



Office of the Mayor
City of Columbus
Ohio

EXECUTIVE ORDER

2020-08

By: ANDREW J. GINTHER, MAYOR

State of Emergency: Supplemental Order Pertaining to the Wearing of Face Coverings in Public to Decrease Community Spread of COVID-19

WHEREAS, COVID-19 is a respiratory disease that can result in serious illness or death, caused by the SARS-CoV-2 virus, which is a new strain of coronavirus that had not been previously identified in humans and can easily spread from person to person. The virus is spread between individuals who are in close contact with each other (within about six feet) through respiratory droplets produced when an infected person coughs or sneezes. It may be possible that individuals can get COVID-19 by touching a surface or object that has the virus on it and then touching their own mouth, nose, or eyes; and

WHEREAS, on January 30, 2020, the International Health Regulations Emergency Committee of the World Health Organization declared COVID-19 a public health emergency of international concern; and

WHEREAS, on March 9, 2020, Governor Mike DeWine, signed an Executive Order declaring a State of Emergency for the entire State of Ohio in relation to COVID-19; and

WHEREAS, on March 13, 2020, the Columbus Board of Health declared a Public Health Emergency due to this imminent threat of an acutely hazardous disease, posing a high probability of widespread exposure to an infectious agent that poses a significant risk of substantial harm to a large number of people, a large number of serious or long-term disabilities, or a large number of deaths which order has subsequently been renewed and is currently in effect; and

WHEREAS, on March 13, 2020, President Donald J. Trump declared a National Emergency, invoking the Stafford Act and allowing the Federal Emergency Management Agency to coordinate disaster response and aid state and local governments in addressing the COVID-19 pandemic; and

WHEREAS, on March 22, 2020, the Ohio Department of Health issued a Director's Stay at Home Order, containing prohibitions against mass gatherings of over 10 people, requirements for social distancing, and allowances for only essential businesses to be open to the public which order was subsequently modified by the Director's Updated and Revised Order for Business Guidance and Social Distancing and which was subsequently extended and is currently in effect; and

WHEREAS, in the City of Columbus there is a current threat of an acutely hazardous disease, illness, or health condition; specifically, COVID-19, that is believed to be caused by the appearance of a novel infectious agent and Franklin County, where Columbus is located, has been designated by the state Public Health Advisory System Risk Levels as Level 3, characterized by very high exposure and spread with a recommendation to limit activities as much as possible and to follow all current health orders; and

WHEREAS, face coverings can decrease the spread of respiratory droplets from people, and evidence has grown, as shown in numerous recent studies, that the use of face coverings decreases the spread of COVID-19 within populations; and

WHEREAS, to prevent the spread of COVID-19, and thereby to save lives, face coverings must be worn to reduce the increasing spread of COVID-19; and

WHEREAS, some people have medical or behavioral health issues, disabilities, or other physical reasons that necessitate that they be exempted from wearing a face covering; and

WHEREAS, the spread of COVID-19 continues to threaten the lives of the citizens of the City of Columbus and substantially impairs the functioning of city government and its ability to protect the lives and property of the citizens of the City of Columbus;

NOW, THEREFORE, I, Andrew Ginther, Mayor of the City of Columbus, by virtue of the authority vested in me by the Ohio Constitution, the Charter of the City of Columbus, and Sections 123.01 and 123.02 of the Columbus City Code, do hereby order and direct, pursuant to the Mayoral Declaration of a Public Emergency issued on March 18, 2020, that:

Section 1. Face Covering Requirements

1. Definitions: For the purposes of this executive order:
 - a. "Face covering" means a covering of the nose and mouth 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 and mouth also meets the Face Covering requirements of this Executive Order.
 - b. "Surgical Mask" means American Society for Testing and Materials ("ASTM") Level 1, 2, or 3 approved procedural and surgical masks. An N95 respirator approved by the National Institute for Occupational Safety and Health ("NIOSH") (or a respirator from another country allowed by the Occupational Safety & Health Administration, the Food & Drug Administration, or the CDC) is not recommended for general public use or use in public settings, as it should be reserved for healthcare providers and other medical first responders in a health care setting. However, if worn, these respirators would meet both the Face Covering and Surgical Mask requirements of this Executive Order.
2. Where Face Coverings are required: All individuals are required to wear face coverings in indoor areas accessible to the public and within the confines of public or private transportation regulated by the City of Columbus, unless otherwise exempted, as follows:
 - a. In Retail Businesses. Retail Businesses must have all workers wear Face Coverings when they are or may be within six (6) feet of another person. In addition, Retail Businesses must require that all customers wear Face Coverings when they are inside the establishment and may be within (6) feet of another person, unless the customer states that an exception applies.
 - b. In Restaurants and Bars. Restaurants and bars must have all workers wear Face Coverings when they are or may be within six (6) feet of another person. In addition, restaurants and bars must require that all customers wear Face Coverings when not at their table/seat, unless the customer states that an exception applies.
 - c. In Personal Care, Grooming, and Tattoo Businesses. Personal Care, Grooming, and Tattoo Businesses must have workers wear Face Coverings when they are or may be within six (6) feet of another person. In addition, the business must require that all customers wear Face Coverings when they are inside the establishment and may be within six (6) feet of another person, 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.
 - d. In Child Care Facilities, Day Camps, and Overnight Camps. Child care facilities, day camps, and overnight camps must have workers, all other adults, and children six (6) years or older on site wear Face Coverings when they are or may be within six (6) feet of another person.
 - e. In Transportation. All workers and riders on public or private transportation regulated by the City of Columbus, as well as all people in Columbus airports, bus, and train stations or stops, must wear Face Coverings when they are or may be within six (6) feet of another person. This provision does not apply to people traveling alone or with household members or friends in their personal vehicles, but does apply to ride-shares, cabs, vans, and shuttles, even if the vehicles are privately owned.

