

FACT SHEET

CITY OF SHREVEPORT, LOUISIANA

<u>TITLE</u> An emergency ordinance to require individuals to wear personal protective masks or face coverings during the COVID-19 Public Health Emergency while in public, and to otherwise provide with respect thereto.	<u>DATE</u> July 14, 2020	<u>ORIGINATING DEPARTMENT</u> City Council <u>COUNCIL DISTRICT</u> City-Wide <u>SPONSORS</u> Councilman Jerry Bowman
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PURPOSE
To enact an emergency ordinance to require individuals to wear personal protective masks or face coverings during the COVID-19 Public Health Emergency.

BACKGROUND INFORMATION
The City Council desires to enact an emergency ordinance requiring all individuals within the City of Shreveport to wear personal protective masks or facial coverings over the nose and mouth while inside commercial buildings, public buildings, and places of worship.

<u>TIMETABLE</u> Introduction: July 14, 2020 Final Passage: July 14, 2020	<u>ATTACHMENTS</u>
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SPECIAL PROCEDURAL REQUIREMENTS
An emergency ordinance, which shall be for the immediate preservation of the public peace, health or safety, shall contain a specific statement of the emergency claimed and shall be passed by not less than the affirmative vote of two-thirds (2/3) of the members of the council. Such an ordinance may be adopted without regard to the restrictions of sections [4.17](#) and [4.21](#) and shall take effect at such time as may be provided in the ordinance.

<u>FINANCES</u> NA	<u>SOURCE OF FUNDS</u> NA
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ALTERNATIVES
(1) Adopt the ordinance as submitted, or (2) Amend the ordinance, or (3) Reject the ordinance.

RECOMMENDATION
It is recommended by Councilman Jerry Bowman that the City Council adopt the ordinance.

FACT SHEET PREPARED BY: Danielle A. Farr Ewing
Deputy Clerk of Council

ORDINANCE NO. _____ OF 2020

AN EMERGENCY ORDINANCE TO REQUIRE INDIVIDUALS TO WEAR PERSONAL PROTECTIVE MASKS OR FACE COVERINGS DURING THE COVID-19 PUBLIC HEALTH EMERGENCY WHILE IN PUBLIC, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

BY COUNCILMAN: JERRY BOWMAN

WHEREAS, the City of Shreveport has the authority to preserve public peace, safety, morals, health and welfare; and

WHEREAS, pursuant to the Shreveport City Charter, Section 2.04(a) and (c) the City of Shreveport has the authority to “enact and enforce all necessary ordinances and regulations pertaining to public peace, safety, morals, health and welfare” and “take all actions necessary, requisite and proper to protect life and property in the event of an emergency”; and

WHEREAS, Governor John Bel Edwards declared a Public Health Emergency in response to COVID-19 on March 11, 2020, which was last extended on June 25, 2020; and

WHEREAS, Vice President Mike Pence and Surgeon General Jerome Adams have urged all Americans to wear masks to prevent the spread of COVID-19;

WHEREAS, COVID-19 has caused the deaths of more than 3,380 people in the State of Louisiana; and

WHEREAS, it is the desire of the City of Shreveport to preserve the public peace, safety, morals, health and welfare and take all actions necessary, requisite and proper to protect life during this COVID-19 Public Health Emergency; and

WHEREAS, the City of Shreveport has experienced alarming spikes in cases, hospitalizations, and deaths due to COVID-19; and

WHEREAS, information and data from medical professionals indicates that COVID-19 is more likely to be spread from individual to individual through close contact indoors and particularly through mass gatherings where people do not practice social distancing or wear personal protective masks or face coverings over the nose and mouth; and

WHEREAS, infected persons can transmit COVID-19 to others before showing any symptoms, and widespread and consistent use of personal protective masks or face coverings over the nose and mouth when in public is a critical and necessary measure to help slow the virus while allowing local businesses to continue to reopen and help the City of Shreveport economy reopen; and

WHEREAS, the spread of COVID-19 between individuals is greatly reduced through the wearing of personal protective masks or face coverings while indoors; and

WHEREAS, in accordance with Shreveport City Charter, Section 4.19, due to the COVID-19 Public Health Emergency, the City Council has determined it is necessary to enact this Emergency Ordinance requiring the use of personal protective masks or face coverings in order to preserve public peace, safety, morals, health and welfare and to protect life during this COVID-19 Public Health Emergency.

NOW, THEREFORE, BE IT ORDAINED that the City Council of the City of Shreveport, in accordance with Shreveport City Charter, Section 2.04(a) and (c), does hereby, in order to preserve public peace, safety, morals, health and welfare and to protect life during this COVID-19 Public Health Emergency, adopt the following provisions:

Section 1: In response to the World Health Organization’s March 11, 2020 designation of the COVID-19 outbreak as a worldwide pandemic, and because infected persons can transmit the COVID-19 virus others before showing symptoms, all individuals within the City of Shreveport must wear personal protective masks or facial coverings over the nose and mouth while inside commercial buildings, public buildings, and places of worship.

