

**AMENDMENT TO THE APRIL 8, 2020  
DECLARATION OF A STATE OF EMERGENCY  
IN THE CITY OF NEW ALBANY**

**WHEREAS**, Ohio and New Albany businesses have made great efforts to reopen in a safe manner in compliance with the State of Ohio’s Responsible RestartOhio health orders; and the city supports this effort and desires to avoid another shutdown of our economy by acting responsibly to stop the 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**, on June 29, 2020, due to an increasing level of COVID-19 infections via community spread and the absence of a statewide face covering requirement, Franklin County Public Health passed a resolution expressing its commitment to upholding CDC recommendations regarding face covering; and

**WHEREAS**, on July 2, 2020, due to increased infection rates statewide, the state of Ohio announced a COVID-19 advisory system to monitor viral spread and risk at the county level, and placed Franklin County under a Level 3 advisory - approaching Level 4, which is the highest level; and on July 2, 2020, the Franklin County Board of Commissioners passed a resolution encouraging all Franklin County residents to wear face coverings; and

**WHEREAS**, on July 7, 2020, the Governor of the State of Ohio declared counties that trigger four or more of the key indicators in the Ohio Public Health Advisory System due to a very high exposure and spread of COVID-19 achieve a Level 3 advisory and all residents in those counties are now required to wear facial coverings; and

**WHEREAS** on July 8, 2020, the State of Ohio Department of Health issued an order requiring face coverings in certain Ohio counties including Franklin County; and on July 9, 2020, the Franklin County Commissioners issued a Covid-19 Situational Order in support of face coverings inside its jurisdiction; and

**WHEREAS** on July 14, 2020, the Franklin County Board of Health adopted an emergency order requiring face coverings in its jurisdiction; and

**WHEREAS**, the city desires to protect its residents, visitors, workforce and employees of New Albany while at the same time maximizing the layering of COVID-19 interventions, including: staying home when sick, maintaining proper social distancing, vigorous personnel hygiene and handwashing, disinfecting frequently touched surface areas, avoid touching one’s face, and

properly maintaining and donning appropriate facial covering in accordance with this Declaration; and

**WHEREAS**, after consulting with the New Albany COVID-19 Task Force, considering the governor’s order and the Ohio Department of Health (ODH) special order, and in order to prioritize the health and safety of residents, visitors, workforce and employees of the city, we declare that the public health will be best served by declaring a mandatory facial covering requirement for the City of New Albany, Ohio.

**NOW THEREFORE, AT THE DIRECTION OF NEW ALBANY COUNCIL, BE IT DECLARED BY THE CITY MANAGER, JOSEPH F. STEFANOV AS FOLLOWS:**

**Section 1.** The Declaration of a State of Emergency in the City of New Albany, issued April 8, 2020 remains in full force and effect, and is hereby amended and supplemented to include the following facial covering provisions.

**Section 2.** All individuals within the City of New Albany, 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 patios, subject to the exceptions listed in Section 4.

For the purposes of this Emergency Declaration, “business establishment” has the same general definition as "place of public accommodation" under Section 4112.01 (A)(9) of the Ohio Revised Code and means any: hotel or motel (excluding the rented room or suites), restaurants and bars (including outdoor seating for such facilities), barbershop or salon, public conveyance by air, land, or water, theater, grocery stores, retail stores, pharmacies, health care facilities, gyms and athletic facilities open to the public, other place for the sale of merchandise, or any other place of public accommodation or amusement of which the accommodations, advantages, facilities, or privileges are available to the public, but excluding religious facilities, schools and libraries.

All New Albany businesses, in both Franklin and Licking Counties, not open to the public for the sale of good and services or otherwise does not meet the definition of “business establishment” above, shall remain subject to and must abide by the requirements of the Responsible RestartOhio Health Orders.

