

ORDINANCE NO. 5962 of 2020

BY THE CADDO PARISH COMMISSION:

AN EMERGENCY ORDINANCE MANDATING MASKS OR FACIAL COVERING IN CERTAIN ESTABLISHMENTS AND PUBLIC PLACES; TO PROVIDE PENALTIES FOR THE VIOLATION OF SAME, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

WHEREAS, the 2019 Novel Coronavirus (“COVID-19”) is a respiratory disease that can result in serious illness or death by the **SARS-CoV-2** virus, which is a new strain of coronavirus previously unidentified in humans and which can spread from person to person;

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services Secretary declared a public health emergency in the United States for COVID-19 under Section 391 of the Public Health Service Act;

WHEREAS, the Governor of the State of Louisiana, following consultation with public health authorities, declared a state of public health emergency on March 11, 2020 and has renewed that state of public health emergency on April 2, 2020; April 30, 2020; May 14, 2020; June 4, 2020; and June 25, 2020;

WHEREAS, the COVID-19 disease is spread by microdroplets of saliva and mucus containing viral particiles;

WHEREAS, the best advice of medical and healthcare experts on reducing the spread of the COVID-19 disease is use of face masks or other face coverings and social distancing;

WHEREAS, the incidence of the disease has significantly increased in recent weeks;

WHEREAS, the state-wide seven day rolling average of new cases is 1,284 and trending upward;

WHEREAS, hospitalization rates and ventilator usage rates are again trending up with over 200 hospitalizations daily;

WHEREAS, members of the public have increasing been seen in public places not wearing masks;

WHEREAS, the Caddo Parish Home Rule Charter provides that, to meet a public emergency affecting life, health, property or public safety, the Parish Commission may adopt an emergency ordinance at the meeting at which it is introduced;

WHEREAS, stopping the upward trend of increased infections, hospitalization, and deaths is critically important for the health and welfare of the residents of Caddo Parish;

WHEREAS, adoption of this ordinance as an emergency ordinance is warranted due to the recent increases in new cases and hospitalizations;

WHEREAS, improving the rate of mask wearing is essential to avoiding a return to a stay-home order and the devastating impact that would have on the local economy and property of Caddo Parish residents; and

WHEREAS, the Caddo Parish Commission believes that requiring use of masks or appropriate facial coverings in public places will increase the usage of masks and facial coverings;

NOW, THEREFORE, BE IT ORDAINED, by the Caddo Parish Commission in due, legal emergency session convened, that it adopts the following emergency ordinance:

A. Businesses and Establishments - Facial Coverings Required .

Facial coverings shall be worn by all persons, other than those specifically exempted herein, while obtaining any good or service or otherwise visiting or working in any business or establishment, including entering, exiting, and otherwise moving around within the establishment. Businesses or establishments of any type, including but not limited to, those permitted to operate under Executive Order of the Governor are subject to this provision. Such businesses and establishments include, but are not limited to, restaurants, retail establishments, hotels, grocery stores, gyms, pharmacies, indoor recreational facilities, and vehicles for hire.

~~B. Public Places – Facial Coverings Required.~~

~~Facial coverings shall be worn by all persons in public places where social distancing in accordance with Center for Disease Control and Prevention (“CDC”) guidelines is not possible or not being practiced . For purposes of this provision, public places shall include any outdoor areas that are open and regularly accessible, including, but not limited to, common areas within private communities accessible to more than one housing unit. This requirement shall only apply when ten (10) or more individuals are gathered and the minimum distance of six (6) feet provided in the CDC guidelines is not being maintained.~~

B.C. Governmental Facilities - Facial Coverings Required.

All persons accessing governmental buildings under the jurisdiction of the Parish of Caddo or administered by the Parish of Caddo for the purposes of conducting public business, visitation, contracting and maintenance, delivery, or any other activity requiring a presence in a governmental building under the jurisdiction of the Parish of Caddo or administered by the Parish of Caddo shall wear facial coverings as defined by the CDC at all times while present in the building unless otherwise exempted below. For purposes of this section, governmental buildings shall mean any Caddo Parish owned and operated buildings including, but not limited to, office buildings, parish facilities, and court or justice facilities.

C D. Exemptions - Facial Coverings Not Required.

Facial coverings are not required for the following persons:

1. Children under two (2) years of age and any child while under the custody of a licensed childcare facility, including daycare centers;
2. Persons prohibited from wearing facial coverings by Federal or State safety or health regulations;
3. Public safety, fire, or other life safety personnel that have personal protective equipment requirements governed by their respective agencies;
4. Individuals while actively engaged in exercise and maintaining social distancing in accordance with CDC guidelines;
5. Persons receiving goods or services from a business or establishment for the such as, but not limited to, consuming food or beverage or receiving grooming or other treatment;
6. Persons who have a medical condition that makes the wearing of a facial covering unsafe such as, but not limited to, asthma, COPD, other conditions that reduce breathing or lung capacity;
7. Persons for whom wearing a facial covering conflicts with their religious beliefs or practices;
8. Persons who are alone in individual office or business spaces such that no person is within six (6) feet more than momentarily;
9. Persons in outdoor or unenclosed areas adjacent or appurtenant to businesses, establishments, public places, or governmental facilities while social distancing of at least six (6) feet is possible and being observed;
10. Persons while exclusively with members of their family or household and no person other than such family or household member is within the same enclosed area; and
11. Facial coverings may be removed temporarily while assisting persons who are hearing impaired or who rely on reading lips in order to communicate.

