

**VILLAGE OF YELLOW SPRINGS
RESOLUTION 2020-49**

**OUTLINING ADDITIONAL PUBLIC HEALTH EMERGENCY PROTOCOLS IN THE
VILLAGE OF YELLOW SPRINGS AND DECLARING AN EMERGENCY**

WHEREAS, the Village of Yellow Springs continues to operate under a declaration of state of emergency based on the COVID19 pandemic as set forth in Resolution 2020-15, unanimously passed by Village Council on April 20, 2020; and

WHEREAS, the Village on July 8, 2020, adopted Ordinance 2020-12 and Ordinance 2020-13 to address precautions such as facial coverings and physical distancing in the Village;

WHEREAS, the Village has partnered with the Greene County Health District in enforcement of statewide public health emergency orders including the statewide “mask mandate” issued by the Ohio Department of Health July 23, 2020; and

WHEREAS, the Village intends to exercise its inherent police power under home rule to effectuate compliance with the Ohio Department of Health’s subsequent orders of November 13, 2020, ordering compliance for retail and business establishments to require facial coverings and physical distancing; and November 15, 2020, limiting mass gatherings,

**NOW, THEREFORE, COUNCIL FOR THE VILLAGE OF YELLOW SPRINGS,
OHIO HEREBY RESOLVES:**

Section 1. The Village of Yellow Springs Police Department shall follow the local protocol outlined for procedures to ensure compliance with the Ohio Department of Health orders issued November 13, 2020 and November 15, 2020. See Exhibits A, B and C.

Section 2. Although the general preference of Village Council is to resolve local offenses through Mayor’s Court, the Chief of Police and Yellow Springs Police Department officers shall file charges under Village Codified Ordinance Section 660.02, Ohio Revised Code Section 3701.81 (which have identical substantive language, except Village ordinance is titled “spreading contagion” while statute is titled “exposing others to contagion”) or Ohio Revised Code Section 3701.352 (prohibiting violation of any rule or order of the director or department of health to prevent a threat to the public caused by a pandemic) directly to Xenia Municipal Court as second-degree misdemeanors.

Section 3. Upon the filing of criminal charges, the Chief of Police shall notify the person responsible for the business of the violation and may issue a temporary closure order of no more than 48 hours for any business found not in compliance. The Chief or Village Manager or designee shall report the violation to the Greene County Health Department and any other enforcement entity specified by the state or county. If those entities fail to investigate or take enforcement action within 10 days of such report, the Village Solicitor is authorized to seek an injunction for closure of any business not in compliance as a public health nuisance.

Section 4. Sidewalk obstruction is prohibited during the public health emergency to promote physical distancing near public rights of way. Village police officers shall cite any person who places, deposits or maintains merchandise, goods, material or equipment upon any sidewalk for more than one hour with violating Village Ordinance 660.10(C) into Mayor's Court.

Section 5. This Resolution is hereby declared to be an emergency measure under home rule power granted by the Village Charter and immediately necessary to preserve the public interest and for the health, safety and welfare of the Village of Yellow Springs.

Brian Housh, Council President

Passed: 11-16-2020

Attest: _____
Judy Kintner, Clerk of Council

ROLL CALL

Brian Housh __Y__ Marianne MacQueen ____Y__ Kevin Stokes _Y_
Lisa Kreeger __Y__ Laura Curliss __N__



YSPD/Village COVID Protocol

INDIVIDUALS

1. Peace Officers will patrol downtown Yellow Springs as often as possible, hourly at a minimum, and will be equipped with at least 10 masks at all times. This activity will be formally logged.
2. If Officers encounter someone not wearing a mask, they will offer them one, which serves as a warning. If they refuse to wear it and do not claim an exemption, they will immediately be issued a citation. It is recommended that this be the end of the encounter. If they claim an exemption, then they should be asked to distance from others by at least 6 feet. If they refuse, then they will be immediately issued a citation, and this can be the end of the encounter.
3. If Officers again encounter, after at least an hour, the same individual not wearing a mask, they will issue a second citation. It is recommended that this be the end of the encounter.
4. Repeat offenders or those who do not show up to Mayor's Court should be handled with the same protocols that would be used in similar situations. [Explain this here.]
5. Reports of individuals not wearing masks and/or distancing will be responded to immediately.

