

AN ORDINANCE TO REQUIRE WEARING FACE COVERINGS IN THE CITY OF MOBILE, ALABAMA DURING THE COVID-19 PUBLIC HEALTH EMERGENCY

Sponsored by: Mayor Stimpson and Councilors Manzie, Rich and Daves

WHEREAS, by Proclamation dated March 13, 2020, Governor Kay Ivey found that the appearance of COVID-19 in the State of Alabama creates the potential of widespread exposure to an infectious agent that poses a significant risk of substantial harm to a large number of people and declared a state public health emergency under *ALA CODE* Section 31-9-1, *et seq*; and

WHEREAS, by Resolution and Proclamation of Emergency dated March 17, 2020, the City Council of the City of Mobile, pursuant to its authority to provide for the health and safety of persons and property under *ALA CODE* Section 31-9-10(b)(1) and to preserve the health of the inhabitants of the municipality under *ALA CODE* Section 11-45-1, declared that it is in the best interest of the City to adopt policies and procedures consistent with directives from the Centers for Disease Control (CDC) to prepare and protect the City from dangers arising from the unprecedented pandemic arising from the spread of COVID-19; and

WHEREAS, the City Council is authorized to adopt ordinances to preserve the health and welfare of the inhabitants of the municipality, Alabama Code Section 11-45-1; and

WHEREAS, the Council finds that COVID-19 presents a clear and present threat to the health, safety and welfare of the residents of the City of Mobile, and that it is in the best interests of the community to require the wearing of face coverings in public places to control community spread of COVID-19 in the City of Mobile and its police jurisdiction;

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Mobile, Alabama that face coverings shall be required in public places within the City of Mobile to slow the spread of the novel Coronavirus disease, known as COVID-19, as follows:

SECTION 1:

DEFINITIONS:

1. **Face Covering:** A device to cover the nose and mouth of a person to impede the spread of saliva or other fluids during speaking, coughing, sneezing or other intentional or involuntary action. Medical grade face coverings are not required; coverings may be fashioned from scarves, bandanas or other suitable fabrics. The face covering must cover the mouth and nose of the wearer. A face covering is not a “mask,” for purposes of Chapter 39 Article IX – Masks, Section 39-191, *et seq*.
2. **Public Place:** Any place other than an individual’s home or personal vehicle that is generally open or available to the public, including retail stores and transportation services.

3. **Social Distancing:** Maintaining at all times physical separation between individuals of not less than six (6) feet.
4. **Vulnerable Individuals:** Elderly individuals or individuals with serious underlying health conditions, including high blood pressure, chronic lung disease, diabetes, obesity, asthma and those whose immune system is compromised such as by chemotherapy for cancer and other conditions requiring such therapy.

SECTION 2:

Face coverings shall be worn at all times by persons in public places in the City of Mobile, except that persons engaging in businesses and activities regulated by the Order of the State Health Officer Suspending Certain Public Gatherings due to Risk of Infection by COVID-19, as amended June 30, 2020 and further amended, (the June 30 Order) (<https://www.alabamapublichealth.gov/legal/assets/order-adph-cov-gatherings-063020.pdf>), shall comply with the facial covering and social distancing requirements of the June 30 Order with respect to those activities listed therein for which face coverings are required.

SECTION 3:

ADDITIONAL EXCEPTIONS:

Face coverings are not required for:

1. Outdoor activities in parks and other open spaces, provided social distancing is maintained. This exception does not apply to outdoor activities in parking lots, shopping malls, congested sidewalks, or other populated areas.
2. Children ten (10) years of age and under.
3. Persons for whom wearing a face covering poses a substantial mental or physical health, safety or security risk such as persons who have trouble breathing or are unconscious, incapacitated or otherwise unable to remove the cover without assistance.

SECTION 4:

This Ordinance shall remain in effect for thirty (30) days.

SECTION 5:

To the extent this Ordinance is in conflict with other ordinances of the City of Mobile, this Ordinance shall supersede the other ordinances until those ordinances are amended or repealed.

SECTION 6:

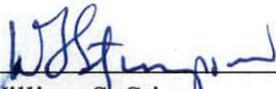
Failure to comply with this Ordinance is punishable by a fine of \$50.00 for the first offense, and \$100.00 for the second and each subsequent offense. Mobile City Code Section 1-32, the Schedule of Fines, is amended to include this fine.

