

ORDINANCE NO: 1869

---

The Village Board of the Village of Whitefish Bay, Milwaukee County, Wisconsin does ordain as follows:

Section One:

**Whereas**, as of July 23, 2020, COVID-19 cases have been on the rise in Wisconsin, Milwaukee County, the North Shore, and the Village; and

**Whereas**, public spaces and businesses are open for in-person operations in the Village, increasing the potential for further 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 reducing 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 barrier 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**, according to the Centers for Disease Control (CDC), the effectiveness of cloth face coverings at reducing the spread of COVID-19 is highest when masks are widely used by people in public settings. In settings where physical distancing is difficult to maintain, everyone wearing a face mask reduces the risk of transmission;

Section Two:

**NOW, THEREFORE**, the following temporary ordinance is hereby adopted for the duration of the COVID-19 Health Emergency Declaration, Resolution No. 3071 as extended, suspended, or reinstated and may be extended beyond such time by action of the Village Board:

**Temporary Ordinance with Regard to  
Face Covering During the COVID-19 Health Emergency Declaration**

1. Definitions:

- A. "Face Covering" means a face mask or protective mask covering the nose and mouth, including cloth or fiber and surgical masks as described by the Centers for Disease Control and Prevention.
- B. "Building open to the public" means any structure or premises licensed by the Village or used in whole or in part as a place of resort, assemblage, lodging, trade, traffic, occupancy or other use by the public.


2. Mask required indoors. For the duration of the COVID-19 Health Emergency Declaration, any person five (5) years or older shall wear a face covering properly fitted over the nose and mouth whenever the person is in a building open to the public and is not otherwise maintaining a safe social distance of at least six (6) feet from all other persons at all times.
3. Masks required for Village facilities and employees. The Village Manager shall establish a face covering requirement policy applicable to all Village employees and other persons when they are on the premises of any non-recreational Village facility. The Library Board shall establish a face covering requirement policy applicable to all Library employees and other persons when they are on the Library premises.
4. Exceptions. Exceptions for face coverings shall be made under the following circumstances:
  - A. Persons who fall into the Centers for Disease Control and Prevention Guidelines for those who should not wear face coverings due to a medical condition, mental health condition, developmental disability, or for whom no other accommodation can be offered under the Americans With Disabilities Act.
  - B. Persons who have upper respiratory chronic conditions, silent or invisible disabilities, or are communicating with an individual who is deaf or hard of hearing where effective communication cannot be achieved through other means.
  - C. Persons in settings where it is not practicable or feasible to wear face coverings when obtaining or rendering goods or services to the extent necessary to obtain or render such goods or services including but not limited to the receipt of dental services or medical treatments or the act of consuming food or beverages.
  - D. Whenever federal, state or local law otherwise prohibits the wearing of face masks or where it is necessary to evaluate or verify an individual's identity.
  - E. Persons whose religious beliefs prevent them from wearing a face covering.
  - F. Persons present in government facilities closed to the public, and in institutions of higher education, public and private K-12 schools, and childcare or youth facilities that have a mitigation strategy approved by the North Shore Health Department.
5. Penalty. The Village Manager shall enforce this temporary ordinance. The owner or operator of any building open to the public shall request that all persons present in the building open to the public comply with Section 2 above. The owner or operator of any building open to the public has a right to refuse entry or service to any person for failure to comply with such Section 2. Any owner or operator of a building open to the public that permits a person to violate such Section 2 in their building open to the public, and those individuals who refuse to comply with Section 2, may be subject to the issuance of a citation and a forfeiture not less than Fifty Dollars (\$50.00) and not more than Five Hundred Dollars (\$500.00). The Village Manager and Village Attorney are authorized to pursue license revocation or a court order closing the building open to the public in accordance with state and local law for failing to require persons present to abide by Section 2 above.

Section Three: During the effective period of this Temporary Ordinance, all ordinances or parts of ordinances conflicting with the provisions of this Temporary Ordinance are hereby and to such extent repealed.

Section Four: This ordinance shall take effect and be in force from and after its passage and posting.

PASSED AND ADOPTED by the Village Board of Trustees of the Village of Whitefish Bay this 23rd day of July, 2020.

VILLAGE OF WHITEFISH BAY

  
\_\_\_\_\_  
Julie Siegel, Village President

  
\_\_\_\_\_  
Jaimie Krueger, Village Clerk