



**Office of the Mayor
City of Columbus
Ohio**

EXECUTIVE ORDER

2021-01

By: ANDREW J. GINTHER, MAYOR

Proclamation of State of Emergency and Supplemental Order Pertaining to the Wearing of Face Coverings in Public to Decrease Community Spread of COVID-19

WHEREAS, COVID-19 is a respiratory disease that can result in serious illness or death, caused by the SARS-CoV-2 virus, which is a strain of coronavirus that prior to the year 2019 had not been previously identified in humans and can easily spread from person to person. The virus is spread between individuals who are in close contact with each other (within about six feet) through respiratory droplets produced when an infected person coughs or sneezes. It may be possible that individuals can get COVID-19 by touching a surface or object that has the virus on it and then touching their own mouth, nose, or eyes; and

WHEREAS, on January 30, 2020, the International Health Regulations Emergency Committee of the World Health Organization declared COVID-19 a public health emergency of international concern; and

WHEREAS, on March 13, 2020, the Columbus Board of Health declared a Public Health Emergency due to this imminent threat of an acutely hazardous disease, posing a high probability of widespread exposure to an infectious agent that poses a significant risk of substantial harm to a large number of people, a large number of serious or long-term disabilities, or a large number of deaths, and said Public Health Emergency has subsequently been renewed multiple times and is currently in effect; and

WHEREAS, since early March 2020, the City of Columbus has faced a pandemic that has resulted in extraordinary illness, long-term debilitating effects and loss of life, infecting over 100,000 and causing the death of more than 1,000 Columbus residents; and

WHEREAS, in the City of Columbus there is a current threat of an acutely hazardous disease, illness, or health condition; specifically, COVID-19, that is believed to be caused by the appearance of a novel infectious agent and Franklin County, where Columbus is located, has been designated by the Center for Disease Control and Prevention as currently having high community transmission levels, characterized by more than 100 new cases per 100,000 persons in the past seven days, and more than 10 percent of positive nucleic acid amplification tests (NAATs) tests during the past seven days; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) estimates the Delta variant of the coronavirus now accounts for more than 90 percent of all sequenced coronavirus cases in the U.S.; and

WHEREAS, Columbus Public Health (CPH) determined the Delta variant is currently the most dominant strain of COVID-19 locally, has spread quickly among unvaccinated people of all ages, and has shown the ability to infect fully vaccinated individuals, cause symptomatic illness, and be spread to others; and

WHEREAS, the Delta variant is more aggressive and more transmissible than previously circulating strains and poses significant new risks in the ongoing effort to stop and slow the spread of the virus; and

WHEREAS, central Ohio hospital systems are experiencing increased numbers of COVID-19 cases and increased numbers of hospital beds and ICU beds utilized by COVID-19 patients; and

WHEREAS, staffing levels in central Ohio hospital systems are alarmingly low, taxing the ability of hospitals to provide COVID-19 care while tending to the community's other critical healthcare needs; and

WHEREAS, COVID-19 cases for 5 to 11-year-olds and 12 to 17-year-olds have increased dramatically over the past month, and slowing the spread is critical to the health and wellbeing of young people and to continuing safe, in-person learning in central Ohio school districts; and

WHEREAS, the CDC has recognized vaccination as the leading public health prevention strategy to end the COVID-19 pandemic, and vaccines are safe, effective and widely available to any eligible resident; and

WHEREAS, while over 738,353 Franklin County, Ohio residents have been fully vaccinated against COVID-19, in order to protect against the rapid spread of the Delta variant, additional steps are necessary to ensure that the number of vaccinated residents continues to increase; and

WHEREAS, social distancing, face coverings and other public health precautions have proved to be critical in slowing and stopping the spread of COVID-19; and

WHEREAS, face coverings can decrease the spread of respiratory droplets from people, and evidence has grown, as shown in numerous recent studies, that the use of face coverings decreases the spread of COVID-19 within populations; and

