



SPECIAL VILLAGE BOARD MEETING

MEETING NOTICE AND AGENDA

Thursday, July 23, 2020, 8:00 AM

Meeting will be held at: <https://www.gotomeet.me/wfbvillage/village-board>

Access Code: 348-527-221

Phone Number Log In: +1 (872) 240-3212

- I. Call to Order and Roll Call
- II. General Business
 1. Discussion/action on Ordinance No. 1869 Pertaining to Face Coverings.
- III. Adjourn

Due to the COVID-19 pandemic, this meeting is being held via remote conference only. Members of the media and public may attend by logging onto <https://www.gotomeet.me/wfbvillage/village-board>. The access code is 348-527-221. The phone number to log in is +1 (872) 240-3212. All public participants will be muted during the meeting. Members of the public wishing to communicate to the Village Board should email manager@wfbvillage.org at least 12 hours prior to the meeting with "Message to Village Board" in the subject line. Those messages will be provided to the Board Members. Agendas and minutes are available on the Village website (www.wfbvillage.org)

Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. Contact Village Hall at (414) 962-6690. It is possible that members of and possibly a quorum of members of other Boards, Commissions, or Committees of the Village including in particular the Business Improvement District Board may be in attendance in the above stated meeting to gather information; no action will be taken by any other Boards, Commissions, or Committees of the Village except by the Board, Commission, or Committee noticed above. Agendas and minutes are available on the Village website (www.wfbvillage.org)



VILLAGE BOARD MEETING STAFF REPORT

REPORT TO: President Julie Siegel & Village Board of Trustees

REPORT FROM: Paul Boening – Village Manager

DATE: July 21, 2020

AGENDA ITEM: Discussion/action on Ordinance No. 1869 Pertaining to Face Coverings

Background:

At its meeting on July 13th, the Village Board discussed the topic of a potential face covering ordinance. As a result of that discussion, the Board directed staff to move forward with an ordinance. Attorney Jaekels worked with staff to draft the attached ordinance for Board consideration. Per direction from the Village Board, the ordinance does not include a requirement for masks outdoors. The updated version (in redline form) reflects feedback received from Board members and staff following distribution of the initial draft on July 16th (copy also included).

The Special Meeting was scheduled at the request of multiple Village Board members.

Assistant Manager Tim Blakeslee prepared the attached FAQs, which highlight the key components of the proposed ordinance. Staff will be present to answer any questions from the Village Board.

If adopted, the Ordinance will take effect upon signing. Staff will then work to publicize the ordinance through our various communication tools. We will also work directly with the Whitefish Bay Business Improvement District and other community organizations as needed.

Attachments:

- Ordinance 1869 – Updated Version (Redline Form)
- Ordinance 1869 – Initial Draft (Distributed on July 16th)
- FAQs

Recommendation:

To Adopt Ordinance No. 1869.

ORDINANCE NO: 1869

The Village Board of the Village of Whitefish Bay, Milwaukee County, Wisconsin does ordain as follows:

Section One:

Whereas, as of July 23, 2020, COVID-19 cases have been on the rise in Wisconsin, Milwaukee County, the North Shore, and the Village; and

Whereas, public spaces and businesses are open for in-person operations in the Village, increasing the potential for further community spread of COVID-19; and

Whereas, COVID-19 is primarily spread via respiratory droplets when people are in close proximity with each other and people that are infected speak, sneeze, or cough. People can be infected and have no symptoms (asymptomatic) and they are still able to transmit the virus; and

Whereas, according to the Centers for Disease Control (CDC), there is emerging evidence from clinical and laboratory studies that demonstrates cloth face masks reducing the spray of respiratory droplets; and

Whereas, wearing a face mask is one of the most effective ways to reduce person to person transmission of COVID-19. Face masks serve as a barrier to prevent droplets from entering the air, which is known as source control. When combined with other preventive measures, including physical distancing and proper hygiene practices, wearing face masks is a simple and effective way to reduce the risk of COVID-19 transmission; and

Whereas, according to the Centers for Disease Control (CDC), the effectiveness of cloth face coverings at reducing the spread of COVID-19 is highest when masks are widely used by people in public settings. In settings where physical distancing is difficult to maintain, everyone wearing a face mask reduces the risk of transmission;

Section Two:

~~Section One: The~~ NOW, THEREFORE, the following temporary ordinance is hereby adopted for the duration of the COVID-19 Health Emergency Declaration, Resolution No. 3071 as extended, suspended, or reinstated and may be extended beyond such time by action of the Village Board:

**Temporary Ordinance with Regard to
Face Covering During the COVID-19 Health Emergency Declaration**

1. Definitions:

- A. "Face Covering" means a face mask or protective mask covering the nose and mouth, including cloth or fiber and surgical masks as described by the Centers for Disease Control and Prevention.

