

AN ORDINANCE TO AMEND THE CODE OF ROCKDALE COUNTY, GEORGIA, TO AMEND CHAPTER 66, OFFENSES AND MISCELLANEOUS PROVISIONS, TO ENACT AN ORDINANCE ADDRESSING THE WEARING OF A FACE COVERING OR MASK WHILE IN PUBLIC PLACES, AND FOR OTHER PURPOSES.

WHEREAS, as the Governing Authority of Rockdale County, Georgia, the Board of Commissioners, pursuant to the home rule powers of the Georgia Constitution to enact ordinances, rules, and regulations that are reasonably necessary to protect the health, safety, and welfare of its citizens; and

WHEREAS, the World Health Organization has indicated that COVID-19 is spread primarily by respiratory droplets expelled when an infected person coughs, sneezes or speaks; and

WHEREAS, the Centers for Disease Control (CDC) have advised it is possible that as many as one in four people who are infected with COVID-19 show no symptoms, and that people who do not experience symptoms can spread COVID-19 to other individuals; and,

WHEREAS, the CDC has stated that people infected with COVID-19 are contagious before they start showing symptoms, and that individuals who are infected can spread the virus to others before the onset of symptoms; and,

WHEREAS, based on evidence that people experiencing no symptoms can spread COVID-19, the CDC recommends that all persons over the age of (2) two years wear face coverings in public and when around people of separate households, particularly when other social distancing measures are difficult to maintain; and,

WHEREAS, Governor Brian Kemp has ordered that “Code Section 16-11-38(b)(4) shall not apply to any person wearing a ‘mask, hood, or device by which any portion of the face is so hidden, concealed, or covered as to conceal the identity of the wearer’ if that person is wearing such device for the purpose of complying with the guidance of any healthcare agency or to prevent the spread of COVID-19.” See Executive Order 04.13.20.02; and,

WHEREAS, Governor Kemp has issued an executive order “strongly encouraging” the use of face coverings. See Executive Order 07.15.20.01; and,

WHEREAS, the guidelines promulgated by the White House on reopening America specifically call for a 14-day downward trajectory among other gating criteria, which guidelines are specifically incorporated by reference; and,

WHEREAS, the number of cases is growing rapidly and if COVID-19 continues to spread in the County, the number of persons needing medical attention and facilities could exceed available resources and the private and public sector workforce and economy will be negatively impacted; and,

WHEREAS, the purpose of face covering is to protect the public from the mask wearer inadvertently spreading the virus. As such, the use of face coverings is a matter of public health,

and individuals who do not use such coverings create a public safety hazard by potentially exposing others to the virus, meanwhile gaining the health benefit offered by others who utilize face coverings. Requiring the use of face coverings is therefore necessary to ensure the safety of all persons and to slow the spread of the virus; and,

WHEREAS, the public health crisis in Rockdale County Georgia is ongoing. As of August 7, 2020, there have been 16 deaths, 167 hospitalizations, and 1,221 confirmed cases in Rockdale County.

WHEREAS, this ordinance is authorized and specifically intended to comply with the Governor's Executive Orders regarding the public health crisis in the State of Georgia;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Rockdale County, Georgia and it is hereby ordained by the authority of same as follows:

Section 1

That Chapter 66 is hereby amended by the addition of a new Section 66-7 of the Rockdale County Code of Ordinance, as amended, by inserting the following language so that said section, as amended, shall read in full as follows:

(a) Definitions.

The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Face Covering or *Mask* means a fabric which covers the nose and mouth. It can be secured to the head with ties or straps or simply wrapped around the lower face. It can be made of a variety of materials, such as cotton, silk, or linen. A cloth face covering may be factory-made or sewn by hand or can be improvised from household items such as scarves, T-shirts, sweatshirts, or towels.

Person shall mean an individual and shall also mean any individual associated with a business who has control or authority to enforce the requirements of this section within the business, such as a manager, owner, or supervisor, Person also means an employee or designee who is present at the business but does not have the title of manager, supervisor, etc. but has authority and ability to ensure that the requirements of this section are met.

Public Place means any place other than the privately owned or leased location where a person resides or that person's own personal vehicle. Public place does not mean any facility owned or operated by the state of Georgia or the federal government.

Social Distance means maintaining a distance of at least six feet from any other person who is not a member of the same household.

(b) Requirement to Wear a Face Covering or Mask.

1. All persons present in Rockdale County, who are over the age of eight (8) years old are required to utilize a face covering or mask which covers the nose and mouth when in any public place, except as exempt as provided herein.
2. No employer shall prohibit an employee from wearing a face covering, except to the limited extent that doing so would prevent the employee from performing an essential job function that cannot be performed while wearing a face covering.
3. Nothing in this section shall be construed to prohibit the use of medical or industrial face coverings, shields, or other forms of personal protective equipment which offer more protection than the face coverings otherwise required by this section.