Section 2: Within the City of Shreveport, personal protective masks or facial coverings must cover your nose and mouth in the following situations:

- a) In all commercial buildings, public buildings, and places of worship.
- b) When indoors and in common areas, such as but not limited to, restrooms, hallways, stairways, elevators, or any room or enclosed area where other people (except for members of the person’s own household or residence) are present in commercial buildings, public buildings, and places of worship. This shall not apply to private households or residences.

- c) While riding public transportation, paratransit, or rideshare.

Section 3: The following individuals are exempt from wearing a face mask/covering:

- a) Persons younger than two (2) years old.
- b) Persons with a medical condition, mental health condition, or disability that prevents them from wearing a personal protective mask or face covering. This includes persons with a medical condition for whom wearing a face covering could obstruct breathing or who are unconscious, incapacitated, or otherwise unable to remove a mask or face covering without assistance.
- c) Persons who are hearing impaired, or communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication.
- d) Persons for whom wearing a facial covering conflicts with their religious beliefs or practices.
- e) Persons for whom wearing a personal protective mask or face covering would create a risk to the person related to their work, as determined by local, state, or federal regulators or workplace safety guidelines.
- f) Persons who are obtaining a service involving the nose or face for which temporary removal of the mask or face covering is necessary to perform the service.
- g) Personal protective masks or face coverings must be worn upon entering and exiting restaurants, bars, or other establishments that offer food or beverage service. However, persons are exempt who are seated at a restaurant, bar, or other establishment that offers food or beverage service, while they are eating or drinking, provided they are able to maintain a distance of at least six (6) feet away from persons who are not members of the same household or residence.
- h) Personal protective masks and covering must be worn upon entering and exiting gyms or other fitness or recreational facilities. However, persons are exempt while working out at a gym or other fitness or recreational facility provided they are able to maintain a distance of at least six (6) feet

way from persons who are not members of the same household or residence.

- i) Personal protective masks or face coverings must be worn upon entering, exiting, and remaining in places of worship. However, persons are exempt who are speaking to or addressing the group/congregation or singing in a choir, provided they are able to maintain a distance of at least six (6) feet away from persons who are not members of the same household or residence.

Nothing within this Emergency Ordinance shall prohibit the temporary removal of the mask or face covering for the purpose of any necessary assessment, recognition, or identification during the course of a legal government, or medical service.

Section 4: Businesses must require all customers, clients, and visitors to wear personal protective masks or face coverings over the nose and mouth, while indoors, and conspicuously post signage at or near all entrances clearly indicating requirements and prohibitions. To the extent feasible, businesses are encouraged to have unused face coverings in stock to provide to customers, clients, and visitors attempting to enter but do not have a face covering.

Section 5: Throughout the duration of this Emergency Ordinance, restaurants, bars, or other establishments that offer food or beverage service, nightclubs, gyms and fitness clubs, barber shops and salons, casinos, shopping malls, movie theatres, places of worship, and all other businesses operating, must strictly adhere to the all orders of the Governor of Louisiana.

Section 6: For elections, all persons should follow the guidelines established by the Secretary of State.

Section 7: Schools, daycares, and summer camps are to follow the guidance established by the Louisiana Department of Education (LDOE) and Louisiana Department of Health (LDH).

Section 8: A violation of this Emergency Ordinance shall be a misdemeanor offense subject to the following penalties:

- a) The penalty for a first offense shall not exceed \$50.00.
- b) The penalty for a second offense shall not exceed \$100.00.
- c) The penalty for all subsequent offences shall not exceed \$200.00.

No person shall be arrested or taken into custody for a violation of this Emergency Ordinance.

Section 9: The provisions established herein shall become effective on the date this Emergency Ordinance becomes effective and shall remain in place for thirty (30) days.

BE IT FURTHER ORDAINED that this is an emergency ordinance in accordance with Shreveport City Charter, Section 4.19 in response to the COVID-19 Public Health Emergency for the immediate preservation of the public peace, health and safety.

BE IT FURTHER ORDAINED that if any provision or item of this Emergency Ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this Emergency Ordinance which can be given affect without the invalid provisions, items or applications and to this end the provisions of this Emergency Ordinance are hereby declared severable.

BE IT FURTHER ORDAINED that all Ordinances or parts thereof in conflict herewith are hereby repealed.

BE IT FURTHER ORDAINED that this Emergency Ordinance shall become effective *immediately* in accordance with the provisions of Shreveport City Charter Section 4.19.

THUS DONE AND ORDAINED by the City Council of the City of Shreveport, Louisiana.

APPROVED AS TO LEGAL FORM:

City Attorney's Office