

ORDINANCE NO. ORD-20-25

First Reading: August 24, 2020
Public Hearing: Emergency Ordinance

Approved: August 24, 2020
Published: August 25, 2020
Effective: August 24, 2020

FACE COVERINGS AND GATHERING SIZE

AN ORDINANCE TO ADD A TEMPORARY EMERGENCY ORDINANCE SECTION 1:327a (Face Coverings and Gathering Size) TO TITLE I OF CHAPTER 15 (EMERGENCY AND DISASTER MANAGEMENT) OF THE CODE OF THE CITY OF ANN ARBOR.

The City of Ann Arbor ordains:

Section 1. That Chapter 15 of Title I of the Code of the City of Ann Arbor be amended by adding a temporary emergency ordinance section 1:327a to read as follows:

The City of Ann Arbor Ordains:

1:327a. Face Coverings and Gathering Size.

(1) *Intent and Purpose.*

It is the intent of this temporary emergency ordinance to minimize the spread of the novel coronavirus, known as COVID-19, by requiring the wearing of face coverings and limiting the size of gatherings in the City of Ann Arbor. As authorized by this Chapter and pursuant to the state and local declarations of states of emergency by the Governor and the Mayor in the wake of this global pandemic, this ordinance is enacted for the purpose of protecting the public health, safety, and welfare. Enactment of this ordinance is further intended to bring the City into alignment with policies expressed by the University of Michigan as students return to campus for the fall semester.

(2) *Definitions.*

- (a) "Business" means all commercial, retail, wholesale, professional, and service establishments, whether for profit or not for profit, where members of the public, guests, clients, customers, and/or persons who are not family or household members may enter or otherwise come into contact with owners, operators, or employees.
- (b) "Dwelling" means the location where a person resides and includes, but is not limited to, one single-family house, one apartment unit, one condominium unit, fraternity houses, sorority houses, and cooperatives.

(c) "Face Covering" means a clean cloth, fabric, or other soft or permeable material, without holes, that covers both the mouth and nose, including, but not limited to surgical masks, respirators, face shields, handmade or homemade masks, bandanas, neck gaiters, scarves, or wraps made up of tightly woven fabric such as denim or cotton.

(d) "Household" means all persons living in the same dwelling.

(3) *Face Coverings.*

(a) Except as otherwise provided in this section, a person shall wear a face covering that covers the nose and mouth when in the following places:

(i) Any indoor public place;

(ii) Any outdoor place when unable to consistently maintain a distance of six feet or more from persons who are not members of the same household; and

(iii) While waiting for or riding on public transportation, while in a taxi or ride-sharing vehicle, or when using a private car service as a means of hired transportation.

(b) A person who is a parent or guardian of a child ~~older than 5 years old and younger than 18 years old~~ 5 years of age or older and under the age of 17 years shall require the child to wear a face covering, unless an exception in this section to the requirement for face coverings applies to the child.

(4) *Exceptions to Wearing Face Coverings.*

The requirement to wear face coverings does not apply to the following persons:

(a) The person is younger than five years old;

(b) The person cannot medically tolerate a face covering;

(c) The person is eating or drinking while seated at a food service establishment;

(d) The person is exercising when wearing a face covering would interfere with the activity;

(e) The person is receiving a service for which temporary removal of the face covering is necessary;

(f) The person is entering a business or are receiving a service and are asked to temporarily remove a face covering for identification purposes;

(g) The person is communicating with someone who is deaf, deafblind, or hard of

hearing and where the ability to see the mouth is essential to communication;

(h) The person is actively engaged in a public safety role, including but not limited to law enforcement, firefighters, or emergency medical personnel, and where wearing a mask would seriously interfere in the performance of their public safety responsibilities;

(i) The person is at a polling place for purposes of voting in an election;

(j) The person is officiating at a religious service; or

(k) The person is giving a speech for broadcast or to an audience, provided that the audience is at least six feet away from the speaker.

(l) The person is in a personal private vehicle or private home.

(m) The person is in a private business location or an individual private office, at times when members of the public, clients, customers, guests, or other invitees are not present, as long as there is a distance of at least six feet maintained.

(n) The person is participating in an indoor or outdoor recreational physical activity that involves 10 or fewer persons.

(o) The person is engaging in religious worship at a house of religious worship.

(5) *Waiting in Line to Enter Business.*

A person waiting in a line to enter any business location shall maintain a distance of at least 6 feet away from other persons who are not of the same household.

(6) *Enforcement by Businesses.*

(a) A person who owns, operates or works at a business location that is open to the public and a person responsible for operating a government office or operation that is open to the public shall not provide service to a customer or allow a customer to enter the premises, unless the person is wearing a face covering as required by this section.

(b) A person who owns, operates or works at a business location where persons are waiting in line to enter the business shall monitor the line and request persons to maintain a distance of at least 6 feet away from other persons waiting in line as required by this section if they are not doing so.

(c) A person who owns, operates or works at a business shall require employees of the business to wear face coverings at work as required by this section.

(7) *Restrictions on Gatherings.*

(a) Except as otherwise provided in this section, a social gathering or organized event among persons not part of the same household is permitted, but only to the extent that:

- (i) The gathering or event is designed to ensure that persons not part of the same household maintain six feet of distance from one another;
- (ii) Persons not part of the same household maintain six feet of distance from one another;
- (iii) If it is indoors, the gathering or event does not exceed 10 people; and
- (iv) If it is outdoors, the gathering or event does not exceed 25 people.

(b) No person who owns, leases, or otherwise has control of property shall allow a social gathering or organized event that does not comply with subsection (a) to take place on the property.

(c) No person shall participate in a social gathering or organized event that does not comply with subsection (a).

(8) *Exceptions to Restrictions on Gatherings.*

The restrictions on gatherings in this section do not apply to the following:

- (a) A place of religious worship or its owner
- (b) A person who is engaging in religious worship at a place of religious worship.
- (c) Outdoor weddings and funerals/memorial services scheduled prior to the effective date of this section.
- (d) Polling places.
- (d)(e) Schools, child care organizations, and community centers

(9) *Penalty.*

(a) A violation of this chapter is a civil infraction punishable by a civil fine of not less than \$100 and not more than \$250 plus costs and all other remedies available by statute.

(b) It is unlawful and deemed a public nuisance for any person to violate this section and in addition to or in lieu of prosecuting a violator, the City Attorney may file suit in the appropriate court or pursue any other legal remedies to abate any nuisance resulting from a violation of this section.

(10) *Expiration of Temporary Emergency Ordinance.*

This section shall expire and have no effect upon the Governor's declaration that a state of disaster or state of emergency is terminated.

Section 3. Upon passage of this ordinance amendment at first reading, this Ordinance shall take effect immediately as provided for in Chapter 15 of Title I of the Code of the City of Ann Arbor.

CERTIFICATION

I hereby certify that the foregoing ordinance was adopted by the Council of the City of Ann Arbor, Michigan, at its special session of August 24, 2020.

(Date)

Jacqueline Beaudry, Ann Arbor City Clerk

Christopher Taylor, Mayor

I hereby certify that the foregoing ordinance received legal publication on the City Clerk's webpage on August 25, 2020.

Jacqueline Beaudry, Ann Arbor City Clerk