

APPROVED AS TO FORM

Office of the City Attorney

Prepared By: SBH

Requested: McKinstry Date: 06/18/20

Council Presentation on: 06/30/20

Suspension of Rules: Yes

SUSPENDED RULES

ORDINANCE NO. _____

ORDINANCE REQUIRING FACE COVERINGS TO BE WORN
WHILE INTERACTING IN PUBLIC PLACES IN THE CITY OF TUSCALOOSA
(A20-0739)

WHEREAS, the City of Tuscaloosa recognizes the emergency declarations of the President of the United States and the Governor of the State of Alabama related to the spread of COVID-19 disease in our community; and,

WHEREAS, COVID-19 is a disease caused by a novel coronavirus, previously unknown in humans, and causes upper-respiratory tract illnesses that can range from mild to severe, spread quickly, and may cause death, particularly in older adults and persons with certain chronic medical conditions; and,

WHEREAS, the World Health Organization declared COVID-19 to be a global pandemic as of March 15, 2020; and

WHEREAS, states of emergency have been declared by the President of the United States, the Governor of Alabama, and continue to exist; and

WHEREAS, the City of Tuscaloosa finds that an emergency of unprecedented size resulting from the natural cause of community spread of a novel human coronavirus disease, COVID-19, has occurred in the City of Tuscaloosa; and,

WHEREAS, as of June 17, 2020, Alabama has 26,914 identified cases of coronavirus, including 1,418 cases in Tuscaloosa County; and,

WHEREAS, as of June 17, 2020, Alabama has 784 recorded deaths attributed to COVID-19, with 25 of those deaths occurring in Tuscaloosa County; and,

WHEREAS, the City of Tuscaloosa recognizes that it is critical to continue maintaining 6-foot social distancing to slow the spread of COVID-19, but that the additional use of simple cloth face coverings, as recommended by the Centers for Disease Control and the Alabama Department of Public Health, can further aid in slowing the

spread of the virus by reducing the chances of symptomatic and asymptomatic people transmitting the virus to others; and,

WHEREAS, in reopening certain businesses, places of work, and venues and other activities in the City of Tuscaloosa, it is in the best interest of public health for individuals to continue to use social distancing and the additional precaution of face coverings or masks while in public contact with other persons; and,

WHEREAS, it continues to be extremely important to protect individuals from contracting the virus; and

WHEREAS, the City of Tuscaloosa believes these measures are necessary to prevent the implementation of a citywide curfew and further economic damage; and,

WHEREAS, members of households with vulnerable individuals need to use all reasonable precautions to avoid potential exposure to the virus; and,

WHEREAS numerous medical experts and medical personnel in the City of Tuscaloosa support the use of face coverings and masks to mitigate the spread of the virus; and,

WHEREAS, the City of Tuscaloosa finds that it is in the best interest of the public peace, health, welfare, and safety, and to preserve the lives and protect the health of citizens of the City of Tuscaloosa, to require that masks, consisting of at least simple cloth face coverings, be worn by persons when interacting in public spaces in the City of Tuscaloosa.

NOW, THEREFORE, BE IT ORDERED by the City of Tuscaloosa that face coverings or "masks" shall be required in public places within the City to slow the spread of the novel coronavirus disease, known as COVID-19.

1. Definitions. The definitions used in this Order are as follows:

Face covering or mask: a device to cover the nose and mouth of a person to impede the spread of saliva or other fluids during speaking, coughing, sneezing, or other intentional or involuntary action. Medical-grade masks are not required and are, in fact, discouraged for use under this Order, as they are in short supply and should generally be reserved for high-risk first responders and healthcare workers or those coming into direct contact with suspected COVID-19 patients. Coverings may be fashioned from scarves, bandanas, or other suitable fabrics. The face covering must cover the mouth and nose of the wearer.

Public Place: for the purposes of this ordinance the term “public place” shall include:

- a. Indoor spaces of businesses or venues open to the general public, including but not limited to stores, bars and restaurants, entertainment venues, public meeting spaces, government buildings, civic centers, entertainment venues, etc.
- b. Transportation services available to the general public, including mass transit, paratransit, taxi, or ride-sharing services.
- c. Outdoor areas open to the general public where ten or more persons are gathered and unable to maintain a distance of six (6) or more feet between persons not from the same household.

2. Face Coverings Required in Public Places. All persons shall be required to wear face coverings or masks while in public places within the City of Tuscaloosa.

