

ORDINANCE 2021 - 19

AN ORDINANCE EXTENDING THE MANDATE THAT PERSONS WEAR FACE COVERINGS WHILE INDOORS AT PLACES OF PUBLIC ACCOMMODATION AND PUBLIC SETTINGS WITHIN THE VILLAGE OF GAMBIER, OHIO AND CORRELATING ENFORCEMENT TO COMMUNITY TRANSMISSION LEVELS IDENTIFIED BY CDC AND KNOX COUNTY PUBLIC HEALTH RECORDS

WHEREAS, COVID-19 is a respiratory disease that can result in serious illness or death, caused by the SARS-CoV-2 virus, variations of COVID-19 have shown to be contagious among both vaccinated and unvaccinated persons, COVID-19 is spread through respiration, and wearing facial coverings has shown effective at reducing the spread of COVID-19;

WHEREAS, the United States Centers for Disease Control of Prevention (“Centers for Disease Control”) issued a recommendation on July 21, 2021, that both unvaccinated and fully vaccinated persons wear facial coverings in public indoor settings in areas of “substantial” or “high” transmission, and that fully vaccinated persons consider wearing a mask in public indoor setting regardless of transition in several circumstances, including where it involves immunocompromised individuals or someone that is unvaccinated (including children aged under 12 years who are currently ineligible for vaccination);

WHEREAS, in the Village of Gambier, there is current threat of an acutely hazardous disease, illness, or health condition, specifically, COVID-19, and Knox County, Ohio, where the Village of Gambier is located, is rated, by Centers for Disease Control’s metrics, at a “high” or “substantial” transmission level, based upon to Knox County Public Health records;

WHEREAS, mandating that facial coverings be worn by any person in indoor places of public accommodation and public settings within the Village of Gambier promotes health, safety, and efforts to limit the spread of COVID-19 necessary to protect public health and safety, and is needed for the continuity of social and commercial life while enabling the continuation of essential services, businesses, and travel within the Village of Gambier;

WHEREAS, after weighing the known information about the COVID-19 virus, and considering the guidance and recommendations of the Knox County Health Department and Health Commissioner, Ohio Department of Health, and Centers for Disease Control, Village Council concludes that the safety of Village of Gambier citizens is best protected by implementing a requirement to wear facial coverings in indoor places of public accommodation and public settings as set forth in this Ordinance;

WHEREAS, Council has determined that the mandate for facial coverings while indoors in the Village enacted in Ordinance 2021-12, extended by Ordinance 2021-__, and Ordinance 2021-__, and should be further extended by this Ordinance through June 6, 2022, insofar as, and during those times when transmission levels are “high” or “substantial” as defined by the Centers for Disease Control’s metrics and Knox County Public Health records.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Village of Gambier, Ohio:

Section 1. Definitions. For purposes of this Ordinance, the following definitions apply:

- 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 shield that covers the nose and mouth meets the face covering requirements of this Ordinance.
- B. "Place of public accommodation" means all places offering goods or services for purchase or rent, including without limitation, retail businesses, personal services, entertainment venues, performance venues, food service facilities, restaurants and bars, hotels and inns, professional offices and services, banks and financial services, and repair facilities.
- C. "Public setting" means any public place which is not a place of public accommodation, but where persons congregate, including without limitation, offices, workplaces, child care facilities, health facilities, gymnasiums and fitness facilities, sports facilities, indoor communal spaces, and any building or facility used for academics.

Section 2. Face Coverings Requirements. Except as otherwise expressly exempted by this Ordinance, persons shall wear a face covering while indoors at any public settings or place of public accommodation.

Section 3. Face Covering Exemptions. The requirements of this Ordinance shall not apply to the following:

- A. Persons under the age of five.
- B. Persons while within religious facilities.
- C. Persons while actively eating or drinking, including but not limited to while within restaurants and bars.
- D. Persons who, because of a medical or behavioral condition or disability, cannot wear a facial covering without risk to their health or safety.
- E. Persons who, given the nature of their work, cannot wear a facial covering without risk to their health or safety or the health or safety of others.
- F. Persons communicating with a person who is hearing-impaired in a way that requires the mouth to be visible.
- G. Persons actively participating in a competitive sporting activity or while exercising.
- H. Persons in private guest rooms in hotels or inns.
- I. Persons in individual or private offices, non-public work spaces, or when working in a room without other persons.
- J. Persons, including students, while in a private residential setting, including a home, dormitory, apartment, or other living quarters.
- K. Wiggin Street Elementary School.

Section 4. Enforcement. This Ordinance may be enforced by any sheriff's deputy for Knox County, Ohio or other law enforcement personnel.

Section 5. Penalties. Any person who violates this Ordinance and any place of public accommodation or public setting that fails to implement the requirements of this Ordinance, and so violates this Ordinance, shall be subject to a fine of \$25 per violation.

Section 6. Severability. If any section, portion, or specific application of this Ordinance is, for any reason, determined invalid or not binding, such section, portion, or specific application shall be deemed a separate and independent provision, and such determination shall not affect the validity of the remain portions of this Ordinance, all of which other portions shall remain in effect.


Section 7. Emergency and Effective Date. It is necessary for the immediate preservation of the health, safety, and welfare of the Village of Gambier and the inhabitants thereof that this Ordinance become operative immediately. Therefore, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect immediately from and after its passage and approval by Village Council.

Section 8. Requirements in Effect. The requirements set forth in this Ordinance shall be in effect and enforceable only during the term of this Ordinance when transmission levels are “high” or “substantial” as defined by the Centers for Disease Control’s community transmission metrics and Knox County Public Health records. During any period of this Ordinance when transmission levels are not “high” or “substantial”, the requirements set forth in this Ordinance do not apply notwithstanding that the Ordinance remains in effect.

Section 9. Expiration; Sunset. This Ordinance shall remain in effect, unless otherwise extended or earlier repealed or modified by Village Council, through June 6, 2022.

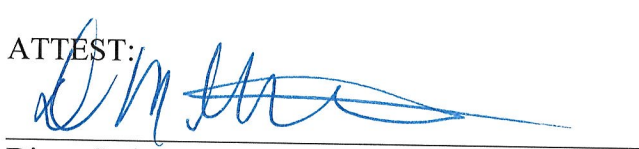
Passed this 6th day of December , 2021.

APPROVED:



Leeman Kessler, Mayor

ATTEST:



Diane Steinmetz, Fiscal Officer