SECTION 7:

If any subsection, sentence, clause, phrase, or word of this Ordinance or any application of it to any person, structure, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision shall not affect the validity of the remaining portions or application of this Ordinance.

SECTION 8:

This Ordinance shall become effective in the City of Mobile and its police jurisdiction upon its adoption, approval and publication as required by law.



William S. Stimpson
Mayor

date 7/1/20

ADOPTED: JUL 0 1 2020

asst. 

City Clerk

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FREQUENTLY ASKED QUESTIONS ON THE CITY OF MOBILE'S FACE COVERING ORDINANCE

Posted July 2, 2020

Why are face coverings required?

Face coverings reduce community spread of COVID-19. With more people wearing face coverings, hospitals can continue to provide elective medical procedures and our economy can continue to reopen.

Where are face coverings required?

In public places in the City of Mobile and its police jurisdiction.

What is a public place?

Any place outside a private home or personal vehicle that is generally open to the public.

How will the City enforce the Ordinance?

The purpose of the ordinance is to get voluntary compliance in wearing face coverings to prevent community spread of COVID 19, not to issue citations. Police officers will hand out face masks to promote voluntary compliance. Face masks will be available for pick-up at City police stations and police headquarters, Monday through Friday, 8:00 am to 5:00 pm.

Is there a penalty for violating the Ordinance?

Yes. If voluntary compliance cannot be achieved, violators are subject to a fine of \$50 for the first offense and \$100 for each subsequent offense.

What is a face covering?

Something to cover a person's nose and mouth to stop the spread of droplets while talking, coughing, sneezing, etc.

Is a medical grade face covering required?

No. A face covering can be made from a scarf, bandana, or any suitable fabric. The covering may be a plastic face shield.

Do I have to wear a face covering in my home or personal vehicle?

No.

Do children have to wear face coverings?

Children 10 years of age and under are not required to wear face coverings under the city ordinance. Individual private businesses may potentially develop stricter policies, and the State Health Order of June 30 will control in certain situations.

Do I have to wear a face covering while eating or drinking at a bar or restaurant?

No, but servers and employees who interact with customers must wear face coverings. Restaurants and bars may enforce stricter rules requiring customers to wear face coverings.

Are face coverings required at outdoor athletic events?

Yes. Players, coaches, officials, and spectators must wear face coverings except that players and officials are not required to wear face coverings when directly participating in the athletic activity.

Are face coverings required at retail stores and in their parking lots?

Yes, retail stores and their parking lots are public places where face coverings are required.

Are face coverings required while riding in a bus, taxi, Uber, Lyft, or other public transportation?

Yes. Face coverings are required for transportation services.

What is social distancing?

Maintaining a physical separation of at least 6 feet between people from different households.

Are face coverings required while on sidewalks or in parks?

Yes, if social distancing cannot be achieved.

Are face coverings required when groups of friends get together or at other gatherings?

Yes, if the gathering is not at an individual's home and people in the group are not members of the same household and social distancing cannot be achieved.

Are face coverings required at places of worship?

Organizers of religious gatherings are strongly encouraged to read and implement the Alabama Department of Public Health's "Guidelines for Places of Worship," see Page 4.

Are face coverings required at barber shops, hair salons, nail salons, spas, tattoo parlors, massage therapists, or other close contact service providers?

Yes, for all employees while providing services within 6 feet of a customer. Providers may enforce stricter rules requiring customers to wear face coverings.

Are face coverings required at fitness centers and gyms, or at yoga, barre, or spin or other athletic classes?

Yes, for all employees interacting with clients or guests. Providers may enforce stricter rules requiring clients or guests to wear face coverings.

Are face coverings required at music or other entertainment venues?

Yes, for all employees who interact with customers or guests. Venues may enforce stricter rules requiring customers or guests to wear face coverings.

Are face coverings required at childcare facilities?

Yes, to the greatest extent practicable for all employees when in regular interaction within six feet of children and guests.

Are face coverings required at day and overnight youth summer camps?

Not for the campers, but employees, to the greatest extent practicable, must wear face coverings when interacting with campers and guests.

Are face coverings required during medical and dental procedures?

Yes. Doctors, dentists, and health care professionals will provide appropriate directives in their offices and may allow the removal of face coverings for patients to receive dental, medical, and other treatments.

Are face coverings required when wearing one poses a safety or security risk?