BUSINESSES/VENDORS

1. If a business or vendor is not displaying "mask required" signs on all public entrances or their booths, they will be provided with an appropriate sign created by the YS Chamber.
2. If they do not post these signs during the encounter, they will be issued a written warning and reminded that a second violation will result in being closed for 24 hours. Officers will contact the newly formed Workers Comp Bureau Task Force about this offense.
3. Follow-up will be done within 12 hours and, if the signs are still not posted, a second warning will be issued and the Task Force will again be contacted. If they do not have the capacity to enforce the 24-hour business shutdown order, the YSPD will do so. [If this requires an

ordinance amendment, we will do this on 11/16. However, it has been indicated that we have existing code that allows the Village to do this.]

4. Reports of businesses or vendors not requiring employees and customers to wear masks will be responded to immediately.



Department
of Health

Mike DeWine, Governor
Jon Husted, Lt. Governor

Lance D. Himes, Interim Director

DIRECTOR'S ORDER

Re: Director's Order for Retail and Business Compliance for Facial Coverings throughout the State of Ohio

I, Lance D. Himes, Interim Director of the Ohio Department of Health (ODH), pursuant to the authority granted to me in R.C. 3701.13 to "make special orders...for preventing the spread of contagious or infectious diseases," **Order** the following to prevent the spread of COVID-19 in the State of Ohio:

Preamble: As the spread of COVID-19 accelerates in Ohio, a stronger response is required if Ohio is to minimize the risk of major shutdowns and limitations such as those being imposed in other countries and several cities and states in the United States. Every county in Ohio is currently a "high incidence" county, reflecting that the State of Ohio is experiencing a uniform high exposure and spread of COVID-19. Every Ohioan has the right to know that stores and businesses they enter are as safe as possible and that the state is taking the steps necessary to keep Ohio's economy functioning. Immediate action therefore is required.

- 1. Compliance Requirement:** To mitigate the rapid spread of COVID-19 in Ohio, I hereby Order that no store, retail business or other enterprise in Ohio offering goods in person to the public, except those subject to Orders identified in paragraph 14, (collectively, "Retailers") shall be open for business or operate unless in compliance with this Order as well as all other applicable ODH Orders.
- 2. Facial Covering (Mask) Requirement:** All persons are required to wear a facial covering (mask) in compliance with this Order at all times they are in or on the premises of a Retailer ("Retail Premises"). The mandatory facial covering (mask) requirements of the Director's Order for Facial Coverings throughout the State of Ohio, signed July 23, 2020, as may be modified, continues in effect except when a person is in or on Retail Premises requiring compliance with the enhanced protections set forth in this Order. Employees are covered by the prior sector orders which apply to the retail sector. This order does not apply to children under 10 years of age.
- 3. Notice Posting Requirement:** All Retailers shall post clearly visible signage at all entrances to each of their Retail Premises requiring all persons entering to wear a facial covering consistent with this Order. The text shall state that all persons are required to wear a facial covering at all times in or on the Retail Premises. Such signage is available for download from <https://coronavirus.ohio.gov/wps/portal/gov/covid-19/responsible-restart-ohio/Posters-and-Signs/>. Any business requiring assistance printing signage should contact the Ohio Department of Health Call Center at 1-833-4-ASK-ODH (1-833-427-5634).
- 4. Responsibility:** Retailers shall ensure compliance with this Order at all locations. Persons entering any Retail Premises shall comply with the provisions of this Order and the Notice

246 North High Street
Columbus, Ohio 43215 U.S.A.

614 | 466-3543
www.odh.ohio.gov

The State of Ohio is an Equal Opportunity Employer and Provider of ADA Services.

posted pursuant to paragraph 3. Employees of retailers are not required to place themselves in jeopardy or risk harm when seeking to enforce this Order.

