

**CITY OF ASHALND, ASHLAND COUNTY, WISCONSIN
ORDINANCE NO. 2020-01**

AN ORDINANCE CREATING "FACE COVERING REQUIREMENTS DURING THE COVID-19 PANDEMIC"

Whereas, as of July 7, 2020, COVID-19 cases have been on the rise in Wisconsin, Ashland County, and the South Shore in recent weeks; and

Whereas, public spaces and businesses are open for in-person operations in the City of Ashland, increasing the potential for community spread of COVID-19; and

Whereas, COVID-19 is primarily spread via respiratory droplets when people are in close proximity with each other and people that are infected speak, sneeze, or cough. People can be infected and have no symptoms (asymptomatic) and they are still able to transmit the virus; and

Whereas, according to the Centers for Disease Control (CDC), there is emerging evidence from clinical and laboratory studies that demonstrates cloth face masks reduce the spray of respiratory droplets; and

Whereas, wearing a face mask is one of the most effective ways to reduce person to person transmission of COVID-19. Face masks serve as a protection to prevent droplets from entering the air, which is known as source control. When combined with other preventive measures, including physical distancing and proper hygiene practices, wearing face masks is a simple and effective way to reduce the risk of COVID-19 transmission; and

Whereas, the risk of COVID-19 transmission remains high, particularly in indoor settings with an increased likelihood of close contact and the sharing of air that may contain coronavirus contaminated respiratory droplets and/or aerosols; and

Whereas, evidence cited by the Centers for Disease Control and Prevention (CDC) indicates that a significant portion of individuals with the coronavirus are asymptomatic, and that pre-symptomatic persons can transmit the virus to others before showing symptoms; and

Whereas, the City of Ashland is a destination for travelers and visitors from all over Wisconsin and the United States, including from states with higher per capita rates of COVID-19 infection than the State of Wisconsin or Ashland County; and

Whereas, in open meeting on July _____, 2020, the City of Ashland Common Council found and declared that the restrictions and prohibitions imposed pursuant to this Ordinance are appropriate and necessary in order to slow and prevent the transmission of COVID-19 and more effectively protect the lives and property of people within the City of Ashland; and

NOW THEREFORE, at a regular meeting of the City of Ashland, Ashland County, Wisconsin, held on July _____, 2020, by a favorable vote of the members being present and therefore, said Council does ordain as follows:

SECTION 1

Face covering requirements during the Covid-19 pandemic.

A. As used in this Ordinance, the following terms shall have the meaning indicated:

“Commercial business” means any for-profit business open to the general public for the purchase of goods, entertainment or services, including by way of example but not limited to retail stores (such as grocery stores, convenience stores), restaurants, and service businesses.

“City and public buildings” means any buildings owned by local government or not for profit organizations, including public restrooms.

“Face covering” means a material covering the nose and mouth for the purpose of ensuring the physical health or safety of the wearer or others. A face covering can be secured to the head with ties or straps or simply wrapped around the lower face. It can be made of a variety of materials, such as cotton, silk, or linen. A cloth face covering may be factory-made or sewn by hand or can be improvised from household items such as scarfs, T-shirts, sweatshirts, or towels. Acceptable, reusable face covering options for the general public include bandanas, neck gaiters, homemade face coverings, scarves, or tightly woven fabric such as cotton t-shirts and some types of towels.

“Outdoor Spaces” means any outdoor location where people are unable to distance themselves a minimum of six feet.

B. MASK REQUIRED.

While indoors in any commercial business or City office, and in an Outdoor Space that is open to the general public, all customers, employees, and any other occupants or users of such area shall wear a face covering. While wearing a face covering, social distancing (6') shall still be maintained so far as possible as described by the Center for Disease Control and Prevention.

C. EXCEPTIONS.

Exceptions for face coverings will be made under the following circumstances:

- i. A person who cannot wear a face covering due to a medical or behavioral health condition, including but not limited to anyone who has trouble breathing, or is unconscious, incapacitated or otherwise unable to remove the mask without assistance;
- ii. Children who are under (5) years of age;
- iii. A customer dining in a restaurant, while that customer is sitting at his or her table;
- iv. A law enforcement officer or any emergency responder who reasonably deems it necessary to remove a face covering in the course of his or her duties;
- v. A person who reasonably deems it necessary to remove his or her face covering for safety reasons or in order to carry out his or her job duties.
- vi. Persons in settings where it is not practical or feasible to wear face coverings, including when obtaining

or rendering goods or services, such as the receipt of dental services or medical treatments.

D. PENALTY.

Any violation of this Ordinance will be subject to the issuance of a citation as provided in City of Ashland Ordinances, Chapter 279, and penalties imposed shall be as described in Section 201.91 of the City's ordinances.

E. EXPIRATION

Unless abolished at an earlier date by the City of Ashland Common Council, this Ordinance shall be effective for so long as any national, state, or local health official and/or health department continues to declare the Covid-19 Pandemic a public health emergency.

SECTION 2

This ordinance is effective on publication or posting.

The Office of the City Clerk shall properly post or publish this ordinance, as required under Wisconsin Statutes Adopted this _____ day of _____, 20__.