



AGENDA OF THE COMMON COUNCIL

THURSDAY, APRIL 1, 2021, 4:15 PM
Virtual Meeting. Public may join via Zoom.

A. Zoom Meeting Information.

- I. This item contains zoom meeting instructions and information.
2. This item contains zoom meeting instructions and information.

B. Roll Call.

C. Pledge of Allegiance.

D. Approval of the Agenda.

E. Committee of the Whole

- I. Consideration with Possible Action on a Resolution declaring a state of emergency and providing for face coverings within the City of Green Bay.

F. Resolutions.

- I. Resolution declaring a state of emergency and providing for face coverings within the City of Green Bay.

G. Ordinances - First and Final Reading for Adoption

- I. General Ordinance No. 07-21
An Ordinance Creating Section 8.17, Green Bay Municipal Code, relating to required face coverings.

H. Adjournment.

- 1) **SUPPLEMENTAL INFORMATION:** The Video of this meeting, Agenda, Agenda Packet, and Minutes are available online at www.greenbaywi.gov/Meetings.
- 2) **ACCESSIBILITY:** Any person wishing to attend who requires special accommodation because of a disability, should contact the City Safety Manager at 920-448-3125 at least 48 hours before the scheduled meeting time so that arrangements can be made.
- 3) **QUORUM:** Please take notice that a majority or quorum of the Common Council will attend this committee meeting and will constitute a meeting of the Common Council for purposes of discussion and information gathering relative to this agenda.
- 4) **REPRESENTATION:** The party requesting the communication, or their representative, should be present at this meeting.

Virtual Meeting Instructions



Common Council April 1, 2021

Zoom Meeting Information

Celestine Jeffreys is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

<https://us02web.zoom.us/j/83933954442>

Meeting ID: 839 3395 4442

Passcode: 370119

One tap mobile

+13017158592,,83933954442#,,,,*370119# US (Washington DC)

+13126266799,,83933954442#,,,,*370119# US (Chicago)