**Section 3.** All individuals within the City of New Albany shall always be required to wear a face covering over the individual’s nose and mouth when:

- a. In any indoor location that is not a residence;
- b. Outdoor and unable to consistently maintain a distance of six feet or more from individuals who are not members of their household; or
- c. Waiting for, riding, driving, or operating public transportation, a taxi, a private car service, or a ride sharing vehicle. This does not apply to private or rental vehicles

where members of a family are sharing a vehicle. This does not apply to vehicles engaged in direct travel through a county that does not stop in that county.

**Section 4.** The requirement to wear a facial covering does not apply when:

- d. Individuals who cannot wear a face covering because of a medical condition, including those with respiratory conditions that restrict breathing, 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;
- e. Individuals engaging in strenuous exercise activities, although such individuals should make every effort to maintain six feet of physical distancing between other individuals;
- f. Individuals actively participating in athletic practice, scrimmage, or competition that is permitted under a separate Ohio Department of Health order;
- g. Children under the age of 10 years old;
- h. Individuals actively consuming food or beverage in a restaurant or bar; an individual not seated at his or her table or the bar is required to wear face coverings;
- i. Individuals seeking to communicate with someone who is hearing-impaired in a way that requires the mouth to be visible;
- j. Individuals giving a speech for a broadcast to an audience; or
- k. Individual is an officiant of a religious services;
- l. Individuals temporarily removing his or her face covering to secure government or medical services or for identification purposes;
- m. Individuals is actively engaged in a public safety capacity, including but not limited to law enforcement, firefighters or emergency medical personnel;
- n. Individuals whose sincere religious belief prevents them from wearing a face covering;
- o. Individuals employed in positions where a face covering is either dangerous or not recommended by CDC guidelines;
- p. Individuals in private, individual offices and which space is not intended for use or access by the public;
- q. Individuals engaged in dental work or medical procedures;
- r. 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;
- s. Facial coverings are prohibited by law or regulation;
- t. Facial coverings are in violation of documented industry standards;
- u. Facial coverings are in violation of a business's documented safety policies;
- v. Individuals or events who are otherwise exempted by the Franklin County Board of Public Health or the Ohio Department of Health.

**Section 5.** For the purposes of this Emergency Declaration, “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, face shields 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.

**Section 6.** 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.

**Section 7.** Enforcement Process and Penalty

A. Initial warning. An initial verbal warning shall be issued to the business establishment owner/operator, where a violation of this Emergency Declaration has occurred, along with written information pertaining the requirements of this Emergency Declaration, by the City Manager or designee (City official or Franklin County Public Health official) provided that the City’s official is made aware of a violation and is able to witness or otherwise verify said violation.

B. Second warning. A second written warning shall be issued to the business establishment owner/operator where a violation of this Emergency Declaration has occurred, along with written information pertaining the requirements of this Emergency Declaration, by the City official, provided that the City official is made aware of a violation and is able to witness or otherwise verify said violation.

C. Following a second warning, any subsequent violation may subject the business establishment owner/operator to a fine of not more than \$100.00 pursuant to New Albany Codified Ordinance Section 101.99.

D. Defense. Business establishment owner/operators, including government entities, are hereby authorized to trespass from their property individuals who fail to wear a face covering while such individuals are entering, exiting, waiting in line to enter, or engaged in activities inside of the property intended for the use of the general public not otherwise exempted under Section 4. Business establishment owner/operators shall advise such non-complying individual(s) of the City’s facial covering requirement and request that said individual either wear a facial covering or leave the premises. If the non-complying individual still refuses to wear a face

covering or leave the premises, the business establishment owner/operator shall trespass the non-complying individual(s) from such property. Such actions shall serve as a complete defense to a violation set forth in this Section.

E. Non-Compliant Individual. A non-compliant individual, either in an indoor or outdoor setting, may be subject a warning and/or prosecution for trespass or other applicable violations under the New Albany City Code or other jurisdictions.

**Section 8.** This Amendment to the State of Emergency Declaration shall be in full force and effect within the City of New Albany from July 7, 2020 and will remain in effect until the health emergency no longer exists, as determined by City Manager and/or City Council, in consideration of the recommendations the Ohio Department of Health and the Franklin County Department of Health.