

**VILLAGE OF YELLOW SPRINGS
ORDINANCE 2020-12**

**REQUIRING ALL VENDORS AND ALL PERSONS SOLICITING FOR DONATION
OR GRATUITY IN THE VILLAGE OF YELLOW SPRINGS TO WEAR A FACIAL
COVERING AND DECLARING AN EMERGENCY**

WHEREAS, COVID-19 is a respiratory disease that can result in serious illness or death, and can be easily spread from person to person; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) has reported over 2.93 million cases of COVID-19 in the United States, resulting in over 126,369 deaths; and

WHEREAS, on March 9, 2020, the Ohio Department of Health announced a state of emergency for the effects of COVID-19 in the State of Ohio, and

WHEREAS, on March 9, 2020, Governor Mike DeWine signed an Executive Order declaring a State of Emergency for the entire State of Ohio in relation to COVID-19 pursuant to the Governor's authority vested in him by the Constitution, the laws of the State of Ohio and in accordance with Revised Code section 5502.22; and

WHEREAS, the CDC reports that people are most contagious when they are most symptomatic; however, some spread is possible before an individual may show symptoms, and

WHEREAS, on March 22, 2020, under direction of Ohio Governor Mike DeWine, Ohio Department of Health Director Amy Acton, M.D. issued an order requiring all Ohioans to stay in their homes to prevent the further spread of COVID-19 until April 6, 2020 and the order was extended until May 1, 2020 and was amended on April 30, May 20 and May 22, 2020 to allow businesses to open with the requirement that facial coverings (a.k.a. masks) be worn by all employees except in certain circumstances; and

WHEREAS, on May 22, 2020, the travel ban order found in the April 30, 2020 order was rescinded, and now more people are traveling throughout the state, Greene County and within the Village; and

WHEREAS, on April 20, 2020, Council for the Village of Yellow Springs declared a local emergency based on the COVID-19 pandemic; and

WHEREAS, a local and statewide State of Emergency continues to exist with limits on mass gatherings and strong recommendations to physically distance; and

WHEREAS, as a result of the above described emergency, there is a continuing and urgent need to protect all citizens and guests of Yellow Springs from the risks relating to the COVID-19 pandemic through the protection provided by physically distancing, wearing facial coverings and regularly washing/sanitizing hands; and

WHEREAS, Council for the Village of Yellow Springs does hereby recognize that the Village population is comprised of many people who are considered to be “at risk” if they contract the COVID-19 virus and that Yellow Springs is a community frequented by persons who travel from locations both outside the Village and the County; and

WHEREAS, food and goods vendors are a regular feature of the B-1 business district, and

WHEREAS, on May 14, Amy Acton, M.D., MPH signed the Director’s Dine Safe Ohio Order that reopened restaurants and bars to dine-in service with exceptions, and on June 5, Dr. Acton signed the Amended Dine Safe Order applicable to both dine-in and outdoor dining, which requires specific precautionary measures,

**NOW, THEREFORE, COUNCIL FOR THE VILLAGE OF YELLOW SPRINGS
HEREBY ORDAINS THAT:**

Section 1. All food vendors who are unable to wear a mask and who are operating in the Village are hereby required to fashion a readily cleanable non-porous barrier separating the vendor from the public (which barrier shall contain a pass-through cut-out for the exchange of money and food items). These barriers shall be required until a declaration from the Governor or the Department of Health that a state of emergency no longer exists.

Section 2. All non-food vendors are required to wear a mask when staffing a booth or table.

Section 3. All persons soliciting donation or gratuity for any reason, including street performers and musicians are required to wear a mask at all times and to perform only at locations where they are 6 feet away from foot traffic when engaged in performance.

Section 4. Exemptions.

- a) Persons under the age of ten years old;
- b) Persons with a medical condition, mental health condition, or disability that prevents wearing a facial covering including obstructed breathing or those who are unconscious, incapacitated, or otherwise unable to remove a face covering without assistance;
- c) Persons who are hearing impaired or communicating with a person who is hearing impaired if the ability to see mouth movement is essential for communication;
- d) Persons for whom wearing a face covering would create a risk related to work, as determined by local, state, or federal regulators or workplace safety guidelines;
- e) Persons obtaining a service involving the nose or face for which temporary removal of the facial covering is necessary to perform the service;
- f) Persons engaged in any lawful activity during which wearing facial covering is prohibited by law.

Section 5. Any person who violates Section One, Section Two, Section Three or Section Four of this Ordinance will be issued a written warning and asked to wear a facial covering immediately on the first infraction reported or observed. A second violation will result in a citation for civil infraction with a \$30 fine. A third violation will result in an infraction for a