Dial by your location

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

Meeting ID: 839 3395 4442

Passcode: 370119

Find your local number: <https://us02web.zoom.us/j/kcEs3y8AD0>

Additional Information

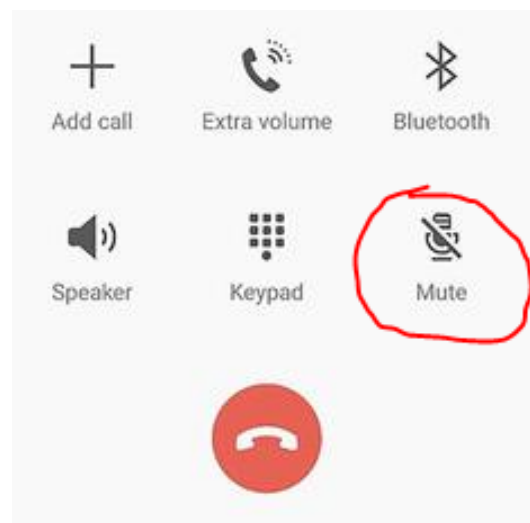
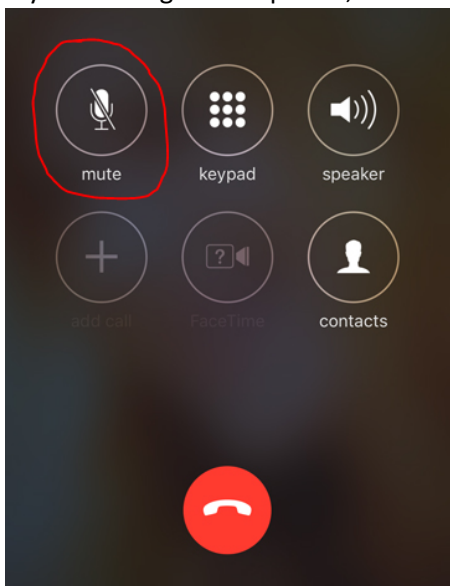
1. Wisconsin Open Meetings Law still applies
 - a. Persons interested in speaking to an item must give their name and address
 - b. Committee/Commission/Board members will still follow *Roberts Rules of Order*
2. All zoom meetings will have a password in the instructions. Please enter when prompted.
3. Please log into the Zoom meeting 10 minutes before the meeting starts to ensure proper technology is working.
 - a. If you are a Board Member, please log into [CivicClerk](#) with a computer, laptop, or tablet device.
4. Once you are in the meeting please mute yourselves.
 - a. You may unmute yourself when you are called upon to speak.
5. Waiting room
 - a. When you call in, all callers/participants will be placed in a “waiting room.”
 - b. Persons on the agenda will be admitted to the meeting, and then once the item is concluded, the host will permanently mute you from the meeting (you can still hear the meeting).
6. Using Zoom with a tablet or computer
 - a. Tablet—you will be asked to sign in. Download the app either with the Apple Store or the Play Store
 - b. Computer—you will be asked to sign in. You may download the app or click on the link to open Zoom in your browser.
7. Registering
 - a. The host may ask you to register for the meeting. A registration link will be sent to you along with the invite. You’ll receive another email confirming that you’re registered for the meeting.
 - b. If you’re using a phone, your registration will still be tied to an email.
8. Raising your hand
 - a. Committee members—you can either use CivicClerk and request to speak or you can “raise your hand” in the zoom meeting (you’d need to use a computer or tablet) to let the host know you’d like to speak. You can also un-mute yourselves and start speaking.
 - b. Persons on the agenda—you can “raise your hand” but you’d need to use a computer. You will be allowed to speak, per Wisconsin Open Meetings Rules, once the committee has “opened the floor for interested parties to speak.” Once the committee is finished with your agenda item, the host will mute you permanently, unless the committee opens the floor again.
9. What devices should I use?
 - a. Smart phone (please see more detailed instructions on page 3)
 - b. Land line
 - c. Tablet—well in advance of the meeting, please download the Zoom Meeting app before you join a meeting by using either the Apple Store or the Play Store. You will be asked to input your name, thus identifying you for the meeting. You’ll also be asked to verify your email.
 - d. Computer—well in advance of the meeting, please download the Zoom Meeting app, but you can also click on a link to open the Zoom Meeting in your browser. You will be asked to input your name, thus identifying you for the meeting.
 - e. For tablet and computer users—if you download the app you will be asked to verify your email.
10. Zoom etiquette
 - a. Muting yourselves when you’re not talking will prevent your background noise from interfering with others’ ability to listen to and participate in the meeting.
 - b. If you’re using a telephone, please identify yourself with your phone number and name before you speak. Zoom meeting hosts can see only your telephone number and will ask you to identify yourselves.
11. Closed session
 - a. Persons in the Zoom meeting will be put into a waiting room while the committee meets in Closed Session. Participants will be admitted back into the Zoom meeting once the committee reconvenes in Open Session.
 - b. Persons watching live on YouTube will see a gray screen with the City logo during closed session.
12. Persons interested in attending anonymously or listening to the meeting may call in by dialing *67 followed by the phone number above.

Calling into the Zoom meeting using a smartphone

1. Dial the phone number listed at the beginning of this document.
2. When prompted, enter the Meeting ID number followed by #
 - a. If you're using a smartphone, you can access the keypad by clicking "Keypad" on your screen



3. Once you are in the meeting, notify the meeting host that you are in and state your name.
4. If you do not need to talk, please make sure your phone is on **Mute**
 - a. If you're using a smartphone, look at your screen and click the Mute button



- b. If you're using a computer, you should see a Mute button in the Zoom application



EXHIBIT

A

GENERAL ORDINANCE NO. 07-21

**AN ORDINANCE
CREATING SECTION 8.17,
GREEN BAY MUNICIPAL CODE,
RELATING TO REQUIRED FACE COVERINGS**

WHEREAS, Section 323.11 of the Wisconsin Statutes authorizes the governing body of any city to declare an emergency existing within the city for as long as the emergency conditions exist or are likely to exist; and

WHEREAS, the state of emergency continues in the City of Green Bay as a result of the continued spread of the COVID-19 virus, which occurs primarily via transmission of respiratory droplets; and

WHEREAS, on April 1, 2021, the Common Council adopted a Resolution Declaring a State of Emergency and Providing for Face Coverings Within the City of Green Bay; and

