

*Village of Russells Point*  
**POLICE DEPARTMENT**  
**COVID-19 LOCAL BUSINESS GUIDANCE: 2020-01**  
**March 24, 2020**

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The Village of Russells Point, Ohio – Police Department, through delegation by the Mayor of the Village of Russells Point, Ohio in Emergency Declaration 2020-02 hereby implements the following temporary COVID-19 Local Business Guidance: 2020-01, regarding enforcement of the State of Ohio’s Stay at Home Order (SAHO), issued by the Ohio Director of Public Health on March 22, 2020.

**A. INTRODUCTION.**

1. **Intent.** This COVID-19 Local Business Guidance: 2020-01 (“Local Business Guidance”) is only provided by the Village of Russells Point (Village) at this time, based upon the current administrative guidelines, guidance, regulations, Orders, Declarations, and Proclamations and all local, state, and federal ordinances, statutes, common law, and any and all other applicable legal authority that is currently in effect at the time of adoption.
2. **Purpose.** It is the position of the Village Police Department to be equally supportive of both the SAHO, which requires the Village to enforce such Order, while also remain equally supportive of our local businesses that sustain our Village economy.
3. **Scope.** This Local Business Guidance does not in any way, and should not be construed or otherwise interpreted in any way, to create, establish, or otherwise provide in any way any exclusive, circumstantial, or other available legal right or entitlement to any business, corporation, limited liability corporation, partnership, sole practitioner, or other business or corporate entity, whether created under the laws of the State of Ohio, any other state law, or any construct by default of common law.
4. **Amendments.** The Village hereby reserves the exclusive right to amend or otherwise deviate from this Local Business Guidance, as written, to comply with any and all current, newly passed or adopted, amended, modified, and/or updated local, state, and/or federal guidance, guidelines, rules, regulations, statutes, common law, or other legal authority currently in effect or that may be in effect in the future.

**B. GUIDANCE FOR BUSINESSES.**

1. **General.** All businesses remaining open and operating while the SAHO is in effect are required by the State of Ohio to comply with the CDC Guidelines and the Ohio Department of Health Guidelines in order to continue operations, unless an exception applies.
  - a. **Legal Counsel.** These guidelines are not to be construed, in any way, to be considered direct legal counsel or guidance from the Village. All local business owners are encouraged to seek legal counsel before relying on this guidance for advice as to how operations of your business can continue to operate under the SAHO.

**2. Federal Guidance and Requirements.**

**a. U.S. Centers for Disease Control & Prevention Guidance.** This Local Business Guidance hereby incorporates by reference the U.S. Centers for Disease Control & Prevention (hereafter referred to as "CDC") Guidance for Business and Employers to Plan and Respond to Coronavirus Disease 2019 (COVID-19) (CDC Business Guidance) as currently adopted and issued by the CDC and any future amendments, modifications, and changes as they occur.

- (1) All business owners are encouraged to consult with legal counsel to ensure they are complying with all CDC administrative guidelines, regulations, and Orders, and specifically the CDC Business Guidance.
- (2) The CDC Business Guidance, as issued upon the adoption of this Local Business Guidance, is attached to this Local Business Guidance as Appendix I and will be posted on the Village's website.
- (3) All businesses remaining in operations that deviate and/or fail to comply with such guidance may be subject to warnings, citations, and/or complete closure as deemed to be in violation of the SAHO as currently written and/or as amended or modified in the future.

**b. Other U.S. Administrative Guidance.** This Local Business Guidance hereby incorporates by reference any other Administrative Guidance issued by any U.S. Agency, including, but not limited to, the U.S. Department of Health and Human Services (U.S. HHS), the Federal Emergency Management Agency (FEMA), the Department of Justice (U.S. DOJ), the Small Business Administration (U.S. SBA), the Office of the Attorney General (U.S. OAG), and the U.S. Occupational Safety and Health Administration (OSHA) (collectively hereafter referred to as U.S. Agency(ies)).