No, safety risks include working on a ladder or at height, wearing other respiratory protections, engaging in heavy physical exertion, operating heavy equipment, or operating in an environment where a face covering hinders operations. Security risks include activities or transactions where identifying the customer or employee is important.

Can a business that requires face coverings for all customers ask a customer who is not wearing a face covering to leave?

Yes.

When does the ordinance go into effect?

5:00 p.m. Friday, July 3, 2020

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GUIDELINES FOR PLACES OF WORSHIP

It is known that the virus that causes COVID-19 can be spread to others by infected persons who have few or no symptoms. Even if an infected person is only mildly ill, the people they spread it to may become seriously ill or even die, especially if they are 65 or older, or have pre-existing health conditions such as diabetes or heart disease that place them at higher risk. Because of the hidden nature of this threat, everyone should rigorously follow the practices specified in these protocols, all of which help facilitate a safe and measured reopening of Alabama.

In addition to guidelines on COVID-19 by the Centers for Disease Control and Prevention, the following are the minimum recommended health practices for all churches, congregations, and places of worship in Alabama. Churches, congregations, and places of worship may adopt additional protocols consistent with their specific needs and circumstances to help protect the health and safety of all employees, volunteers and congregants. The same minimum recommended health practices apply to funeral services, burials and memorials.

Health protocols for employees and volunteers:

- **Allow employees and volunteers to work from home as much as possible.**
- **Screen employees and volunteers for symptoms before coming into facilities with the following questions:**
 - o Have you been in close contact with a confirmed case of COVID-19?
 - o Are you experiencing a cough, shortness of breath or sore throat?
 - o Have you had a fever in the last 48 hours?
 - o Have you experienced new loss of taste or smell?
 - o Have you experienced vomiting or diarrhea in the last 24 hours?
- **Screen employees and volunteers for fever:**
 - o Best practice: Take people's temperatures onsite with a no-touch thermometer each day upon arrival.
 - o Minimum practice: People take their own temperatures before arriving. Normal temperature should not exceed 100.4 degrees Fahrenheit.
- **Direct any employee or volunteer who exhibits COVID-19 symptoms** (answers yes to any of the screening questions or who is running a fever) to leave the premises immediately and seek medical care or COVID-19 testing or both.
- **Increase hygiene practices:** wash hands frequently, avoid touching your face, practice good etiquette when coughing or sneezing.
- **Consider having employees, volunteers and attendees wear cloth face coverings** over the nose and mouth to help protect against the spread of the virus (not an N-95 or medical mask, which should be reserved for healthcare workers).
- **Practice recommended social distancing**, at least six feet between people of different households, to the greatest extent possible.

Health protocols for facilities:

- Regularly and frequently clean and disinfect any regularly touched surfaces, such as doorknobs, tables, chairs and restroom items.
- Disinfect seats between services.
- Discontinue passing of items among attendees and disinfect any items that come into contact with attendees.
- Discontinue self-service by guests at drink stations, buffets or salad bars.
- Make hand sanitizer, disinfecting wipes, soap and water, or similar disinfectant readily available.
- Discontinue self-service for snacks or coffee.
- Maintain rigorous sanitation practices like disinfection, handwashing and cleanliness when preparing or serving anything edible.
- **Improve Ventilation:** As basic principles of social distancing, surface cleaning and disinfection, handwashing and other strategies of good hygiene are of the utmost importance in preventing the spread of COVID-19, ventilation in facilities should also be considered.

Consider improving the engineering controls using the building ventilation system. This may include some or all of the following activities:

- o Increase ventilation rates.
- o Increase the percentage of outdoor air that circulates into the system.
- o Do not recirculate air.

The virus that causes COVID-19 is still circulating in our communities. We should continue to observe practices that protect everyone, including those who are most vulnerable. Please note, public health guidance cannot anticipate every unique situation. Churches, congregations and places of worship should stay informed and take actions based on common sense and wise judgment that will protect health and support economic revitalization.

Health protocols for serving attendees:

- Strongly encourage people 65 or older and others especially at risk to watch or participate in the service remotely.
- Designate an area inside the facility reserved for the at-risk population or offer a service for at-risk population attendees only.
- Ensure proper spacing between attendees:
 - o Keep at least two empty seats (or six feet of separation) between parties in any row, except as follows:
 - Two or more members of the same household can sit next to one another, with two seats (or six feet separation) empty on either side.
 - o Alternate rows between attendees (every other row left empty).