(c) Exemptions.

No face coverings shall be required:

1. While outdoors, provided individuals maintain a minimum 6-foot radius from others who are not a part of that person's household;
2. In personal vehicles;
3. If a medical provider has advised against the use of a face covering due to an underlying medical issue or because wearing such covering presents a health, safety, or security risk;
4. If wearing a face covering causes prevent the receipt of personal services;
5. If removal of a face covering is necessary to treat or examine a person subject to the direction of a medical professional;
6. When consuming food or beverages; however, a face covering shall be required when interacting with others who are not at an individual's immediate table (i.e. fellow patrons, servers, staff, etc.)
7. If temporary removal of the face cloth is necessary for the purposes of verifying a person's identity for the purposes of law enforcement, purchasing alcohol, tobacco, or prescription drugs;
8. If a person is employed and working in their capacity as a governmental professional (i.e. public safety, fire, sanitation), or medical professional and is wearing more protective equipment or is otherwise prohibited from utilizing a face covering by the policy of their employer;
9. If an employer consults with an occupational safety and health professional who determines in writing that face coverings are not appropriate for employees, because of heat or other health related or safety;
10. If wearing a mask poses a greater mental or physical health safety or security risk such as when a person has trouble breathing, is unconscious, is incapacitated, or is unable to remove the face covering without assistance; or
11. If an individual has a well-founded and conscientious objection to the wearing of a face covering based upon health, ethical, or religious reasons.

(d) Exemptions for children, childcare establishments, and schools.

1. Children two (2) years of age and under should not wear face coverings or mask while in a public place as the mask may pose a risk of choking, strangulation or suffocation to infants and young toddlers;
2. Parents or guardians of children eight (8) years or younger shall exercise their own discretion regarding the wearing of masks by such children.
3. All schools, daycares, and other child care establishments shall develop face covering policies and procedures based on guidance from public health authorities, the state department of education and the local board of education. These policies should weigh the risks and benefits of masks to children, teachers and other employees of such establishments. Parents and guardians should be notified of such policies and procedures. Where the consistent use of face coverings or masks is not possible due to supervision of multiple children, the facility shall adhere to sanitary, hygienic and face covering practices to the maximum extent possible.
4. All persons other than teachers, employees, and children in such establishment shall abide by the applicable provisions of this article. Teachers, children, and employees shall abide by the policies developed by such established as required above.

(e) Enforcement.

1. The provisions of this section may be enforced by authorized Rockdale County employees, including Rockdale County Sheriff's Office and/or code enforcement officers.
2. No person shall be arrested for a violation of this section
3. Any person who violates the provisions of this section, upon citation by an authorized county employee and conviction of the ordinance violation in a court of competent jurisdiction, shall be subject to the following:
 - i. Upon a first violation, every person shall be given a written warning.
 - ii. After issuance of the written warning, a person who violated the terms and provisions of this section shall be subject to punishment as set forth in section 1-11, General Penalty.

Section 2

This ordinance shall become effective on August 13, 2020 at 12:00 a.m. This ordinance shall stand repealed at 11:59 p.m. on December 13, 2020 without further official action by the Rockdale County Board of Commissioners. If this ordinance is to remain in effect past the referenced date of automatic repeal, the governing authority, by official action, shall adopt and approve new effective dates for this ordinance.

Section 3

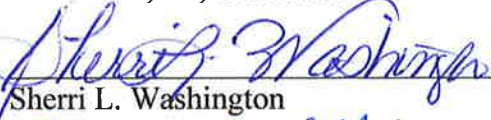
Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall affect neither the validity of the ordinance as a whole, nor any part thereof, other than the part so declared to be invalid or

unconstitutional. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed.

This 11 day of August, 2020.

**Rockdale County, Georgia
Board of Commissioners**

By: 
Oz Nesbitt, Sr., Chairman

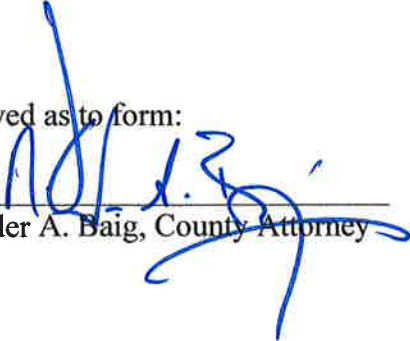
By: 
Sherri L. Washington

By: 
Doreen L. Williams

Attest:


Jennifer Rutledge, County Clerk

Approved as to form:


M. Qader A. Baig, County Attorney