5. **Facial Covering Defined:** A facial covering (mask) shall be made of a cloth material or comparable material and shall fully cover the person's nose, mouth and chin. The face covering should be comfortable, so that the wearer can breathe comfortably through the nose and does not have to adjust it frequently, so as to avoid touching the face.
 6. **Physical Distancing And Hygiene:** All Retailers shall post at all entrances and enforce the maximum capacity limitation it determined pursuant to the May 29, 2020 Director's Updated and Revised Order for Business Guidance and Social Distancing; shall limit and stagger the number of persons in their retail premises to assure that a minimum of six feet of physical separation can be maintained between persons throughout; shall mark 6' separation spots in all check-out lines; and shall arrange all store aisles to be directionally one-way if required to achieve appropriate social distancing. Retailers also shall place hand sanitizers in high contact locations; require regular hand washing by employees; require employees to stay home if symptomatic; and disinfect high touch items after each use (e.g. carts, baskets and other equipment).
 7. **Reasonable Accommodation:** Each Retailer should provide reasonable accommodation to any person who is unable to wear a mask into the retail premises by (a) providing on-line or telephone ordering and curbside, non-contact pick-up or a delivery option; and/or (b) allowing the person to wear a full face shield that extends below the chin. This Order does not apply to those medically or developmentally unable to wear a mask. A notice, in addition to that required in paragraph 3, shall be posted at each entrance to each Retail Premises providing the details of such accommodations. Such signage is available for download from <https://coronavirus.ohio.gov/wps/portal/gov/covid-19/responsible-restart-ohio/Posters-and-Signs/>. The Retailer shall also post the arrangements for such accommodations on its website, if any. Patrons of retailers are strongly urged to utilize on-line or telephone ordering and curbside, non-contact pick-up or a delivery options.
 8. **Designated Compliance Officer.** Each business shall designate an on-site compliance officer for each business location and each shift during all business hours whose responsibility is to ensure compliance with this Order. The designated individual shall also be the contact person for the local health department and law enforcement agency which has jurisdiction.
 9. **Health Remediation Upon Violation.** Upon issuance of a notice of violation of this Order by a representative of ODH, a local health department or district, or law enforcement, the business premises shall immediately close to the public for a period not exceeding twenty-four hours, as set forth in the notice of violation, to allow dissipation of COVID-19 airborne droplets. The representative will issue an initial warning to the business premises before issuing a notice of violation requiring closure.
-

- 10. Cooperation.** All businesses shall allow access to, and permit inspection of the public areas of their premises by, representatives of ODH, local health departments or districts and law enforcement during all business hours; shall provide any information regarding compliance with this Order that is requested; and, shall cooperate fully in any inspection or investigation of compliance.
- 11. Observation Of Non-Compliance.** Citizens observing violations of this Order should notify the Ohio Department of Health Call Center at 1-833-4-ASK-ODH (1-833-427-5634). Local health departments can also request assistance of ODH if needed on the ODH Call Center.
- 12. Authorization Of State Employees With Enforcement Powers: Designation Of BWC Health And Safety Inspectors.** Pursuant to R.C. 3701.28, State of Ohio employees with enforcement powers, specifically including the Ohio Bureau of Workers' Compensation Retail Compliance Unit employees, a local health department or district, and local law enforcement officers are hereby authorized to inspect and enforce this Order as representatives of ODH.
- 13. Businesses Not Subject To This Order:** This Order does not apply to businesses subject to each of the following ODH Orders as may hereafter be amended:
- a. Director's Third Amended Order that Reopens Restaurants, Bars, Banquet and Catering Facilities and Services to Dine-in Service, with Exceptions signed September 23, 2020;
 - b. Amended Director's Order that Reopens Hair Salons, Day Spas, Nail Salons, Barber Shops, Tattoo Parlors, Body Piercing Locations and Tanning Facilities signed October 9, 2020; and,
 - c. Director's Order that Reopens Gyms, Dance Instruction Studios, and Other Personal Fitness Venues signed May 22, 2020.
- 14. Other ODH Orders:** As to Orders issued by ODH other than those listed in the preceding paragraph, this Order supersedes any provision of previously issued Orders that is inconsistent with the provisions of this Order.
- 15. Miscellaneous.** Nothing in this Order is intended to interfere with a separation of powers under the Ohio Constitution. This Order does not apply to jails or prison facilities. This Order is not intended to supersede, supplant or preempt any order or law of a local jurisdiction that is more restrictive than this Order.

