

CITY OF FOSTORIA, OHIO

Ordinance No.: 2020 - _____

Sponsored by: _____

AN ORDINANCE

Requiring residents of the City of Fostoria to wear a facial covering within the city in any county designated at Red/Level 3 or Purple/Level 4 in the Ohio Public Health Advisory system until that county is no longer designated as such.

WHEREAS, on March 9, 2020, Governor Mike DeWine signed an Executive Order declaring a State of Emergency for the entire state of Ohio due to the COVID-19 global pandemic; and

WHEREAS, on March 24, 2020, the Mayor declared a State of Emergency within the City of Fostoria in accordance with the Fostoria Codified Ordinances and City Charter; and

WHEREAS, a local and statewide emergency continues to exist throughout Ohio even while individuals begin to return to public venues including restaurants, shopping districts, and other recreational activities; and

WHEREAS, the City desires to protect the residents, visitors, workforce and City employees of Fostoria while at the same time maximizing efforts available to combat the spread of COVID-19; and

WHEREAS, Ohio and Fostoria businesses have made strides to re-open our economy and the City of Fostoria desires to maintain this momentum and prevent further economic disaster by combating the community spread of COVID-19; and

WHEREAS, the CDC recommends wearing face coverings in public where other physical distancing measures cannot be sustained to help prevent the spread of COVID-19 from asymptomatic or unknowing carriers to others; and

WHEREAS, after weighing all available information regarding COVID-19 and the efficacy of face coverings, the City's public health will be best served by instituting a facial covering requirement within the City when the respective Counties of Wood, Hancock and Seneca are designated at Red/ Level 3 or Purple/Level 4 in the Ohio Public Health Advisory System.

THEREFORE, BE IT ORDAINED by the Council of the City of Fostoria, Seneca, Hancock and Wood Counties, Ohio:

SECTION 1. The Council hereby institutes the following requirements to wear a facial covering within the city in any county identified in the Ohio Public Health Advisory System as a Red/Level 3 or Purple/Level 4 county until that county is no longer designated as such:

1. All individuals within the City of Fostoria whether patronizing business establishments, or employed by business establishments, shall be required to wear a face covering over the individual's nose and mouth at all times while within said establishments and their associated appurtenances, including parking lots and sidewalks, subject to the exceptions listed in Section 4.
2. All individuals within City of Fostoria Parks and other outdoor public spaces who are unable to maintain the CDC recommended social distancing guidelines of six feet between individuals in other parties shall be required to wear a face covering over the individual's nose and mouth at all times, subject to the exceptions listed in Section 4.
3. All individuals while observing organized sporting events and games within City Parks and on school properties shall be required to wear a face covering over the individual's nose and mouth at all times subject to the exceptions in Section 4.
4. Face coverings are not required for the following:
 - a. Individuals who cannot wear a face covering because of a medical condition, mental health condition or developmental disability, or who are unable to remove the face covering without assistance, and any individual who should not wear face coverings under the CDC guidance;
 - b. Individuals engaging in strenuous exercise activities, although such individuals should make every effort to maintain six feet of physical distancing between other individuals;
 - c. Individuals participating in sports activities so long as those activities are conducted in compliance with the Responsible RestartOhio guidelines issued by the Ohio Department of Health;
 - d. Children under the age of 6 years old;
 - e. Individuals actively eating or drinking; an individual not seated at his or her table or the bar is required to wear face coverings;
 - f. Individuals seeking to communicate with someone who is hearing-impaired in a way that requires the mouth to be visible;
 - g. Individuals giving a speech for a broadcast to an audience;
 - h. Individuals temporarily removing his or her face covering to secure government or medical services or for identification purposes;
 - i. Individuals whose sincere religious belief prevents them from wearing a face covering;
 - j. Individuals employed in positions where a face covering is either dangerous or not recommended by CDC guidelines;

- k. Individuals in private, individual offices;
 - l. Individuals engaged in dental work or medical procedures;
 - m. Individuals receiving a facial treatment, shave, or other services on the part of the head which the face covering covers or by which the face covering is secured;
5. For the purposes of this Ordinance, "face covering" means a piece of cloth, fabric, or other material that fully covers the mouth and nose that is secured with ear straps or otherwise ties 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, scarves, 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.
6. For the purposes of this Executive Order, "business establishment" 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 suites), gyms, and similar facilities.
7. In addition to the face covering requirement, all persons are strongly encouraged to:
- a. Wash your hands often with soap and water or appropriate sanitizer;
 - b. Cover your cough or sneeze with your arm or elbow, NOT your hands;
 - c. Avoid close contact, especially with people who are sick and maintain physical/social distance of at least 6 feet;
 - d. Stay at home when you are sick, except to get medical care;
 - e. Avoid touching your eyes, nose, and mouth;
 - f. Clean and disinfect frequently touched objects and surfaces.
8. The requirement to wear a facial covering shall continue for a county identified in the Order until that county no longer is designated at Red/ Level 3 or Purple/Level 4 in the Public Health Advisory System.

SECTION 2. It is 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 this Council, and that all deliberations of this Council and any of its committees that resulted in such formal actions were in meetings open to the public, and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 3. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of public health, safety, and welfare. The reason for such emergency lies

in the fact that a local and statewide health emergency currently exists and immediate measures shall be taken to try to mitigate said emergency.

THEREFORE, upon the affirmative vote of two-thirds (2/3) of all members elected to Council, and signature by the Mayor, this ordinance shall go into immediate force and effect.

Passed this _____ day of _____, 2020.

Steve Kauffman, Council President

ATTEST:

Tamara L. Drake, Clerk of Council

Filed with me and approved by me this _____ day of _____, 2020.

Eric J. Keckler, Mayor