- B. "Building open to the public" means any structure or premises licensed by the Village or used in whole or in part as a place of resort, assemblage, lodging, trade, traffic, occupancy or other use by the public.
2. Mask required indoors. For the duration of the COVID-19 Health Emergency Declaration, any person five (5) years or older ~~present in the Village shall have possession of~~ wear a face covering ~~when the person leaves home or other place of residence and shall wear the face covering properly fitted over the nose and mouth~~ whenever the person is in a building open to the public and is not otherwise maintaining a safe social distance of at least six (6) feet from all other persons at all ~~times~~ times.
3. Masks required for Village facilities and employees. The Village Manager shall establish a face covering requirement policy applicable to all Village employees and other persons when they are on the premises of any non-recreational Village facility. The Library Board shall establish a face covering requirement policy applicable to all Library employees and other persons when they are on the Library premises.
4. Exceptions. Exceptions for face coverings shall be made under the following circumstances:
- A. Persons who fall into the Centers for Disease Control and Prevention Guidelines for those who should not wear face coverings due to a medical condition, mental health condition, developmental disability, or for whom no other accommodation can be offered under the Americans With Disabilities Act.
 - B. Persons who have upper respiratory chronic conditions, silent or invisible disabilities, or are communicating with an individual who is deaf or hard of hearing where effective communication cannot be achieved through other means.
 - C. Persons in settings where it is not practicable or feasible to wear face coverings when obtaining or rendering goods or services to the extent necessary to obtain or render such goods or services including but not limited to the receipt of dental services or medical treatments or the act of consuming food or beverages.
 - D. Whenever federal, state or local law otherwise prohibits the wearing of face masks or where it is necessary to evaluate or verify an individual's identity.
 - E. Persons whose religious beliefs prevent them from wearing a face covering.
 - F. Persons present in government facilities closed to the public, and in institutions of higher education, public and private K-12 schools, and childcare or youth facilities that have a mitigation strategy approved by the North Shore Health Department.
5. Penalty. The Village Manager shall enforce this temporary ordinance. The owner or operator of any building open to the public shall ensure that all persons present in the building open to the public comply with Section 2 above. The owner or operator of any building open to the public has a right to refuse entry or service to any person for failure to comply with such Section 2. Any owner or operator of a building open to the public that permits a person to violate such Section 2 in their building open to the public, and those individuals who refuse to comply with Section 2, may be subject to the issuance of a citation and a forfeiture not less than Fifty Dollars (\$50.00) and not more than Five Hundred Dollars (\$500.00). The Village Manager and Village Attorney are authorized to pursue license revocation or a court order

closing the building open to the public in accordance with state and local law for failing to require persons present to abide by Section 2 above.

Section ~~Two~~Three: ~~All~~During the effective period of this Temporary Ordinance, all ordinances or parts of ordinances conflicting with the provisions of this Temporary Ordinance are hereby and to such extent repealed.

Section Four: This ordinance shall take effect and be in force from and after its passage and posting.

PASSED AND ADOPTED by the Village Board of Trustees of the Village of Whitefish Bay this ____ day of _____, 2020.

VILLAGE OF WHITEFISH BAY

Julie Siegel, Village President

Jaimie Krueger, Village Clerk

ORDINANCE NO: 20____

The Village Board of the Village of Whitefish Bay, Milwaukee County, Wisconsin does ordain as follows:

Section One: The following temporary ordinance is hereby adopted for the duration of the COVID-19 Health Emergency Declaration, Resolution No. 3071 as extended, suspended, or reinstated:

