

..Number

..Version

ORIGINAL

..Reference

..Sponsor

ALD. DIMITRIJEVIC

..Title

An ordinance relating to a requirement for face coverings in public spaces during the COVID-19 pandemic.

..Section

62-1-11 cr

62-8 cr

..Analysis

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 order.

..Body

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

Part 1. Section 62-1-11 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.

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 order, any person 2 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 indoor public space.

2. MASK REQUIRED OUTDOORS. For the duration of the 'Moving Milwaukee Forward' health and safety order, any person 2 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 sees a person within 30 feet 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 <https://www.wpr.org/dane-county-issues-mandatory-mask-order-all-indoor-spaces> requirement policy for 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 under 2 years of age.

b. 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 are otherwise covered under the Americans with disabilities act.

c. Persons who have upper-respiratory chronic conditions and silent disabilities.

d. Persons in settings where it is not practical or feasible to wear face coverings, including when obtaining or rendering goods or services, such as the receipt of dental services or medical treatments.

5. PENALTY. The health department shall enforce this section. Any business failing to enforce sub. 1, as determined by the health department, shall be given a warning and an opportunity for compliance, followed by a citation of not less than \$50 nor more than \$500. If a business fails to enforce sub. 1 more than twice, the commissioner of health may, with the powers vested under ch. 59 of the code, shut down the business to protect public health and stop the spread of the virus. A business has the right to refuse service to any person for failure to comply with sub. 1. If any person continues to violate sub. 1, a citation may be issued to the individual in lieu of the business.

..LRB

APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

..Attorney

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

..Requestor

..Drafter

LRB176207-1

Luke Knapp

07/06/2020