Legislation Details (With Text)

File #:	200426 **Version:** 2		
Type:	Ordinance	**Status:**	Passed
File created:	7/7/2020	**In control:**	COMMON COUNCIL
On agenda:		**Final action:**	7/13/2020
Effective date:			
Title:	A substitute ordinance relating to a requirement for face coverings in public spaces during the COVID-19 pandemic.		
Sponsors:	ALD. DIMITRIJEVIC, ALD. ZAMARRIPA, ALD. JOHNSON, ALD. KOVAC, ALD. HAMILTON, ALD. DODD, ALD. PEREZ, ALD. LEWIS		
Indexes:	PUBLIC HEALTH		
Attachments:	1. Comment Report as of July 9, 2020, 2. Comment Report for July 10-13, 3. Oppose emails, 4. emails from Ald. Bauman's Office, 5. Support emails, 6. support, 7. no vote, 8. Substitute signed by City Attorney's Office, 9. Notice published 7-15-2020		

Date	Ver.	Action By	Action	Result	Tally
7/7/2020	0	COMMON COUNCIL	ASSIGNED TO		
7/8/2020	0	CITY CLERK	DRAFT SUBMITTED		
7/9/2020	0	PUBLIC SAFETY AND HEALTH COMMITTEE	AMENDED	Pass	5:0
7/9/2020	0	PUBLIC SAFETY AND HEALTH COMMITTEE	AMENDED	Fail	2:3
7/9/2020	1	PUBLIC SAFETY AND HEALTH COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	3:1
7/13/2020	0	COMMON COUNCIL	PASSED	Pass	15:0
7/13/2020	0	COMMON COUNCIL	SUBSTITUTED	Pass	15:0
7/14/2020	2	MAYOR	SIGNED		
7/15/2020	2	CITY CLERK	PUBLISHED		

200426
SUBSTITUTE 2

ALD. DIMITRIJEVIC, ZAMARRIPA, JOHNSON, KOVAC, HAMILTON, DODD, PEREZ AND LEWIS
A substitute ordinance relating to a requirement for face coverings in public spaces during the COVID-19 pandemic.

62-1-11 cr
62-1-12 cr
62-8 cr

This ordinance creates a requirement for persons to wear face coverings when in public spaces for the duration of the 'Moving Milwaukee Forward' health and safety orders.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 62-1-11 and Section 62-1-12 of the code is created to read:

62-1. Definitions.

11. FACE COVERING means a protective mask covering the nose and mouth, including cloth face coverings or surgical masks as described by the centers for disease control and prevention.

12. BUILDING OPEN TO PUBLIC means any structure or premises licensed by the city of Milwaukee or used in whole or in part as a place of resort, assemblage, lodging, trade, traffic, occupancy, or other use by the public.

Part 2. Section 62-8 of the code is created to read:

62-8. Face Covering Requirements During the COVID-19 Pandemic.

1. MASK REQUIRED INDOORS. For the duration of the 'Moving Milwaukee Forward' health and safety orders, any person 3 years old or older who is present in the city of Milwaukee shall have possession of a face covering when the person leaves home or other place of residence and shall wear the face covering whenever the person is in a building open to the public.

2. MASK REQUIRED OUTDOORS. For the duration of the 'Moving Milwaukee Forward' health and safety orders, any person 3 years old or older who is present in the city of Milwaukee shall have possession of a face covering when the person leaves home or other place of residence and shall wear the face covering whenever the person is in an outdoor public space and within 6 feet of any other person who is not a member of the person's family or household.

3. MASK REQUIRED FOR CITY FACILITIES AND EMPLOYEES. The commissioner of public works and director of employee relations shall establish a face covering requirement policy for all city employees and other persons on the premises of any city facility.

4. EXCEPTIONS. Exceptions for face coverings will be made under the following circumstances:

a. Persons who fall into the centers for disease control and prevention's guidance for those who should not wear face coverings due to a medical condition, mental health condition, developmental disability, or for whom no other accommodation can be offered under the Americans with disabilities act.

b. Persons who have upper-respiratory chronic conditions, silent or invisible disabilities, or are communicating with an individual who is deaf or hard of hearing and communication cannot be achieved through other means.

c. Persons in settings where it is not practical or feasible to wear face coverings when obtaining or rendering goods or services to the extent necessary to obtain or render such goods or services including but not limited to the receipt of dental services or medical treatments or consuming food or beverages.

d. Whenever federal, state, or local law otherwise prohibit wearing a face mask or where it is necessary to evaluate or verify an individual's identity.

e. Persons whose religious beliefs prevent them from wearing a face covering.

f. Persons present in government facilities closed to the public, institutions of higher education, public and private K through 12 schools, and childcare or youth facilities that have a mitigation strategy approved by the

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commissioner of health.

5. PENALTY. The health department shall enforce this section. The owner or operator of any building open to the public shall ensure all persons present in his or her building open to the public comply with sub. 1. The owner or operator of any building open to the public has the right to refuse entry or service to any person for failure to comply with sub. 1. Any owner or operator of a building open to the public that permits a person to violate sub. 1 in their building open to the public shall upon conviction forfeit not less than $50 and not more than $500. The commissioner of health and city attorney are authorized to pursue license revocation or a court order closing a building open to the public in accordance with state and local law for failing to require persons present to abide by sub. 1.

APPROVED AS TO FORM

_____
Legislative Reference Bureau
Date: _____
IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

_____
Office of the City Attorney
Date: _____

LRB176207-4
Luke Knapp
07/09/2020