WHEREAS, the CDC has issued guidance recommending wearing a mask indoors in public in most circumstances, even for fully vaccinated people, as well as where required by federal, state, local, tribal, or territorial laws, rules, and regulations, including local business and workplace guidance; and

WHEREAS, some people have medical or behavioral health issues, disabilities, or other physical reasons that necessitate that they be exempted from wearing a face covering; and

WHEREAS, the spread of COVID-19 is a disaster that continues to affect and threaten the lives of the citizens of the City of Columbus and substantially impairs the functioning of city government and its ability to protect the lives and property of the citizens of the City of Columbus;

NOW, THEREFORE, I, Andrew Ginther, Mayor of the City of Columbus, by virtue of the authority vested in me by the Ohio Constitution, the Charter of the City of Columbus, and Sections 123.01 and 123.02 of the Columbus City Codes, do hereby proclaim and order that:

Section 1. Proclamation of State of Emergency

1. A State of Emergency is proclaimed for the entire City of Columbus to protect the lives and wellbeing of the citizens of the City as well as those who work, attend school, and visit the City, from the dangerous effects of COVID-19.

Section 2. Face Covering Requirements

1. Definitions: For the purposes of this executive order:
 - 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 Covering can be made of a variety of synthetic and natural fabrics, including cotton, silk, or linen. Ideally, a Face Covering has two (2) or more layers. A Face Covering may be factory-made, sewn by hand, or can be improvised from household items such as scarfs, bandanas, t-shirts, sweatshirts, or towels. These Face Coverings are not intended for use by healthcare providers in the care of patients.
 - b. "Surgical Mask" means American Society for Testing and Materials ("ASTM") Level 1, 2, or 3 approved procedural and surgical masks. An N95 respirator approved by the National Institute for Occupational Safety and Health ("NIOSH") (or a respirator from another country allowed by the Occupational Safety & Health Administration, the Food & Drug Administration, or the CDC, meet both the Face Covering and Surgical Mask requirements of this Executive Order.
2. Where Face Coverings are required: All individuals are required to wear face coverings over the individual's nose and mouth in indoor areas accessible to the public and within the confines of public or private transportation regulated by the City of Columbus, unless otherwise exempted, as follows:
 - a. While inside a place of business as to the areas within the place of business that are accessible to, and are intended for the use of, the public;

