

GENERAL ORDINANCE NO. 29-20

**AN ORDINANCE
CREATING SECTION 8.17,
GREEN BAY MUNICIPAL CODE,
RELATING TO REQUIRED FACE COVERINGS**

WHEREAS, Sections 323.11 and 323.14(4) of the Wisconsin Statutes authorize the governing body of any city to declare an emergency existing within the city for as long as the emergency conditions exist or are likely to exist, and to order, by ordinance or resolution, whatever is necessary and expedient for the health, safety, protection, and welfare of persons and property within the city in the emergency; and

WHEREAS, on March 17, 2020, the Common Council adopted the Proclamation Declaring a State of Emergency related to the COVID-19 pandemic; and

WHEREAS, the state of emergency continues in the City of Green Bay as a result of the continued spread of the COVID-19 virus; and

WHEREAS, many individuals with COVID-19 may be asymptomatic or may experience a delayed onset of symptoms, during which time such individuals may transfer the virus to others; and

WHEREAS, wearing a cloth face covering over both the nose and mouth greatly reduces the risk of continued community spread of COVID-19; and

WHEREAS, as of June 28, 2020, the Centers for Disease Control and Prevention's (CDC) information on the use of cloth face coverings to prevent the spread of COVID-19 includes the following:

1. The CDC recommends that all people 2 years of age and older wear a cloth face covering in public settings and when around people who do not live in their household, especially when other social distancing measures are difficult to maintain.
2. Studies have shown that wearing a cloth face covering can prevent the spread of COVID-19.
3. Cloth face coverings are most likely to reduce the spread of COVID-19 when they are widely used by most people in public settings.
4. Cloth face coverings should not be worn by children under the age of 2 years old or by anyone who has trouble breathing, or is unconscious, incapacitated, or otherwise unable to remove their own face covering without assistance.

WHEREAS, the leaders of the healthcare organizations in the City of Green Bay, including Aurora BayCare Medical Center, BayCare Clinic, Bellin Health, HSHS St. Vincent St. Mary's, and Prevea Health, expressed their support for an ordinance requiring face coverings in a letter to Mayor Genrich and the Common Council dated July 13, 2020; and

WHEREAS, the City of Green Bay has an interest in protecting the public health, safety, and welfare of the citizens of Green Bay from the continued spread of COVID-19 throughout the community; and

WHEREAS, an ordinance requiring face coverings to be worn by any person in a public place within the city of Green Bay directly serves that interest by avoiding and/or reducing the further spread of COVID-19 and minimizing the strain on health care resources, while enabling the continuation of essential services, businesses, and social and commercial life during the state of emergency; and

WHEREAS, the City of Green Bay intends to gain voluntary compliance from all individuals with the recommendations from the CDC and local healthcare providers concerning the wearing of face coverings, but recognizes that penalties are necessary to ensure such compliance; now, therefore

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY:

SECTION 1. Section 8.17, Green Bay Municipal Code, is hereby created to read:

Sec. 8.17 Face Coverings Required

(1) **Definitions.** In this section:

- (a) *Face covering* means a manufactured or homemade cloth covering that fully covers an individual's nose and mouth and that is secured with ear straps or otherwise tied so as to prevent slipping, and/or a face shield which covers the mouth and nose, fits snugly against the side of the face, and is secured on the head.
- (b) *Indoor area open to the public* means any structure or premises licensed by the City of Green Bay or used in whole or in part as a place of resort, assemblage, lodging, trade, traffic, occupancy, or other use by the public.
- (c) *Qualifying vehicle* means a paratransit vehicle, a taxi, a private car service vehicle, a ride-sharing vehicle, or any other for-hire vehicle.

(2) **Face Coverings Required.** Every individual age five (5) and older who is present in the City of Green Bay shall wear a face covering that covers their nose and mouth in indoor areas accessible to the public and while driving or riding public transportation or a qualifying vehicle, unless exempted under this section.

(3) **Exemptions.** This section does not apply to:

- (a) Any individual who has trouble breathing or is unconscious, incapacitated, or otherwise unable to remove their own face covering without assistance.

- (b) Any individual who falls within the CDC's guidance for those who should not wear face coverings due to a medical condition, mental health condition, or disability that prevents them from wearing a face covering.
- (c) Any individual who is communicating with an individual who is deaf or hard of hearing and communication cannot be achieved through other means.
- (d) Individuals for whom wearing a face covering would create a risk to the person related to their work, as determined by government safety guidelines.
- (e) Individuals in settings where it is not practical or feasible to wear face coverings when obtaining or rendering goods or services to the extent necessary to obtain or render such goods and services including but not limited to the receipt of dental services or medical treatments or consuming food or beverages.
- (f) Individuals speaking to an audience, whether in person or through broadcast, as long as the speaker remains six feet or more away from other individuals.
- (g) Any individual actually engaged in exercising in a gym or other similar indoor facility, so long as physical separation of not less than six (6) feet is maintained and the individual wears a face covering at all times when not actually engaged in exercising.
- (h) Whenever federal, state, or local law otherwise prohibit wearing a face covering or where it is necessary to evaluate or verify an individual's identity.

(4) Enforcement.

- (a) Any individual who fails to comply with this section shall be asked to leave by an authorized representative of the business or organization. If the individual refuses to leave or continues to refuse to comply with this section, law enforcement may enforce trespassing laws or any other law the individual may violate. Businesses and organizations may rely on an individual's statements if they claim to be exempt from this section for the reasons permitted herein.
- (b) Any business violating this section may be subject to administrative action for any licenses they possess with the City.

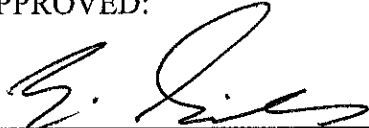
SECTION 2. Sunset Provision. This ordinance is hereby repealed immediately upon termination of the City of Green Bay's declaration of emergency.

SECTION 3. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 4. Effective date. This ordinance shall take effect on and after July 27, 2020.

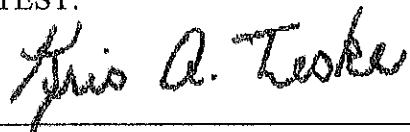
Dated at Green Bay, Wisconsin, this 20th day of July, 2020.

APPROVED:



Mayor

ATTEST:



Clerk

ljm

7/21/2020