

## ORDINANCE 2020 - 62

### **AN ORDINANCE REQUIRING FACIAL COVERINGS IN INDOOR AND OUTDOOR AREAS ACCESSIBLE TO THE PUBLIC; AND DECLARING AN EMERGENCY.**

**WHEREAS**, on or about March 17, 2020, City Manager, Dave Ruller declared a state of emergency for the City of Kent as a result of the COVID-19 pandemic; and

**WHEREAS**, this local and a corresponding statewide State of Emergency continues to exist and along with certain Ohio Department of Health Director's Orders places limits on mass gatherings and strong recommendations to physically distance; and

**WHEREAS**, Council concludes that additional measures are necessary to help slow the spread of COVID-19 in the community; and

**WHEREAS**, Council further concludes that the safety of City residents, guests, business owners and patrons is best protected by implementing a facial covering requirement.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Kent, Portage County, Ohio, at least three-fourths (3/4) of all members elected thereto concurring:

**SECTION 1.** All persons while within the jurisdictional limits of the City of Kent and

- (a) in indoor areas accessible to the public are required to maintain physical distance of at least six (6') feet of separation from non-group members and wear a facial covering provided expressly for that purpose.
- (b) in outdoor areas accessible to the public are required to maintain physical distance of at least six (6') feet of separation from non-group members; if physical distancing is not possible while in outside areas, persons must wear a facial covering provided expressly for that purpose.
- (c) The requirement to wear a facial covering and the applicable exceptions are attached hereto and incorporated herein as Exhibit "A".
- (d) This Ordinance shall in no way modify any State of Ohio and/or Portage County Health District requirements for workers to wear facial coverings.

**SECTION 2.** That 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 of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

**SECTION 3.** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the residents of this City, for which reason and other reasons manifest to this Council this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: July 15, 2020  
Date

Fiala  
Jerry T. Fiala  
Mayor and President of Council

EFFECTIVE: July 15, 2020  
Date

ATTEST: Amy Wilkens  
Amy Wilkens  
Clerk of Council

I, AMY WILKENS, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF ORDINANCE No. 2020-602, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON July 15, 20 20.

(SEAL)

Amy Wilkens  
AMY WILKENS  
CLERK OF COUNCIL

## EXHIBIT A

### **Facial Covering Requirements**

1) Definitions

"Facial Covering" means a covering of the nose, mouth and chin that is secured to the head with ties, straps, or loops over the ears or is simply wrapped around the lower face. A Facial Covering can be made of a variety of synthetic and natural fabrics, including cotton, silk, or linen. Ideally, a Facial Covering has two (2) or more layers. A Face Covering may be factory made, sewn by hand, or can be improvised from household items such as scarfs, bandanas, t-shirts, sweatshirts, or towels. These Facial Coverings are not intended for use by healthcare providers in the care of patients. A face shield that covers the nose, mouth and chin also meets the Facial Covering requirements of this Ordinance.

2) Requirements for facial coverings in any door to door activities in the City and in indoor areas accessible to the public, including but not limited to the following indoor areas accessible to the public:

- a) All customers must wear Facial Coverings when they are inside a retail business establishment, unless the customer states that an exception applies as set forth in Section 3.
- b) All customers in restaurants and bars must wear Facial Coverings when not at their table, unless the customer states that an exception applies as set forth in Section 3.
- c) All customers must wear Facial Coverings in office spaces open to the public when they are inside the establishment, unless the customer states that an exception applies as set forth in Section 3.
- d) All customers of personal care and grooming businesses must wear Facial Coverings when they are inside the establishment, unless the customer states that an exception applies. Customers may take off their Facial Covering if they are receiving a facial treatment, shave, or other services on a part of the head which the Facial Covering covers or by which the Facial Covering is secured.

3) Exceptions

- a) This Ordinance does not require Facial Coverings for, and a Facial Covering does not need to be worn by, a customer or patron who:
  - i) Should not wear a Facial Covering due to any medical or behavioral condition or disability (including, but not limited to, any person who has trouble breathing, or is unconscious or incapacitated, or is otherwise unable to put on or remove the facial covering without assistance);
  - ii) Is actively eating or drinking;
  - iii) Is strenuously exercising;
  - iv) Is seeking to communicate with someone who is hearing-impaired in a way that requires the mouth to be visible;

- v) Is giving a speech for a broadcast or to an audience; vi) Is temporarily removing his or her Facial Covering to secure government or medical services or for identification purposes;
  - vii) Is a child whose parent, guardian, or responsible person has been unable to place the Facial Covering safely on the child's face.
  - viii) For whom facial coverings are prohibited by law or regulation or are inconsistent with industry standards while the customer is in the business establishment;
- b) Anyone who declines to wear a Facial Covering for any reason is not exempt from the requirement to practice adequate social distancing, keeping a minimum of 6' between them and any other person outside of their household.
- 4) Children under five (5) years of age should not wear a Facial Covering.
- 5) Right to refuse service and provision of masks
- a) Businesses who observe a violation of this Section have a right to refuse service based upon the violation.
  - b) Businesses are encouraged to make face coverings available for customers upon request. The City will facilitate sourcing face coverings on an as-available basis.