

TO CREATE CHAPTER 8.35 OF THE CODE: COVID-19 COMMUNICABLE DISEASE MASK REQUIREMENT

The County Board of Supervisors of the County of Eau Claire does ordain as follows:

SECTION 1. That Chapter 8.35 of the code be created to read:

Chapter 8.35

COMMUNICABLE DISEASE MASK REQUIREMENT

Sections:

- 8.35.010 Purpose.
- 8.35.020 Definitions.
- 8.35.030 Jurisdiction.
- 8.35.040 Requirement to wear a face covering.
- 8.30.050 Exceptions to the requirement to wear a face covering.
- 8.35.060 Enforcement.
- 8.35.070 Effective date and sunset.

8.35.010 Purpose. The purpose of this ordinance is to promote and protect the public health, safety, and general welfare of the residents of Eau Claire County during the 2020-2021 world-wide COVID-19 pandemic and to be prepared in the event that the current order issued by the governor of the State of Wisconsin is vacated or not extended.

8.35.020 Definitions. The following definitions apply throughout this ordinance:

- A. "Face Covering" shall mean a piece of cloth or other material that is worn to cover the nose and mouth completely. A "face covering" includes but is not limited to a bandana, a cloth face mask, a disposable paper mask, a neck gaiter, or a religious face covering. A "Face Covering" does not include face shields, mesh masks, masks with holes or openings, or mask with vents.
- B. "Local health officer" shall mean the city-county health officer as defined by sec. 252.01(3), Wis Stats.
- C. "Physical distancing" shall mean maintaining at least six feet of distance from other persons who are not members of your household or living unit.

8.35.030 Jurisdiction. Pursuant to sec. 251.08, Wis. Stats., jurisdiction of this ordinance by the Eau Claire City County Health Department shall extend to the entire area within Eau Claire County, except that jurisdiction does not extend to cities, villages, and towns that have local health departments.

8.35.040 Requirement to wear a face covering. Every person, age five or older, who is located within the jurisdiction of Eau Claire County shall wear a face covering if the following apply:

- A. The person is indoors or in an enclosed space, other than a private residence; and,

B. Another person or persons who are not members of the individual's household or living unit are present in the same room or enclosed space.

C. Face coverings are strongly recommended in all other settings, including outdoors, when it is not possible to maintain physical distancing.

D. Buildings with public access are required to post a notice at their entrance that face coverings are required.

8.30.050 Exceptions to the requirement to wear a face covering.

A. Persons who are otherwise required to wear a face covering may remove the face covering in the following situations:

1. While eating or drinking.
2. When communicating with an individual who is deaf or hard of hearing and communication cannot be achieved through other means.
3. While obtaining a service that requires the temporary removal of the face covering, such as dental services.
4. While sleeping.
5. While swimming or on duty as a lifeguard.
6. While a single individual is giving a religious, political, media, educational, artistic, musical, or theatrical presentation for an audience, the single speaker may remove the face covering when actively speaking if the speaker remains at least 6 feet away from all other individuals at all times, when his or her face covering is removed.
7. When engaging in work where wearing a face covering would create a risk to the individual as determined by government safety guidelines.
8. When a federal or state law or regulation prohibits the wearing of a face covering.

B. According to Centers for Disease Control (CDC) guidelines, the following are exempt from the requirement to wear a face covering:

1. Children between the age of 2 and 5 are encouraged to wear a face covering when physical distancing is not possible. The CDC does not recommend face coverings for children under the age of 2.
2. Persons who have trouble breathing.
3. Persons who are unconscious, incapacitated, or otherwise unable to remove the face covering without assistance.
4. Persons with medical conditions, intellectual or developmental disabilities, mental health conditions, or other sensory sensitivities that prevent the person from wearing a face covering.
5. Incarcerated individuals. The Eau Claire County Jail will continue to comply with COVID-19 protocols to ensure the health and safety of staff and people who are incarcerated.

8.35.060 Enforcement. Failure of an individual to comply with this ordinance may result in the issuance of a citation by the local health officer, or his or her designee, or any law enforcement officer, resulting in a forfeiture of \$200.00 per incident, with each incident constituting a new and separate violation.

8.35.070 Effective date and sunset. This ordinance will go into effect only if the Emergency Order dated November 20, 2020 issued by the governor of the State of Wisconsin requiring the use of face coverings, or any successor face covering order of the governor is vacated by a decision of the Supreme Court of the State of Wisconsin, the legislature, or if the

governor does not extend the order. This ordinance will be published as a class 1 notice and will become effective the day after publication. This ordinance will sunset on June 30, 2021 and will be automatically repealed on that date unless otherwise repealed earlier by action of the Eau Claire County Board of Supervisors.

Enacted February 2, 2021

Sue McDonald
County Clerk