WHEREAS, new, more contagious strains of the virus that causes COVID-19 continue to spread throughout the United States, including the B.1.17 variant, which has been found in Wisconsin and 31 other states; and

WHEREAS, while significant progress is being made with vaccinating residents of the City of Green Bay, we still need every person to do their part to slow the spread of COVID-19 by limiting in-person gatherings, diligently washing hands, practicing physical distancing, and wearing a face covering when around people from outside their household; and

WHEREAS, federal, state, and local health officials, medical professionals, and hospitals have repeatedly indicated that widespread use of face coverings slows the spread COVID-19, saving lives and reducing the burden on our health care systems; and

WHEREAS, the Common Council of the City of Green Bay has an interest in protecting the public health, safety, and welfare of its citizens from the continued spread of COVID-19 throughout the community; and

WHEREAS, an ordinance requiring face coverings to be worn by any person in a public place within the city of Green Bay directly serves that interest by avoiding and/or reducing the further spread of COVID-19 and minimizing the strain on health care resources, while enabling the continuation of essential services, businesses, and social and commercial life during the state of emergency; and

WHEREAS, Section 323.14(4) of the Wisconsin Statutes gives the Common Council the authority to order “whatever is necessary and expedient for the health, safety, protection, and welfare of persons and property” within the City during the emergency; now, therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY:

SECTION 1. Section 8.17, Green Bay Municipal Code, is hereby created to read:

Sec. 8.17 Face Coverings Required

(1) **Definitions.** In this section:

- (a) *Enclosed space* means a confined space open to the public where individuals congregate, including but not limited to outdoor bars, outdoor restaurants, taxis, public transit, ride-share vehicles, and outdoor park structures.
- (b) *Face covering* means 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 or 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 masks with vents.
- (c) *Physical distancing* means maintaining at least six feet of distance from other individuals who are not members of your household or living unit.

(2) **Face Coverings Required.** Every individual age five (5) and older who is present in the City of Green Bay shall wear a face covering if both of the following apply:

- (a) The individual is indoors or in an enclosed space, other than at 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.

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

(3) **Exceptions.**

- (a) Individuals who are otherwise required to wear a face covering may remove the face covering in the following situations:
 - 1. While eating and 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, cultural, musical, or theatrical presentation for an audience, the single speaker may remove the face covering when actively speaking. While the face covering is removed, the speaker must remain at least 6 feet away from all other individuals at all times.
 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 necessary to confirm the individual's identity, including when entering a bank, credit union, or other financial institution.
 9. When federal or state law or regulations prohibit wearing a face covering.
- (b) In accordance with CDC guidance, the following individuals are exempt from the face covering requirement in subsection (2):
1. Individuals who have trouble breathing.
 2. Individuals who are unconscious, incapacitated, or otherwise unable to remove the face covering without assistance.
 3. Individuals with medical conditions, intellectual or developmental disabilities, mental health conditions, or other sensory sensitivities that prevent the individual from wearing a face covering.
- (c) Children between the ages of 2 and 5 are encouraged to wear a mask when physical distancing is not possible. The CDC does not recommend masks for children under the age of 2.
- (4) **Enforcement.** Any individual who fails to comply with this section shall be asked to leave by an authorized representative of the business or organization. If the individual refuses to leave or continues to refuse to comply with this section, the individual shall be subject to a municipal forfeiture in the amount of \$10.00, or any other law the individual may violate. Businesses and organizations may rely on an individual's statements if they claim to be exempt from this section for the reasons permitted herein.

SECTION 2. Sunset Provision. This ordinance is hereby repealed effective May 5, 2021.

SECTION 3. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 4. Effective date. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin, this _____ day of _____, 2020.

