

Ordinance No. 05 - 22

By: Sam Marcellino

An ordinance to protect the rights of individuals to wear Face Coverings in Places of Public Accommodation.

WHEREAS, The COVID-19 pandemic has resulted in the wearing of face coverings, by individuals, for public health purposes; and

WHEREAS, It is the position of the City that individuals shall have a right to wear Face Coverings for public health purposes when visiting Places of Public Accommodation;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:

Section 1

That Chapter 838 shall be created as follows:

CHAPTER 838 FACE COVERINGS FOR PUBLIC HEALTH PURPOSES

838.01 PURPOSE

- (a) This chapter is created in order to protect the rights of individuals to wear face coverings in public spaces in order to protect their own health and/or the health of those around them.

838.02 DEFINITIONS

- (a) "Face Covering" shall mean a covering designed to cover the nose and mouth of the individual wearing it, for the purpose of reducing the spread and intake of respiratory droplets and/or for public health purposes. Face Coverings can include, but are not limited to, surgical or procedural masks, cloth masks, and other devices intended to protect against respiratory spread.
- (b) "Place of Public Accommodation" means any inn, restaurant, eating house, barbershop, public conveyance by air, land or water, theater, store, or other place for the sale of merchandise, or any other place of public accommodation or amusement where the accommodation advantages, facilities, or privileges thereof are available to the public.

838.03 PROHIBITION AGAINST REFUSING SERVICE BASED UPON OR PROHIBITING THE WEARING OF FACE COVERINGS IN PUBLIC SPACES AND PLACES OF PUBLIC ACCOMODATION

- (a) Owners and operators of places of public accommodation may not require the removal of Face Coverings in public spaces, or refuse service based upon an individual's refusal to remove Face Coverings in a Place of Public Accommodation, subject to the exceptions contained herein.
- (b) Owners and operators may request the temporary removal of a mask for identification or security purposes.

838.99

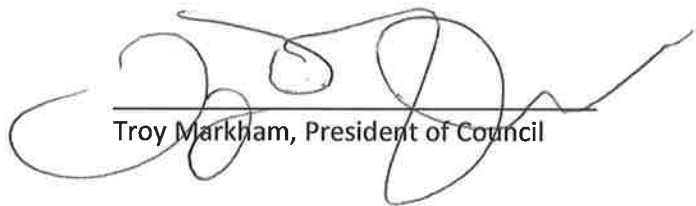
PENALTIES

- (a) Whoever violates any provision of this Chapter for which no other specific penalty has been provided other than the denial, suspension or revocation of a license, shall be fined not more than \$100. Each day's continuance shall constitute a separate offense.

Section 2


That this Ordinance shall go into effect and be in full force from and after the earliest period allowed by law.

Passed: March 22, 2022


Troy Markham, President of Council

Attest: 
Matt McPeek, Clerk of Council

Approved: March 22, 2022


Benjamin J. Kessler, Mayor

First Reading: February 22, 2022
Second Reading: March 8, 2022
Third Reading: March 22, 2022