3. Exceptions. A face covering or mask shall not be required for:

a. **Children two (2) years of age and under.** Face coverings or masks may pose a risk of choking, strangulation, or suffocation to infants and young toddlers. Carriers and strollers with covers that allow the child to breathe comfortably are recommended as safe alternatives.

b. **Eating or Drinking.** Persons may remove face coverings while eating or drinking, provided they re-cover their faces when interacting with other persons not at their tables such as bartenders, servers, or other customers.

c. **Medical Examinations or Procedures.** Patients in examination rooms of medical offices, dental offices, clinics, or hospitals where there is a necessity to examine or treat the mouth or nasal area. In those circumstances, medical or dental professionals in charge of the office, clinic, or hospital may direct individuals to remove their face coverings.

d. **Hair Care Services.** A customer's face covering may be temporarily removed or displaced when necessary to provide hair care. Otherwise, customers and workers in hair care settings must wear face coverings while inside the hair care establishment.

e. **Personal Safety.** A face covering or mask shall not be required when wearing such a face covering or mask poses a greater mental or physical health, safety, or security risk, such as when a person has trouble breathing, is unconscious, is incapacitated, or is unable to remove the face covering without assistance. Under

this subsection, a "safety risk" includes external factors, such as:

- a. Persons are working on ladders or at height.
- b. Persons are wearing other respiratory protection.
- c. Persons are engaging in heavy physical exertion.
- d. Persons are operating heavy equipment.
- e. Persons are working in an environment where a face covering, or mask hinders communications necessary for safety.

f. **Places of Worship.** Places of worship may use their own discretion regarding face covering requirements. However, face coverings are strongly recommended for congregants during worship services, especially while singing or speaking together. Face coverings are also recommended for situations within places of worship where people from different households are unable to or unlikely to maintain a distance of six(6) feet from each other.

g. **Effective Communication:** The requirement to wear a face covering shall not apply when a person who is hearing-impaired needs to see the mouth of someone wearing a face covering to communicate. It shall also not apply to a person speaking to a large group of people, where the face covering may make it difficult for others to understand the speaker, provided the speaker can stay at least 6 feet away from other persons.

h. **Indoor Athletic Facilities.** All indoor athletics facilities (including fitness centers, commercial gyms and spas, as well as yoga, barre, and spin facilities) shall comply with the State Health Officer's May 21, 2020 Order. Patrons are not required to wear face coverings or masks while actively participating in permitted athletic activities. However, employees in regular interaction with patrons are required to wear face coverings or masks.

i. **Private Clubs and Gatherings.** Face coverings shall not be required in meetings of private clubs or private organizations, provided:

- a. the meetings are not open to the general public; and
- b. a consistent six-foot distance between persons from different households is maintained.

4. **Children.** Parents, guardians, and caregivers are responsible for ensuring the proper masking of children over the age of two years when in public places. They must also ensure that the face covering, or mask does not pose a choking hazard for children and can be

safely worn without obstructing a child's ability to breathe.

a. **Discretion for Young Children.** Parents, guardians, and caregivers of children eight (8) years old or younger shall exercise their own discretion regarding the ability of those children to consistently and effectively wear a face covering or mask.

b. **Childcare establishments and Schools.** All schools, daycares, and other childcare establishments shall develop their face covering policies and procedures based on guidance and recommendations from public health authorities and the State Department of Education. These policies should weigh the risks and benefits of masks to children, teachers, and other school employees. Parents and guardians should be notified of such policies and procedures. Where the consistent use of face coverings or masks is not possible due to the supervision of multiple children, the facility shall adhere to sanitary, hygienic, and face covering practices to the maximum extent practicable.

5. **Businesses.** Unless otherwise ordered by the State Health Officer to comply with a stricter face covering requirement, business owners, managers, and supervisors shall develop their own policies and procedures regarding face coverings for employees in accordance with the Centers for Disease Control and Alabama Department of Public Health guidance.

a. **Public Places.** If a business contains a space or spaces open to the general public, policies regarding those spaces must comply with the restrictions in Section 2 of this Order.

b. **Non-Public Places.** If a business contains a space or spaces not open to the general public, a "non-public place" not included in Section 2 of this Order, such as an office or backroom, policies regarding those spaces should take into account the health, safety, and comfort of employees.

c. **Employee Safety.** Employers are encouraged to structure work to promote social distancing and limit close contact as much as possible within workplaces where face coverings or masks may pose risks to personal safety.

6. **Notices.** All businesses and venues open to the general public shall post a notice at all public entrances of their establishment, stating that face coverings are required inside the establishment.

7. **Failure to comply.** Failure to comply with this Ordinance is punishable by fine of \$25.00.

8. Effective date. This Ordinance shall become effective upon publication and continue in effect for thirty days following its publication unless extended or modified prior to that date.

FUNDING REQUIRED: Yes No

By: _____
Chief Financial Officer

COUNCIL ACTION

Resolution _____
Ordinance _____
Introduced _____
Passed _____
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____