- f. In Certain High-Density Occupational Settings Where Social Distancing is Difficult. Social distancing is inherently difficult where multiple workers are together in manufacturing settings, at construction sites, and in agricultural settings. Therefore, in businesses or operations within North American Industry Classification System (NAICS) sectors 311 to 339 (manufacturing), 236 to 238 (construction), and 111, 112, 1151, and 1152 (agriculture), all workers must wear Face Coverings when they are or may be within six (6) feet of another person.
 - g. Long Term Care Facilities. All workers in Long Term Care ("LTC") Facilities, including skilled nursing facilities ("SNF"), adult care homes ("ACH"), family care homes ("FCH"), mental health group homes, and intermediate care facilities for individuals with intellectual disabilities ("ICF-IID"), must wear Face Coverings while in the facility, and those Face Coverings must be Surgical Masks, as long as Surgical Mask supplies are available.
 - h. Other Health Care Settings. Health care facilities other than LTC facilities must follow the Face Covering requirements in the CDC Infection Control Guidance for Healthcare Professionals about Coronavirus (COVID-19).
 - i. Religious facilities and facilities owned and operated by the State of Ohio and the Federal Government are exempt from this order.
3. Exemptions: This Executive Order does not require Face Coverings for, and a Face Covering does not need to be worn by, a worker, customer, or patron who:
- a. 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);
 - b. Is under six (6) years of age;
 - c. Is actively eating or drinking;
 - d. Is strenuously exercising;
 - e. Is seeking to communicate with someone who is hearing-impaired in a way that requires the mouth to be visible;
 - f. Is giving a speech for a broadcast or to an audience;
 - g. Is working at home or is in a personal vehicle;
 - h. Is temporarily removing his or her Face Covering to secure government or medical services or for identification purposes;
 - i. Would be at risk from wearing a Face Covering at work, as determined by local, state, or federal regulations or workplace safety guidelines;
 - j. Has found that his or her Face Covering is impeding visibility to operate equipment or a vehicle; or;
 - k. Is a child whose parent, guardian, or responsible person has been unable to place the Face Covering safely on the child's face; or
 - l. Is within a religious facility.
4. Application of Exceptions: Anyone who declines to wear a Face Covering for any of the reasons which constitute an exception should not be required to produce documentation or any other proof of a condition. Children under two (2) years of age should not be required to wear a Face Covering.
5. Enforcement: Citations under this Executive Order shall be written only to businesses or organizations that fail to enforce the requirement to wear Face Coverings; this order's purpose is to impose organizational criminal liability pursuant to CCC Sec. 2301.23. Businesses and organizations are entitled to rely on their customers' or patrons' statements about whether or not they are excepted from the Face Covering requirements, and businesses and organizations do not violate this Executive Order if they rely upon such statements.
- a. Law enforcement personnel are not authorized to criminally enforce the Face Covering requirements of this Executive Order against individual workers, customers, or patrons.
 - b. However, if a business or organization does not allow entry to a worker, customer, or patron because that person refuses to wear a Face Covering, and if that worker, customer, or patron enters the premises or refuses to leave the premises, law enforcement personnel may enforce the trespassing laws and any other laws that the worker, customer, or patron may violate.

Section 2. Application to City Government

1. City government agencies headed by members of the Mayor's Cabinet are hereby ordered to have their on-site workers wear Face Coverings when they are or may be within six (6) feet of another person. Public-facing operations of city government agencies under the jurisdiction of the undersigned must also follow the requirements for Retail Businesses established in this Executive Order. All other city agencies must adopt similar policies that require Face Coverings. Law enforcement officers, firefighters, EMTs and other first responders, while encouraged to wear Face Coverings and practice social distancing when practicable, are specifically exempt from this order while engaged in the exercise of their duties outside of an office or business-type setting.

Section 3. Duration of orders

This order shall be in full force and effect on and after July 3, 2020 and will continue to be in effect until such time as superseded by ordinance of City Council. This order 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 Great Seal of the Mayor of the City of Columbus, Ohio, to be hereto affixed this 2nd day of July, 2020.




Andrew J. Ginther, Mayor