D E. Facial Coverings.

A facial covering includes any covering which snugly covers the nose and mouth, whether store bought or homemade, mask or clothing covering including but not limited to, a scarf, bandana, handkerchief, or other similar cloth covering and which is secured in place. Examples of compliant homemade facial coverings may be found on the CDC website: <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-clothface-coverings.html> Persons wearing face coverings should review the CDC and Louisiana Department of Health guidelines regarding safely wearing, removing, and cleaning facial coverings. In addition, in lieu of a facial covering as defined in this section, persons may wear clear, plastic face shields, consisting of a piece of rigid, clear plastic attached to a headband that extends below the chin, whether store bought or homemade. For persons who are unable to safely utilize face coverings, businesses shall offer reasonable accommodation when required by the Americans with Disabilities Act which may include, but is not limited to, offering curbside service or any other reasonable accommodation.

E. Compliance:

- 1) All businesses and establishments as provided for in Section A of this Ordinance shall ensure compliance with the provisions of this Ordinance ~~Order~~ and shall establish a process for verification of compliance upon customer entry

~~into the establishment. Businesses and establishments shall make masks or facial coverings available to individuals entering if they do not already have a mask or facial covering. Business establishments may contact the Parish for an allocation of free masks from its limited supply.~~

2) Businesses or establishments shall inform each individual who is not wearing a mask or facial covering of the requirement that they wear a mask or facial covering and that they may be directed to leave the premises if they fail to do so. Businesses or establishments ~~may shall~~ direct individuals not complying with this requirement and who are not exempt therefrom ~~shall be directed to~~ promptly leave the business or establishment. Failing to leave when directed in compliance with this ordinance may ~~shall~~ be considered remaining on the premises after being forbidden to do so under La.R.S. 63.3 unless that individual is exempt from the application of the trespass statutes.

~~3) — A failure to establish and ensure such compliance shall be considered a violation of this ordinance punishable as a violation of any other ordinance of the Parish under Sec. 1-8 of the Caddo Parish Code of Ordinances or as otherwise provided by law subject to the provisions of Section G below.~~

F. Signage: All businesses and establishments as provided for in Section A of this Ordinance shall conspicuously post signage as follows:

1. The required signage shall inform individuals that they are not to enter the business or establishment unless they are wearing a mask or facial covering in compliance with this Ordinance or unless exempted by the provisions of this Ordinance.
2. The required signage shall inform individuals that a mask or facial covering will be provided them if they do not have one.
3. The required signage shall inform individuals that they may be directed to leave the business, establishment, public place, or governmental facility if they do not comply with the mask or facial covering requirement.
4. **Signage required in must be at least 8 ½" x 11" in size and printed in color if possible.**

G. Enforcement:

The Sheriff of Caddo Parish, and any other personnel authorized by law, are authorized to enforce this Order. Compliance and enforcement processes shall include the provision of a warning and opportunity to correct before citations resulting in fines are issued. If a responsible person fails to comply with this emergency ordinance after warning and opportunity to correct, the responsible person shall be subject to the following penalties:

- a. The penalty for a first violation of this emergency ordinance shall be not to exceed two hundred fifty dollars (\$250) for the first violation and
- b. The penalty for each additional violation shall be up to five hundred dollars (\$500). Each incident of a continuing violation shall be deemed a separate additional violation.

H. Responsible Person:

With respect to an businesses or establishments under this emergency ordinance, a responsible person means any individual associated with the business or establishment who has the authority and ability to enforce the requirements of the Ordinance within the business or establishment, such as an owner, manager, or supervisor. A responsible person may also include an employee or other designee that is present at the business or establishment but does not have the title of manager or supervisor, but who has the temporary or designated authority and ability to ensure that the requirements of this emergency ordinance are met while the business or establishment is open to the public.

I. Violations: Revocation of Permits and Licenses. In addition to or in lieu of the penalties established by this emergency ordinance, repeated violations of this Ordinance by a Responsible Person by failing to require employees of the Establishment to wear a mask or facial covering may, subject to all procedural protections set forth in the Caddo Parish Code of Ordinances, result in the suspension or revocation of any occupancy permit or business license issued to business where the repeated violations occurred.

BE IT FURTHER ORDAINED that the Parish Administrator is authorized to contract with private security contractors to assist in enforcement and to seek reimbursement from CARES Act funding.

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

BE IT FURTHER ORDAINED, that this ordinance shall take effect upon adoption.

BE IT FURTHER ORDAINED that this emergency ordinance shall be effective for thirty (30) days from the date of adoption.

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

Approved as to legal form:

Parish Attorney

Date