect the health, safety and welfare of the citizens of Ohio; and

WHEREAS, On that same date, Governor Mike DeWine declared a state of emergency for the entire State to protect the well-being of the citizens of Ohio from the dangerous effects of COVID-19; and

WHEREAS, COVID-19 endangers the lives of the citizens of Whitehouse, creating an emergency to life and public safety and disrupting commerce; and

WHEREAS, The CDC reports that people are most contagious when they are most symptomatic (the sickest) however some spread is possible before an individual may show symptoms; and

WHEREAS, on March 22, 2020, under the direction of Ohio Governor Mike DeWine, the Ohio Department of Health Director issued an order requiring all Ohioans to stay in their homes to prevent the further spread of COVID-19, which order has since been amended to allow businesses to open with the recommendation that facial coverings be worn except in certain circumstances; and

WHEREAS, As businesses have reopened, more people are traveling throughout the State and within the Village of Whitehouse; and

WHEREAS, A local and statewide state of emergency continues to exist with limits on mass gatherings and recommendations of social distancing; and

WHEREAS, As a result of the above described emergency there is a continuing need to protect all citizens and guests of the Village of Whitehouse from the risks relating to the COVID-19 pandemic; and

WHEREAS, The CDC recommends wearing facial coverings in public where other physical distancing measures are difficult to maintain to prevent the spread of COVID-19; and

WHEREAS, Requiring face coverings to be worn by any person in a public place within the Village of Whitehouse best promotes health, safety, and efforts to limit 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, the Council for the Village of Whitehouse concludes that the safety of the Village of Whitehouse citizens is best protected by implementing a requirement to wear face coverings in public places as set forth herein.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF WHITEHOUSE, LUCAS COUNTY, OHIO, and three-fourths (3/4) of all members elected thereto concurring:

**SECTION I:** All individuals within the Village of Whitehouse shall wear a face covering over the individual's nose and mouth in accordance with the following:

- a. When entering, exiting, or waiting in line to enter 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.
- b. For purposes of this Ordinance, "place of business" means any 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.
- c. When entering, exiting, or waiting in line to enter a Village of Whitehouse operated building or facility that is open to the public, and while inside a Village of Whitehouse operated building or facility as to the areas within such Village facility that are accessible to, and are intended for use of, the public.
- d. 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 waiting area for any public transportation.
- e. In any outdoor space or outdoor place where or when a person is unable to maintain or does not maintain physical separation of not less than six (6) feet from others who are not members of their own household.

**SECTION II:** 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 six (6) years old.
- c. Restaurant and bar patrons while eating or drinking. If a person is not seated at his or her table or bar, a face covering is required.
- d. School individuals (including students, administrators and teachers) on or in school or school district facilities.
- e. 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.
- f. Walking or exercising outdoors so long as physical separation of not less than six (6) feet is maintained, or while walking or exercising outdoors with members of the same household.
- g. While actually engaged in exercising in a gym or other similar facility so long as physical separation of not less than six (6) feet is maintained and the individual wears a facial covering at all times when not actually engaged in exercising.
- h. When an individual is in his or her work office, conference room, or other workspace not intended for use by the general public.
- i. When inside a personal or commercial vehicle either parked or moving that is not a vehicle described in Section 1(d).
- j. 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 individuals include peace officers, firefighters, and other public safety or emergency medical personnel that support public safety operations.
- k. Individuals complying with the directions of public safety employees or emergency responders as described in 2(j).

**SECTION III:** For 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 as defined herein. 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 IV:** Whoever violates this Ordinance is subject to a civil penalty in the amount of \$85.00 for each violation.

**SECTION V:** It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this legislation were adopted in an open meeting of the Council and that the deliberations of this Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements as set forth by the Charter of the Village of Whitehouse.

**SECTION VI:** This Ordinance is hereby declared to be an Emergency Measure necessary for the immediate preservation of the public peace, health and safety of said Village and its inhabitants, and for the further reason that this Ordinance is necessary for the reasons set forth in the Whereas clauses herein.

WHEREFORE, this Ordinance shall take effect and be in full force immediately after its passage and approval.

VOTE ON EMERGENCY MEASURE:      Yeas: \_\_\_\_\_ Nays: \_\_\_\_\_

FINAL VOTE ON THE MEASURE:      Yeas: \_\_\_\_\_ Nays: \_\_\_\_\_

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Third Reading: \_\_\_\_\_

EFFECTIVE DATE OF THIS ORDINANCE: \_\_\_\_\_, 2020.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Duly Appointed Clerk of Council

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Kevin A. Heban, Solicitor