Accordingly, I hereby **ORDER** that all persons wear facial coverings in or on Retail Premises in the State of Ohio as set forth in this Order. This Order shall be effective at 12:01 a.m. on November 16, 2020 and shall remain in full force and effect until the State of Emergency declared in the Governor's Executive Order expires or the Director of the Ohio Department of Health rescinds or modifies this Order. To the extent any public official enforcing this Order has questions regarding the effect of this

Order, the Director of Health hereby delegates to local health departments the authority to answer questions in writing and consistent with this Order.



Lance D. Himes
Interim Director of Health

November 13, 2020



Department
of Health

Mike DeWine, Governor
Jon Husted, Lt. Governor

Lance D. Himes, Interim Director

DIRECTOR'S ORDER


Re: Revised Order to Limit and/or Prohibit Mass Gatherings in the State of Ohio, with Exceptions

I, Lance D. Himes, Interim Director of the Ohio Department of Health (ODH), pursuant to the authority granted to me in R.C. 3701.13 to "make special orders...for preventing the spread of contagious or infectious diseases" **Order** the following to prevent the spread of COVID-19 in the State of Ohio:

1. All public and private gatherings of greater than 10 people occurring outside a single residence and the real estate on which it is located, or an apartment, condominium, or dormitory living unit are prohibited. This is in accordance with President Trump's coronavirus guidelines issued March 16, 2020.
2. Paragraph 1 does not apply to wedding ceremonies and funeral observances.
3. In order to minimize the spread of COVID-19 through airborne particles passing between people during close contact, wedding receptions, funeral repasts and other events at banquet facilities are subject to each of the following restrictions:
 - a. No socializing or activities in open congregate areas and no dancing;
 - b. Guests must be seated at all times. Traditional wedding reception events such as first dance, toasts, and cutting the cake are permitted;
 - c. If serving food and beverages, guests must be served at their seats. No self-serve buffets permitted and no self-serve bar areas;
 - d. Masks must be worn at all times unless actively consuming food or beverages; and
 - e. No more than 10 people seated to a table, and those individuals must be from the same household.
4. Paragraph 1 does not apply to religious observances.
5. Paragraph 1 does not apply to First Amendment protected speech, including petition or referendum circulators and any activity by the Media, which includes newspapers, television, radio, other media services, and to governmental meetings, which includes meetings that are required to be open to the public pursuant to R.C. 121.22.
6. Paragraph 1 does not apply to gatherings otherwise permitted by Orders of the Director of Health.
7. Pool tables, pinball machines, dart boards, juke boxes, video games, arcade games and other coin operated machines are still permitted to be open pursuant to the guidelines set forth and references in the Director's Amended Order that Reopens Restaurants, Bars, Banquet and Catering Facilities and Services, with Exceptions, signed June 5, 2020.

8. Except as set forth herein, the Director's Third Amended Order that Reopens Restaurants, Bars, Banquet and Catering Facilities and Services to Dine-in Service, with Exceptions signed September 23, 2020 remains in effect and wedding receptions, funeral repasts and other events at banquet facilities are subject to its requirements.
9. This Order shall be effective at 12:01 a.m. on November 17, 2020.

Accordingly, I hereby **ORDER** that all public and private gatherings of greater than 10 people occurring outside a single residence and the real estate on which it is located, or an apartment, condominium, or dormitory living unit are prohibited, with exceptions. This Order shall remain in full force and effect until the State of Emergency declared in the Governor's Executive Order expires, or the Director of the Ohio Department of Health rescinds or modifies this Order. To the extent any public official enforcing this Order has questions regarding the effect of this Order, the Director of Health hereby delegates to local health departments the authority to answer questions in writing and consistent with this Order.



Lance D. Himes
Interim Director of Health

November 15, 2020