APPROVED:

Mayor

ATTEST:

Clerk

ljm

3/31/2020

**RESOLUTIUON DECLARING A STATE OF EMERGENCY AND
PROVIDING FOR FACE COVERINGS WITHIN THE CITY OF GREEN BAY**

WHEREAS, Section 323.11 of the Wisconsin Statutes authorizes the governing body of any city to declare an emergency existing within the city for as long as the emergency conditions exist or are likely to exist; and

WHEREAS, on March 17, 2020, the Common Council of the City of Green Bay adopted a proclamation declaring a state of emergency in the City of Green Bay as a result of COVID-19 (“2020 Emergency Declaration”); and

WHEREAS, the spread of COVID-19, which occurs primarily via transmission of respiratory droplets, has continued throughout the City of Green Bay for more than a year; and

WHEREAS, new, more contagious strains of the virus that causes COVID-19 continue to spread throughout the United States, including the B.1.17 variant, which has been found in Wisconsin and 31 other states; and

WHEREAS, these more contagious strains threaten to overwhelm and overly stress our health care system and our health care workers, hospitals, and clinics, which have been already been working tirelessly for over a year; and

WHEREAS, although the City of Green Bay continues to make steady progress in administering the COVID-19 vaccines, it will take time to vaccinate all those at risk of serious complications from contracting COVID-19; and

WHEREAS, in addition to vaccinations, other measures remain necessary to slow the spread of COVID-19, including limiting in-person gatherings, diligently washing hands, practicing physical distancing, and wearing a face covering when around people other than those in one’s household; and

WHEREAS, the continued spread of COVID-19 throughout the City impairs the public health, safety, and welfare, such that the conditions underlying the 2020 Emergency Declaration still exist; and

WHEREAS, the Common Council of the City of Green Bay has an interest in and is focused on protecting the public health, safety, welfare, and good order of its citizens from the continued spread of COVID-19 throughout the community, including those citizens at highest risk; and

WHEREAS, the conditions created by these public health emergencies pose a continuing and substantial threat to public order, life, health and safety of the citizens of the City of Green Bay; and

WHEREAS, the City of Green Bay, in cooperation with local, state, and federal governmental entities, desires to take action to prevent continued exposure to and spread of the COVID-19; and

WHEREAS, these emergency conditions require a proactive response to stop the spread of COVID-19, including providing support to implement federal, state, and county public health operations and recommendations; and

WHEREAS, federal, state, and local health officials, medical professionals, and hospitals have repeatedly indicated that widespread use of face coverings slows the spread COVID-19, saving lives and reducing the burden on our health care systems; and

WHEREAS, an ordinance requiring face coverings to be worn by any person in a public place within the city of Green Bay directly serves that interest by avoiding and/or reducing the further spread of COVID-19 and minimizing the strain on health care resources, while enabling

the continuation of essential services, businesses, and social and commercial life during the state of emergency; and

WHEREAS, Section 323.14(4) of the Wisconsin Statutes gives the Common Council the authority to order “whatever is necessary and expedient for the health, safety, protection, and welfare of persons and property” within the City during the emergency;

WHEREAS, on April 1, 2021 the Common Council met to consider this matter; and

NOW, THEREFORE, pursuant to sections 323.11 and 323.14(4) of the Wisconsin Statutes, the Common Council of the City of Green Bay hereby declares a local State of Emergency for the City of Green Bay, automatically expiring as of May 5, 2021, unless extended. During the State of Emergency, it is hereby ordered that the City of Green Bay shall take all actions reasonable, expedient, and necessary to prevent the spread of and/or exposure to COVID-19, including complying with all federal, state, and county laws, rules, and/or orders as may be issued.

IT IS FURTHER ORDERED that, pursuant to sections 323.11 and 323.14(4) of the Wisconsin Statutes, Section 8.17 of the Green Bay Municipal Code, providing for Required Face Coverings, is hereby created as attached as Exhibit A, effective as of its passage and publication.

IT IS FURTHER ORDERED that any ordinance, resolution, or City policy in conflict with this declaration shall be superseded hereby.

THIS DECLARATION OF A STATE OF EMERGENCY is enacted by the Common Council this 1st day of April 2021.

