



**Mayoral Proclamation and Executive Orders  
Amended June 29, 2020**

**Whereas:** In December 2019, a novel (new) coronavirus known as COVID-19 (“the virus”) was first detected in Wuhan, Hubei Province, People’s Republic of China; and

**Whereas:** The State of Ohio government, under the leadership of Governor Mike DeWine and Ohio Department of Health Director Dr. Amy Acton, has adopted necessary and bold preventive and proactive measures to slow the spread of the virus and treat those affected; and

**Whereas:** On March 11, 2020, the World Health Organization announced that the COVID-19 outbreak can be characterized as a pandemic, as the rates of infection continue to rise in many locations around the world and across the United States; and

**Whereas:** The spread of COVID-19 within our community threatens to strain our local and regional healthcare systems; and

**Whereas:** As of the date of enactment of this proclamation, hundreds of individuals within Franklin County have tested positive for COVID-19; and

**Whereas:** Additional measures are deemed necessary, above and beyond those instituted by the State and Federal government, in order to help slow the outbreak of COVID-19 in our community; and

**Whereas:** In the event of a “... disaster affecting life and property and which substantially impairs the functioning of the City government and its ability to protect the lives and property of the people,” the Mayor is authorized to proclaim the existence of a State of Emergency in the City;

**NOW, THEREFORE, I, BENJAMIN J. KESSLER,** Mayor of the City of Bexley, by the authority vested in me by the Codified Ordinances of the City of Bexley, including Section 648.09 (Mayor’s Emergency Powers), and consistent with Section 660.02 (Spreading Contagion), do hereby find and proclaim that the threat of a COVID-19 outbreak in the City of Bexley constitutes a State of Emergency, beginning March 15, 2020. Pursuant to this amended proclamation, I hereby issue the following executive orders:

**Section 1. Guidance regarding individual daily health checks.**

All residents are guided to perform daily temperature checks and daily checks for symptoms consistent with COVID-19. Symptoms commonly include fever, a dry cough, and shortness of breath. Residents without access to a thermometer are exempt from the temperature check requirement, but are encouraged to take reasonable and safe steps to procure a thermometer at home.

**Section 2. Order regarding single-use plastics ban.**

The Single-use plastics ban is hereby lifted for the duration of the effect of this proclamation. Residents are encouraged to use reusable bags which have been washed or otherwise fully sanitized between uses, or to use and properly recycle single use bags provided at the point of sale.

**Section 3. Enforcement of state and federal orders.**

All state and federal orders relating to the containment of COVID-19 contagion shall be enforceable via Section 648.09 and Section 660.02.

**Section 4. Order Regarding Temporary Signage at Commercially Zoned Properties.**

Restrictions on temporary signage at commercially zoned properties are hereby lifted for the duration of this order.

**Section 5. Order Regarding Water/Sewer/Refuse Bill Due Dates and Water Shut Offs**

The due date for the January through March water, sewer, and refuse bill (received by residents in early April, 2020), shall be extended until June 30, 2020. Water shut-offs shall not be administered through June 30, 2020.

**Section 6. Temporary Expansion of Restaurant Patios**

In order to accommodate safe distancing at restaurant patios, restaurants may apply for expedited approval for temporary expansion of patio space through the Building Department.

**Section 7. Solicitors Permits**

Door-to-door solicitation with the exception of solicitation protected by the First Amendment shall be discouraged during the duration of these orders.

**Section 8. Order Regarding Public Tennis Courts**

Tennis courts may be open to the public. Public health guidance posters shall be posted at entry points to tennis courts. Doubles play is discouraged; doubles partners from outside of the same household are strongly discouraged.

**Section 9. Order Regarding Basketball Courts**

Basketball courts which are otherwise open to the public shall be closed off to the public, with signage on premises indicating that the facility is closed per public health orders.

### **Section 10. Order Regarding Block Party permits**

Block party permits are suspended, in light of the Governor's prohibition of gatherings in excess of 10 individuals, and pending further guidance from state and local health authorities.

### **Section 11. Prohibition Against Refusing Service on the Basis of Face Coverings**

The City of Bexley strongly encourages the use of face coverings and masks in public spaces. Owners and operators of places of public accommodation may not require the removal of face coverings or masks in public spaces.

### **Section 12. Public Parks and rights of way**

The carrying of masks and face coverings while in outdoor public spaces is highly encouraged, and individuals are highly encouraged to wear masks in outdoor settings where adequate social distancing is difficult.

### **Section 13. Face Covering Requirements**

#### 1) Definitions

"Face 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 Face Covering can be made of a variety of synthetic and natural fabrics, including cotton, silk, or linen. Ideally, a Face 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 Face 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 Face Covering requirements of this Executive Order.

#### 2) Requirements for face coverings in indoor areas accessible to the public:

- a) All customers must wear Face Coverings when they are inside a retail business establishment, unless the customer states that an exception applies as set forth in Section 13(3).
- b) All customers in restaurants and bars must wear Face Coverings when not at their table, unless the customer states that an exception applies as set forth in Section 13(3).
- c) All customers must wear Face Coverings in a cinema or theater when not at their seat or consuming food or refreshments, unless the customer states that an exception applies as set forth in Section 13(3).
- d) All customers must wear Face 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 13(3).
- e) All customers of personal care and grooming businesses must wear Face Coverings when they are inside the establishment, unless the customer states that an exception applies. Customers may take off their Face Coverings if they are receiving a facial treatment, shave, or other services on a part of the head which the Face Covering covers or by which the Face Covering is secured.
- f) This order does not in any way modify State of Ohio and/or Franklin County Public Health requirements for workers to wear face coverings.

#### 3) Exceptions

- a) This Executive Order does not require Face Coverings for, and a Face Covering does not need to be worn by, a customer or patron who:
    - i) Should not wear a Face 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 face 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 Face 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 Face Covering safely on the child's face.
    - viii) Is a child under five (5) years of age.
    - ix) For whom face coverings are prohibited by law or regulation or are inconsistent with industry standards while the customer is on duty;
  - b) Anyone who declines to wear a Face Covering for these reasons should not be required to produce documentation or any other proof of a condition or exception.
  - c) Anyone who declines to wear a Face 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 two (2) years of age should not wear a Face 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.
- 6) Enforcement Process
- a) The enforcement of this Section shall occur through the following process:
    - i) Initial warning
      - (1) An initial verbal warning shall be issued, along with written information pertaining to the requirements of this Section, by the Code Enforcement Officer in the event that the Code Enforcement Officer is made aware of a violation and is able to witness said violation.
    - ii) Second warning
      - (1) A second, written warning shall be issued, along with written information pertaining to the requirements of this Section, by the Code Enforcement Officer in the event that the Code Enforcement Officer is made aware of a second violation and is able to witness said violation.
    - iii) Any subsequent violations shall be referred to the detective bureau of the Police Department and investigated pursuant to Bexley Codified Ordinance Section 648.09.
- 7) Effective Date
- a) Section 13 shall be in full force and effect on and after July 3, 2020.

**Section 14. Duration of orders.**

This proclamation shall be in full force and effect until July 31, 2020, and may be modified or extended at any time if public health conditions warrant.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the City of Bexley, Ohio, to be hereto affixed this 29<sup>th</sup> day of June, 2020.



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Mayor Benjamin J. Kessler