**Temporary Ordinance with Regard to
Face Covering During the COVID-19 Health Emergency Declaration**

1. Definitions:
 - A. "Face Covering" means a face mask or protective mask covering the nose and mouth, including cloth or fiber and surgical masks as described by the Centers for Disease Control and Prevention.
 - B. "Building open to the public" means any structure or premises licensed by the Village or used in whole or in part as a place of resort, assemblage, lodging, trade, traffic, occupancy or other use by the public.
2. Mask required indoors. For the duration of the COVID-19 Health Emergency Declaration, any person five (5) years or older present in the Village 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 a building open to the public and is not otherwise maintaining a safe social distance of at least six (6) feet from all other persons at all time.
3. Masks required for Village facilities and employees. The Village Manager shall establish a face covering requirement policy applicable to all Village employees and other persons when they are on the premises of any non-recreational Village facility.
4. Exceptions. Exceptions for face coverings shall be made under the following circumstances:
 - A. Persons who fall into the Centers for Disease Control and Prevention Guidelines for those who should not wear face coverings due to a medical condition, mental health condition, developmental disability, or for whom no other accommodation can be offered under the Americans With Disabilities Act.
 - B. Persons who have upper respiratory chronic conditions, silent or invisible disabilities, or are communicating with an individual who is deaf or hard of hearing where effective communication cannot be achieved through other means.
 - C. Persons in settings where it is not practicable or feasible to wear face coverings when obtaining or rendering goods or services to the extent necessary to obtain or render such goods or services including but not limited to the receipt of dental services or medical treatments or the act of consuming food or beverages.

- D. Whenever federal, state or local law otherwise prohibits the wearing of face masks or where it is necessary to evaluate or verify an individual's identity.
 - E. Persons whose religious beliefs prevent them from wearing a face covering.
 - F. Persons present in government facilities closed to the public, institutions of higher education, public and private K-12 schools, and childcare or youth facilities that have a mitigation strategy approved by the North Shore Health Department.
5. Penalty. The Village Manager shall enforce this temporary ordinance. The owner or operator of any building open to the public shall ensure that all persons present in the building open to the public comply with Section 2 above. The owner or operator of any building open to the public has a right to refuse entry or service to any person for failure to comply with such Section 2. Any owner or operator of a building open to the public that permits a person to violate such Section 2 in their building open to the public may be subject to the issuance of a citation and a forfeiture not less than Fifty Dollars (\$50.00) and not more than Five Hundred Dollars (\$500.00). The Village Manager and Village Attorney are authorized to pursue license revocation or a court order closing the building open to the public in accordance with state and local law for failing to require persons present to abide by Section 2 above.

Section Two: All ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby and to such extent repealed.

Section Three: This ordinance shall take effect and be in force from and after its passage and posting.

PASSED AND ADOPTED by the Village Board of Trustees of the Village of Whitefish Bay this ____ day of _____, 2020.

VILLAGE OF WHITEFISH BAY

Julie Siegel, Village President

Jaimie Krueger, Village Clerk



Village of Whitefish Bay

5300 N. Marlborough Drive • Whitefish Bay, Wisconsin 53217 • (414) 962-6690 • Fax (414) 962-5651

Ordinance No. 1869 - Frequently Asked Questions?

Who is required to wear a face mask or face covering? Any individual five (5) years or older needs to wear a face mask or face covering properly fitted over the nose and mouth whenever in a building open to the public where social distancing is not feasible except for those with certain health issues (see exceptions above).

What is considered to be a face mask or face covering? A face mask or face covering means a face mask or protective mask covering the nose and mouth, including cloth or fiber and surgical masks as described by the Centers for Disease Control and Prevention.

How long Ordinance No. 1869 in effect? This ordinance is adopted for the duration of the COVID-19 Health Emergency Declaration (Resolution No. 3071) and may be extended beyond such time by action of the Village Board.

What is a "building open to the public?" Is any area of a structure or premises licensed by the Village or used in whole or in part as a place of resort, assemblage, lodging, trade, traffic, occupancy, or other use by the public.

Are face masks or face coverings required for outdoor areas? There is no face mask or face covering requirement for outdoor areas. However, the Village strongly encourages community members to wear a face mask outdoors, especially if you are approaching individuals within six feet.

Can a business refuse service to a customer who is not wearing a face mask or face covering? The owner or operator of any building open to the public has a right to refuse entry or service to any person for failure to comply with Ordinance No. 1869 (unless the customer is part of the exceptions to the ordinance - see above).

What is the penalty for non-compliance? Any owner or operator of a building open to the public that permits a person to violate with Ordinance No. 1869 in their building open to the public, and those individuals who refuse to comply with this Ordinance No. 1869, may be subject to the issuance of a citation.

Can I report a violation of this ordinance? You may report a violation of this ordinance to the Village Manager's Office by calling 414-962-6690 or emailing mask@wfbvillage.org.