- (1) Each U.S. Agency has, may, and/or has the legal ability (as delegated by the U.S. President in various Executive Orders, Memoranda, and Proclamations) to issue related COVID-19 Guidance pursuant to the Stafford Act, the Coronavirus Preparedness and Response Supplemental Appropriations Act (CPRSA), the Families First Coronavirus Response Act (FFCRA), and any other legislation that may be passed now or in the future.
- (2) Business owners have the **exclusive responsibility** to ensure that they are in compliance with all relevant federal laws, regulations, and Administrative Guidance in maintaining their operations pursuant to the SAHO.

**3. State Guidance and Requirements.**

**a. Ohio Department of Health.** This Local Business Guidance hereby incorporates by reference the Ohio Department of Health (ODH) COVID-19 Checklist for Businesses and Employers (Ohio COVID-19 Business Checklist) as currently adopted and issued by ODH and any future amendments, modifications, and changes as they occur. The list provided by ODH on March 24, 2020 can be accessed here: <https://coronavirus.ohio.gov/wps/portal/gov/covid-19/home/covid-19-checklists/businesses-employers-covid-19-checklist>

- (1) All business owners are encouraged to consult with legal counsel to ensure they are complying with all ODH administrative guidelines, regulations, and Orders, and specifically the Ohio COVID-19 Business Checklist.

(2) The ODH COVID-19 Business Checklist, as issued upon the adoption of this Local Business Guidance, is attached to this Local Business Guidance as Appendix II and will be posted on the Village's website.

(3) All businesses remaining in operations that deviate and/or fail to comply with such guidance may be subject to warnings, citations, and/or complete closure as deemed to be in violation of the SAHO as currently written and/or as amended or modified in the future.

**b. Other Ohio Administrative Guidance.** This Local Business Guidance hereby incorporates by reference any other Administrative Guidance issued by any Ohio Agency, including, but not limited to, the Governor of the State of Ohio (Ohio Governor), the Ohio Bureau of Worker's Compensation (OBWC), the Ohio Department of Insurance (ODI), the Ohio Department of Transportation (ODOT), and the Ohio Attorney General (OAG) (collectively hereafter referred to as Ohio Agency(ies)).

(1) Each Ohio Agency has, may, and/or has the legal ability to issue related COVID-19 Guidance pursuant to the SAHO, the Ohio Governor's Executive Orders, related and applicable Ohio statutes and regulations, and any other legislation that may be passed now or in the future.

(2) Business owners have the **exclusive responsibility** to ensure that they are in compliance with all relevant Ohio laws, regulations, and Administrative Guidance in maintaining their operations pursuant to the Stay-at-Home Order.

### **C. GENERAL STATE OF OHIO PROVISIONS.**

1. **Liquor, Beer, and Wine Sales.** All liquor, beer, and wine sales in the State of Ohio are restricted to carry-out sales and delivery only, to the extent permitted by law. Onsite consumption of alcoholic beverages is prohibited.

a. Pursuant to the SAHO, the Village must comply with enforcing this requirement by the State of Ohio.

b. **Carry-Out Orders.** Lines for carry out in these establishments must have an environment where patrons and staff maintain social distancing (six feet away from other people) whenever possible.

c. **Intent.** The overriding goal of this Order is to minimize the in-person interaction which is the primary means of transmission. Restaurants and bars increase and encourage talking, touching and other social interaction in an environment with a multitude of hard surfaces.

