

Sec. 54-35. - Wear of face coverings.

(1) *Definitions.* As used in this section, the terms below shall have the following meanings:

- a. *Face covering* means a uniform multi-layer piece of cloth, fabric, or other material that securely covers a person's nose and mouth and remains affixed in place without the use of one's hands. Face coverings include, but are not limited to, medical masks and cloth masks, provided that they are worn such that they securely cover the person's nose and mouth.
- b. *Public space* means any indoor or outdoor space that is open to the public. This does not include any private residence, private residential property, or private offices or workspaces that are not open to customers or to public visitors.

(2) *Use of face coverings.*

- a. All persons in the City of Racine shall have possession of a face covering when the person leaves home or other place of residence and shall cover their mouths and noses with a face covering when:
  - i. In any indoor public space.
  - ii. In any outdoor public space and within six feet of any other person who is not a member of the person's family or household.
  - iii. Riding on public transportation or riding in a taxi, private car service, or ride-sharing vehicle.
- b. All businesses, organizations, and non-profit entities within the City of Racine shall require all employees, customers, visitors, members, or members of the public to wear a face covering when any of the following apply:
  - i. Employees are working in any space visited by customers or members of the public, regardless of whether customers or members of the public are present at the time.
  - ii. Employees who are working in any space where food is prepared or packaged for sale or distribution to others.
  - iii. Customers, visitors, members, or members of the public are in a facility managed or operated by the business, organization, or entity.
  - iv. Employees are in any room or enclosed area where other people, except for members of the same family or household, are unable to maintain a six-foot distance except for infrequent or incidental moments of closer proximity.
- c. Exemptions. Face coverings shall not be required:
  - i. For children aged four years or under
  - ii. 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.
  - iii. Persons who have upper-respiratory chronic conditions.
  - iv. Persons who are hearing impaired, or communicating with a person who is hearing impaired, where the ability to view a person's mouth is essential for communication.
  - v. Persons who are obtaining a service involving the nose, mouth, or face for which temporary removal of the face covering is necessary to perform the service.
  - vi. Persons who are seated at a place including, but not limited to, a school cafeteria, restaurant, or other establishment that offers or permits food or beverage service, while they are eating or drinking, provided they maintain a six-foot distance between individuals, not including individuals who are members of the same family or household or are seated together, with only infrequent or incidental moments of closer proximity, such as persons walking or passing by.

- vii. Persons for whom wearing a face covering would create a risk to the person related to their work, as determined by local, state, or federal regulations or workplace safety guidelines.
  - viii. Whenever federal, state, or local law otherwise prohibit wearing a face mask or where it is necessary to evaluate or verify an individual's identity.
  - ix. Persons whose religious beliefs prevent them from wearing a face covering
  - x. While exclusively with members of a family or the same household, and no person other than such family or household is within the same enclosed area.
  - xi. In private, individual offices, when no other persons other than members of the same family or household are present.
  - xii. While giving a religious, political, media, artistic, cultural, musical, theatrical, or other public presentation for an audience, a person may remove the face covering when actively speaking or performing. This exception applies to one person or to two persons if those persons reside within the same household and are able to maintain 6 feet distancing from other individuals at all times. While the face covering is removed, any speaker or performer must remain at least 6 feet away from all other persons at all times.
- (3) The owner or operator of any business or building has the right to refuse entry or service to any person who fails to comply with section 54-35(2).
- (4) *Penalties.*
- a. Upon conviction, any person found to be in violation of section 54-35(2)a. shall forfeit no more than \$25.00 upon the first conviction, \$50.00 upon the second conviction, and \$100.00 upon the third or subsequent conviction.
  - b. Upon conviction, the owner or operator of any business, organization, and non-profit entity within the City of Racine found to be in violation of section 54-35(2)b. shall forfeit no less than \$50.00 no more than \$500.00.
  - c. The city attorney and city clerk are authorized to pursue license revocation for any business licensed by the City of Racine for failing to comply with section 54-35(2)b.
- (5) *Sunset.* This ordinance shall remain in effect until 11:59 p.m., June 30, 2021, unless extended or earlier terminated or modified by the common council.