Eric Genrich, Mayor

Attest:

Celestine Jeffreys, Clerk

**RESOLUTIUON DECLARING A STATE OF EMERGENCY AND
PROVIDING FOR FACE COVERINGS WITHIN THE CITY OF GREEN BAY**

WHEREAS, Section 323.11 of the Wisconsin Statutes authorizes the governing body of any city to declare an emergency existing within the city for as long as the emergency conditions exist or are likely to exist; and

WHEREAS, on March 17, 2020, the Common Council of the City of Green Bay adopted a proclamation declaring a state of emergency in the City of Green Bay as a result of COVID-19 (“2020 Emergency Declaration”); and

WHEREAS, the spread of COVID-19, which occurs primarily via transmission of respiratory droplets, has continued throughout the City of Green Bay for more than a year; and

WHEREAS, new, more contagious strains of the virus that causes COVID-19 continue to spread throughout the United States, including the B.1.17 variant, which has been found in Wisconsin and 31 other states; and

WHEREAS, these more contagious strains threaten to overwhelm and overly stress our health care system and our health care workers, hospitals, and clinics, which have been already been working tirelessly for over a year; and

WHEREAS, although the City of Green Bay continues to make steady progress in administering the COVID-19 vaccines, it will take time to vaccinate all those at risk of serious complications from contracting COVID-19; and

WHEREAS, in addition to vaccinations, other measures remain necessary to slow the spread of COVID-19, including limiting in-person gatherings, diligently washing hands, practicing physical distancing, and wearing a face covering when around people other than those in one’s household; and

WHEREAS, the continued spread of COVID-19 throughout the City impairs the public health, safety, and welfare, such that the conditions underlying the 2020 Emergency Declaration still exist; and

WHEREAS, the Common Council of the City of Green Bay has an interest in and is focused on protecting the public health, safety, welfare, and good order of its citizens from the continued spread of COVID-19 throughout the community, including those citizens at highest risk; and

WHEREAS, the conditions created by these public health emergencies pose a continuing and substantial threat to public order, life, health and safety of the citizens of the City of Green Bay; and

WHEREAS, the City of Green Bay, in cooperation with local, state, and federal governmental entities, desires to take action to prevent continued exposure to and spread of the COVID-19; and

WHEREAS, these emergency conditions require a proactive response to stop the spread of COVID-19, including providing support to implement federal, state, and county public health operations and recommendations; and

WHEREAS, federal, state, and local health officials, medical professionals, and hospitals have repeatedly indicated that widespread use of face coverings slows the spread COVID-19, saving lives and reducing the burden on our health care systems; and

WHEREAS, an ordinance requiring face coverings to be worn by any person in a public place within the city of Green Bay directly serves that interest by avoiding and/or reducing the further spread of COVID-19 and minimizing the strain on health care resources, while enabling

the continuation of essential services, businesses, and social and commercial life during the state of emergency; and

WHEREAS, Section 323.14(4) of the Wisconsin Statutes gives the Common Council the authority to order “whatever is necessary and expedient for the health, safety, protection, and welfare of persons and property” within the City during the emergency;

WHEREAS, on April 1, 2021 the Common Council met to consider this matter; and

NOW, THEREFORE, pursuant to sections 323.11 and 323.14(4) of the Wisconsin Statutes, the Common Council of the City of Green Bay hereby declares a local State of Emergency for the City of Green Bay, automatically expiring as of May 5, 2021, unless extended. During the State of Emergency, it is hereby ordered that the City of Green Bay shall take all actions reasonable, expedient, and necessary to prevent the spread of and/or exposure to COVID-19, including complying with all federal, state, and county laws, rules, and/or orders as may be issued.

IT IS FURTHER ORDERED that, pursuant to sections 323.11 and 323.14(4) of the Wisconsin Statutes, Section 8.17 of the Green Bay Municipal Code, providing for Required Face Coverings, is hereby created as attached as Exhibit A, effective as of its passage and publication.

IT IS FURTHER ORDERED that any ordinance, resolution, or City policy in conflict with this declaration shall be superseded hereby.

THIS DECLARATION OF A STATE OF EMERGENCY is enacted by the Common Council this 1st day of April 2021.

Eric Genrich, Mayor

Attest:

Celestine Jeffreys, Clerk

EXHIBIT

A

GENERAL ORDINANCE NO. 07-21

**AN ORDINANCE
CREATING SECTION 8.17,
GREEN BAY MUNICIPAL CODE,
RELATING TO REQUIRED FACE COVERINGS**

WHEREAS, Section 323.11 of the Wisconsin Statutes authorizes the governing body of any city to declare an emergency existing within the city for as long as the emergency conditions exist or are likely to exist; and

WHEREAS, the state of emergency continues in the City of Green Bay as a result of the continued spread of the COVID-19 virus, which occurs primarily via transmission of respiratory droplets; and