2. **Exempt / Essential Businesses.** The SAHO provides an extensive list of exceptions in the categories of: (1) Healthcare and Public Healthcare Operations; (2) Human Services Operations; (3) Essential Infrastructure; (4) Essential Government Functions; and (5) Essential Business Operations.

a. **Exempted Businesses.** All business owners and entities are encouraged to review the SAHO and consult with legal counsel to determine if their business falls under an Exception.

b. **Preliminary Determination of Exempted Businesses.** The Village has made a good faith effort to identify businesses within its jurisdiction believed to be exempt under the SAHO. These businesses are permitted to remain open, provided that they comply with all other requirements as specified in the SAHO, including, but not limited to, the

Minimum Business Operation, Essential Travel, and Social Distancing Requirements. These requirements, as exclusively detailed in the SAHO are hereby incorporated by reference. A list of these Preliminarily Exempted Businesses is attached to this Local Business Guidance as Appendix III and will be posted on the Village's website.

- (1) **Application for Preliminary Exemption.** If a business that is not included on this list believes that it should be exempted or falls under an exception of the SAHO, the business owner must submit the attached Preliminary Business Exemption Form attached as Appendix IV and that will also be posted on the Village's website.

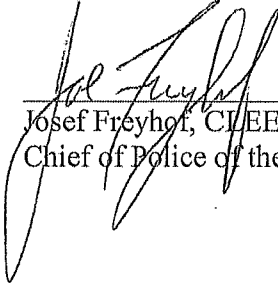
**D. VILLAGE PROCESS AND PROCEDURE.**

1. **Business Violations.** Violations by businesses, owners, employees, and/or third-party agents will be managed as follows:
  - a. **Written Complaint.** A written complaint may be made by any individual and/or any Village Police Officer. A written complaint form is attached to this Local Business Guidance as Appendix V.
    - (1) The Complainant is encouraged to provide their name and phone number, so that the Police Department can take the necessary statement(s) from any witnesses.
      - i. Complaints can also be submitted anonymously but must be marked as such on the Complaint Form.
      - ii. Complaints can be submitted through a call to the Police Department and the Complainant will be asked to provide the information on the Complaint Form.
    - (2) Police Officers will also submit written Complaint Forms if a suspected violation is observed and will complete other standard forms as well.
    - (3) Complaints will be investigated and processed on a case-by-case basis to protect the health, safety and welfare of the community.
  - b. **Offenses.** If the Police Department determines that a violation of the SAHO has occurred:
    - (1) Offenses may result in criminal citations that could result in the immediate closure of the business operation, in addition to all other lawful action .
2. **Individual Violations.** Violations by individuals, whether operating within and/or outside the scope of employment, will be managed as follows:
  - a. Reports will be investigated based upon officer observation and reports made to law enforcement.
    - (1) Complaints will be investigated and processed on a case-by-case basis to protect the health, safety and welfare of the community.
  - b. **Offenses.** If the Police Department determines that a violation of the SAHO has occurred:
    - (1) Offenses may result in criminal citations in addition to all other lawful action .

**ACCORDINGLY,** this Local Business Guidance is hereby adopted to avoid an imminent threat with a high probability of widespread exposure to COVID-19 with a significant risk of substantial harm to a large number of people in the general population, including the elderly and people with weakened immune systems and chronic medical conditions.

**NOW THEREFORE**, pursuant to the Village of Russells Point Emergency Declarations 2020-01 and 2020-02, the current State of Emergency and Public Health Emergencies as declared within the Village of Russells Point, Ohio, and all applicable laws and regulations previously referenced in such Declarations, this COVID-19 Local Business Guidance by the Village of Russells Point Police Department shall be in effect until amended, modified, or repealed until the emergency no longer exists, as such time to be determined by the Mayor of the Village of Russells Point, Ohio.

I have signed this Local Business Guidance this 24<sup>th</sup> day of March, 2020, and it shall take effect immediately and shall remain in full force and effect until the emergency no longer exists, at such time to be determined by the Mayor.