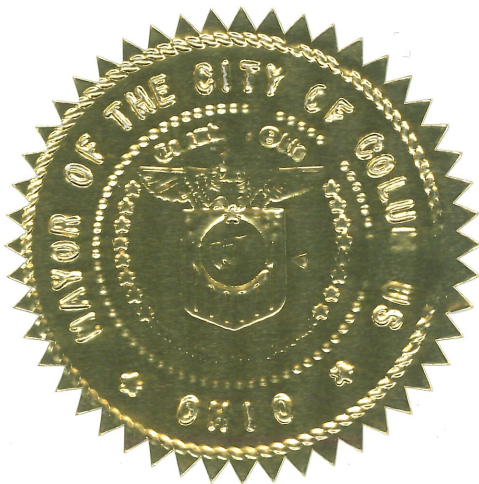
- b. While inside a City of Columbus operated building or facility as to the areas within such facility that are accessible to, and are intended for the use of, the public;
 - c. In any public transportation such as a bus or other public transit vehicle regulated by the City of Columbus, as well as all Columbus airports, bus and train stations or stops. This includes but is not limited to a taxi or other vehicle for hire, even if the vehicle is privately owned; however, this provision does not apply to people traveling alone or with household members or friends in their personal vehicles;
 - d. In certain high-density occupational settings where social distancing is difficult, such as manufacturing, construction, and agriculture and to include businesses or operations within North American Industry Classification System (NAICS) sectors 311 to 339 (manufacturing), 236 to 238 (construction), and 111, 112, 1151, and 1152 (agriculture);
 - e. Workers in long term care facilities (LTC), including skilled nursing facilities (SNF), adult care homes (ACH), family care homes (FCH), mental health group homes, and intermediate care facilities for individuals with intellectual disabilities (ICF-IID) shall wear a surgical mask;
 - f. Health care facilities other than LTC facilities must follow the face covering requirements in the CDC Infection Control Guidance for Healthcare Professionals about Coronavirus (COVID-19);
 - g. County government agencies, with facilities owned or operated within the city of Columbus, are hereby ordered to have their on-site workers wear face coverings when they are or may be indoors. Public-facing operations of County government agencies, with facilities operated within the city of Columbus, must follow the requirements for places of business established in subsection 2a of this order. All employees and members of the public shall be required to wear a face covering within County government facilities operated within the city of Columbus when they are or may be within areas within such facility that are accessible to, and are intended for the use of, the public.
3. Exemptions: This Executive Order does not require Face Coverings for, and a Face Covering does not need to be worn by, a worker, customer, or patron who:
- a. Should not wear a Face Covering due to any medical or behavioral condition or disability (including, but not limited to, any person who has trouble breathing, or is unconscious, or incapacitated, or is otherwise unable to put on or remove the face covering without assistance)
 - b. Is under six (6) years of age;
 - c. Is actively eating or drinking;
 - d. Is actively engaged in exercise, sport, coaching, or officiating in a training, recreational, or competitive capacity;
 - e. Is seeking to communicate with someone who is hearing-impaired in a way that requires the mouth to be visible;
 - f. Is giving a speech or performance for a broadcast or to an audience;
 - g. Is working at home or is in a personal vehicle;
 - h. Is temporarily removing his or her Face Covering to secure government or medical services or for identification purposes;
 - i. Would be at risk from wearing a Face Covering at work, as determined by local, state, or federal regulations or workplace safety guidelines;
 - j. Has found that his or her Face Covering is impeding visibility to operate equipment or a vehicle;
 - k. Is a child whose parent, guardian, or responsible person has been unable to place the Face Covering safely on the child's face;
 - l. Is within a religious facility, is leading a religious service in a building serving as a religious facility, or is otherwise engaged in First Amendment protected activities;
 - m. Is in a facility owned and operated by the State of Ohio and/or the Federal Government.
 - n. Law enforcement officers, firefighters, EMTs and other first responders, while encouraged to wear Face Coverings and practice social distancing when practicable, are specifically exempt from this order while engaged in the exercise of their duties outside of an office or business-type setting.
4. Application of Exemptions: Anyone who declines to wear a Face Covering for any of the reasons which constitute an exemption should not be required to produce documentation or any other proof of a condition. Children under six (6) years of age should not be required to wear a Face Covering.

5. **Enforcement:** Citations under this Executive Order shall be written only to businesses or organizations that fail to enforce the requirement to wear Face Coverings; this order's purpose is to impose organizational criminal liability pursuant to CCC Sec. 2301.23. Businesses and organizations are entitled to rely on their customers' or patrons' statements about whether or not they are exempted from the Face Covering requirements, and businesses and organizations do not violate this Executive Order if they rely upon such statements.
- a. Law enforcement personnel are not authorized to criminally enforce the Face Covering requirements of this Executive Order against individual workers, customers, or patrons.
 - b. However, if a business or organization does not allow entry to a worker, customer, or patron because that person refuses to wear a Face Covering, and if that worker, customer, or patron enters the premises or refuses to leave the premises, law enforcement personnel may enforce the trespassing laws and any other laws that the worker, customer, or patron may violate.

Section 3. Duration of Proclamation and order

This Proclamation of Emergency shall be in full force and effect from date of signing and will continue to be in effect until such time as the emergency no longer exists and the Proclamation is lifted.

This Facial Covering order shall be in full force and effect on and after September 10, 2021 and will continue to be in effect until such time as the Proclamation of Emergency is lifted or the order is superseded by ordinance of City Council. This order may be modified or extended at any time if public health conditions warrant.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the Mayor of the City of Columbus, Ohio, to be hereto affixed this 10th day of September, 2021.

Andrew J. Ginther, Mayor