WHEREAS, on April 1, 2021, the Common Council adopted a Resolution Declaring a State of Emergency and Providing for Face Coverings Within the City of Green Bay; and

WHEREAS, new, more contagious strains of the virus that causes COVID-19 continue to spread throughout the United States, including the B.1.17 variant, which has been found in Wisconsin and 31 other states; and

WHEREAS, while significant progress is being made with vaccinating residents of the City of Green Bay, we still need every person to do their part to slow the spread of COVID-19 by limiting in-person gatherings, diligently washing hands, practicing physical distancing, and wearing a face covering when around people from outside their household; and

WHEREAS, federal, state, and local health officials, medical professionals, and hospitals have repeatedly indicated that widespread use of face coverings slows the spread COVID-19, saving lives and reducing the burden on our health care systems; and

WHEREAS, the Common Council of the City of Green Bay has an interest in protecting the public health, safety, and welfare of its citizens from the continued spread of COVID-19 throughout the community; and

WHEREAS, an ordinance requiring face coverings to be worn by any person in a public place within the city of Green Bay directly serves that interest by avoiding and/or reducing the further spread of COVID-19 and minimizing the strain on health care resources, while enabling the continuation of essential services, businesses, and social and commercial life during the state of emergency; and

WHEREAS, Section 323.14(4) of the Wisconsin Statutes gives the Common Council the authority to order “whatever is necessary and expedient for the health, safety, protection, and welfare of persons and property” within the City during the emergency; now, therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY:

SECTION 1. Section 8.17, Green Bay Municipal Code, is hereby created to read:

Sec. 8.17 Face Coverings Required

(1) **Definitions.** In this section:

- (a) *Enclosed space* means a confined space open to the public where individuals congregate, including but not limited to outdoor bars, outdoor restaurants, taxis, public transit, ride-share vehicles, and outdoor park structures.
- (b) *Face covering* means 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 or 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 masks with vents.
- (c) *Physical distancing* means maintaining at least six feet of distance from other individuals who are not members of your household or living unit.

(2) **Face Coverings Required.** Every individual age five (5) and older who is present in the City of Green Bay shall wear a face covering if both of the following apply:

- (a) The individual is indoors or in an enclosed space, other than at 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.

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

(3) **Exceptions.**

- (a) Individuals who are otherwise required to wear a face covering may remove the face covering in the following situations:
 - 1. While eating and 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, cultural, musical, or theatrical presentation for an audience, the single speaker may remove the face covering when actively speaking. While the face covering is removed, the speaker must remain at least 6 feet away from all other individuals at all times.
 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 necessary to confirm the individual's identity, including when entering a bank, credit union, or other financial institution.
 9. When federal or state law or regulations prohibit wearing a face covering.
- (b) In accordance with CDC guidance, the following individuals are exempt from the face covering requirement in subsection (2):
1. Individuals who have trouble breathing.
 2. Individuals who are unconscious, incapacitated, or otherwise unable to remove the face covering without assistance.
 3. Individuals with medical conditions, intellectual or developmental disabilities, mental health conditions, or other sensory sensitivities that prevent the individual from wearing a face covering.
- (c) Children between the ages of 2 and 5 are encouraged to wear a mask when physical distancing is not possible. The CDC does not recommend masks for children under the age of 2.
- (4) **Enforcement.** Any individual who fails to comply with this section shall be asked to leave by an authorized representative of the business or organization. If the individual refuses to leave or continues to refuse to comply with this section, the individual shall be subject to a municipal forfeiture in the amount of \$10.00, or any other law the individual may violate. Businesses and organizations may rely on an individual's statements if they claim to be exempt from this section for the reasons permitted herein.

SECTION 2. Sunset Provision. This ordinance is hereby repealed effective May 5, 2021.

SECTION 3. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 4. Effective date. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin, this _____ day of _____, 2020.