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Josef Freyhof, CLEE  
Chief of Police of the Village of Russells Point, Ohio

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Appendix IV

Village of Russells Point, Ohio  
Indian Lake, Ohio  
OFFICE OF THE MAYOR  
433 State Route 708  
P.O. Box 30  
Russells Point, OH 43348-0030  
Phone: 937-843-2245 ext. 7  
Fax: 937-843-9956  
Email: mayor@russellspoint-oh.gov

**BUSINESS APPLICATION FOR PRELIMINARY EXEMPTION**  
**TO OPERATE PURSUANT TO**  
**THE OHIO DEPARTMENT OF HEALTH – DIRECTOR’S STAY AT HOME ORDER**  
**Issued on: March 22, 2020**

Date: \_\_\_\_\_

Business Name: \_\_\_\_\_

Business Address: \_\_\_\_\_

\_\_\_\_\_

Owner’s Name: \_\_\_\_\_

Owner’s Address: \_\_\_\_\_

Owner’s Phone and/or Email Address: \_\_\_\_\_

*The aforementioned Business and Owner requests **PRELIMINARY EXEMPTION** from the **DIRECTOR’S STAY AT HOME ORDER** issued by the Ohio Department of Health.*

*We are claiming **EXEMPTION** to this Order based on “Section 12 – Essential Businesses and Operations” (found on Pages 5 through 7 of the **DIRECTOR’S STAY AT HOME ORDER**).*  
*We request **EXEMPTION** Under Section 12, Subsection: \_\_\_\_\_, for the following reason(s): \_\_\_\_\_*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

**VILLAGE OF RUSSELLS POINT, OHIO**  
**BUSINESS APPLICATION FOR PRELIMINARY EXEMPTION**

**TO OPERATE PURSUANT TO**  
**THE OHIO DEPARTMENT OF HEALTH – DIRECTOR’S STAY AT HOME ORDER**

**Issued on: March 22, 2020**

If granted this PRELIMINARY EXEMPTION by the Village of Russells Point, Ohio, the business entity, owner, manager, operator, and/or all individuals in control of the normal day-to-day business functions, hereby expressly agrees, represents, and warrants as follows:

1. The Business will only be occupied by authorized and essential personnel at all times;
2. The Business premises, including the actual building structure, land, and any other man-made structures upon the land (such as sheds and warehouses), will NOT be open to the public while under restrictions issued by the State of Ohio;
3. All Business service to the public will only be via internet, phone, email, carry-out or drive-thru operations;
4. The Business will immediately implement and continue to enforce the Minimum Business Operations specified in the SAHO (as applicable to your individual business);
5. The Business will immediately implement and continue to enforce the Social Distancing Requirements specified in the SAHO (as applicable to your individual business);
6. All recommended Safety Precautions will be taken by essential personnel to ensure increased sanitization, protective gear, and social distancing; and
7. Any personnel that exhibit symptoms of the COVID-19 Virus will be immediately prohibited from reporting for duty, in accordance with Centers for Disease Control (CDC) recommendations.

Before signing and submitting this application, the Village of Russells Point and its Police Department advise you to directly consult legal counsel and have your own personal legal counsel review and approve of this application.

By submitting this document to the Village of Russells Point, you hereby agree that you had the ability to consult with an attorney before signing. Please initial below and circle:

\_\_\_\_\_ I **did** / **did not** (circle one) consult with an attorney before submitting this application.

By signing this application and submitting it to the Village of Russells Point, you hereby acknowledge and understand that:

1. The Village of Russells Point has jurisdiction and is required to ensure all provisions of the Director’s Stay at Home Order are being followed; and
2. It is the sole and exclusive responsibility of the business entity to ensure that it, and all of its employees and subcontractors, complies with the Stay at Home Order in order to remain functioning pursuant to this Exemption, if granted.

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Appendix IV

\_\_\_\_\_  
Business Owner's Signature

\_\_\_\_\_  
Business Owner's Printed Name

\_\_\_\_\_  
Date

\*\*\*\*\*  
AUTHORIZATION TO APPROVE "PRELIMINARY EXEMPTION" IS GRANTED.

\_\_\_\_\_  
Mayor Robin Reames

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chief of Police, Joe Freyhof

\_\_\_\_\_  
Date