APPROVED:

Mayor

ATTEST:

Clerk

ljm

3/31/2020

GENERAL ORDINANCE NO. 07-21

**AN ORDINANCE
CREATING SECTION 8.17,
GREEN BAY MUNICIPAL CODE,
RELATING TO REQUIRED FACE COVERINGS**

WHEREAS, Section 323.11 of the Wisconsin Statutes authorizes the governing body of any city to declare an emergency existing within the city for as long as the emergency conditions exist or are likely to exist; and

WHEREAS, the state of emergency continues in the City of Green Bay as a result of the continued spread of the COVID-19 virus, which occurs primarily via transmission of respiratory droplets; and

WHEREAS, on April 1, 2021, the Common Council adopted a Resolution Declaring a State of Emergency and Providing for Face Coverings Within the City of Green Bay; and

WHEREAS, new, more contagious strains of the virus that causes COVID-19 continue to spread throughout the United States, including the B.1.17 variant, which has been found in Wisconsin and 31 other states; and

WHEREAS, while significant progress is being made with vaccinating residents of the City of Green Bay, we still need every person to do their part to slow the spread of COVID-19 by limiting in-person gatherings, diligently washing hands, practicing physical distancing, and wearing a face covering when around people from outside their household; and

WHEREAS, federal, state, and local health officials, medical professionals, and hospitals have repeatedly indicated that widespread use of face coverings slows the spread COVID-19, saving lives and reducing the burden on our health care systems; and

WHEREAS, the Common Council of the City of Green Bay has an interest in protecting the public health, safety, and welfare of its citizens from the continued spread of COVID-19 throughout the community; and

WHEREAS, an ordinance requiring face coverings to be worn by any person in a public place within the city of Green Bay directly serves that interest by avoiding and/or reducing the further spread of COVID-19 and minimizing the strain on health care resources, while enabling the continuation of essential services, businesses, and social and commercial life during the state of emergency; and

WHEREAS, Section 323.14(4) of the Wisconsin Statutes gives the Common Council the authority to order “whatever is necessary and expedient for the health, safety, protection, and welfare of persons and property” within the City during the emergency; now, therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY:

SECTION 1. Section 8.17, Green Bay Municipal Code, is hereby created to read:

Sec. 8.17 Face Coverings Required

(1) **Definitions.** In this section:

- (a) *Enclosed space* means a confined space open to the public where individuals congregate, including but not limited to outdoor bars, outdoor restaurants, taxis, public transit, ride-share vehicles, and outdoor park structures.
- (b) *Face covering* means 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 or 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 masks with vents.
- (c) *Physical distancing* means maintaining at least six feet of distance from other individuals who are not members of your household or living unit.

(2) **Face Coverings Required.** Every individual age five (5) and older who is present in the City of Green Bay shall wear a face covering if both of the following apply:

- (a) The individual is indoors or in an enclosed space, other than at 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.

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

(3) **Exceptions.**

- (a) Individuals who are otherwise required to wear a face covering may remove the face covering in the following situations:
 - 1. While eating and 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, cultural, musical, or theatrical presentation for an audience, the single speaker may remove the face covering when actively speaking. While the face covering is removed, the speaker must remain at least 6 feet away from all other individuals at all times.
 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 necessary to confirm the individual's identity, including when entering a bank, credit union, or other financial institution.
 9. When federal or state law or regulations prohibit wearing a face covering.
- (b) In accordance with CDC guidance, the following individuals are exempt from the face covering requirement in subsection (2):
1. Individuals who have trouble breathing.
 2. Individuals who are unconscious, incapacitated, or otherwise unable to remove the face covering without assistance.
 3. Individuals with medical conditions, intellectual or developmental disabilities, mental health conditions, or other sensory sensitivities that prevent the individual from wearing a face covering.
- (c) Children between the ages of 2 and 5 are encouraged to wear a mask when physical distancing is not possible. The CDC does not recommend masks for children under the age of 2.
- (4) **Enforcement.** Any individual who fails to comply with this section shall be asked to leave by an authorized representative of the business or organization. If the individual refuses to leave or continues to refuse to comply with this section, the individual shall be subject to a municipal forfeiture in the amount of \$10.00, or any other law the individual may violate. Businesses and organizations may rely on an individual's statements if they claim to be exempt from this section for the reasons permitted herein.

SECTION 2. Sunset Provision. This ordinance is hereby repealed effective May 5, 2021.

SECTION 3. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 4. Effective date. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin, this _____ day of _____, 2020.

APPROVED:

Mayor

ATTEST:

Clerk

ljm

3/31/2020