



City of Evansville
Office of the Mayor
CIVIC CENTER COMPLEX, Room 302
ONE N. W. MARTIN LUTHER KING JR. BLVD.
EVANSVILLE, IN 47708

Lloyd Winnecke, Mayor

EXECUTIVE ORDER NO. 2020-1

An Executive Order Requiring the Use of Face Masks within the City of Evansville

WHEREAS, the Governor of Indiana issued Executive Order 20-02 on March 6, 2020, declaring a public health emergency in the State of Indiana resulting from the 2019 coronavirus disease ("COVID-19") and the public health emergency remains in effect to date;

WHEREAS, the World Health Organization declared COVID-19 to be a global pandemic on March 11, 2020, and the President of the United States declared a national emergency due to COVID-19 on March 13, 2020;

WHEREAS, together with the Vanderburgh County Commissioners, I issued a Joint Local Emergency Proclamation for the City of Evansville, Indiana (the "City") and Vanderburgh County, Indiana on March 16, 2020, which remains in effect to date (the "Joint Local Emergency Proclamation");

WHEREAS, since early March of 2020, the City has been working collaboratively with public, private and non-profit entities to put resources in motion to combat COVID-19;

WHEREAS, the City has and continues to seek the best guidance possible from our local medical community and emergency management professionals to address challenges posed by COVID-19 and to develop a path forward;

WHEREAS, despite federal, state and local action, local COVID-19 cases have surged and COVID-19 remains a serious threat to the health, safety, and welfare of City residents, requiring additional efforts to reduce the threats associated with exposure to COVID-19;

WHEREAS, the City formed a medical advisory group as a part of the Reopen Evansville Task Force, consisting of physicians and health experts from Deaconess, Ascension St. Vincent and the Vanderburgh County Health Department (the "Local Medical Advisory Group");

WHEREAS, the Local Medical Advisory Group unanimously recommends that the City proceed with the implementation of a mask requirement to slow the spread of COVID-19 and to protect and promote

public health in the City due to the local increase of positive cases and the growing burden on available medical resources;

WHEREAS, the Center for Disease Control and Prevention (“CDC”) has stated that COVID-19 spreads mainly from person to person through respiratory droplets produced when an infected person coughs, sneezes, talks or raises their voice (e.g., while shouting, chanting or singing). These droplets can land in the mouths or noses of people who are nearby or possibly inhaled into the lungs. Recent studies have shown that a significant portion of individuals with COVID-19 lack symptoms (are “asymptomatic”) but may still be able to transmit the infection. Also, those who eventually will develop symptoms (are “presymptomatic”) can transmit the virus to others before showing symptoms;

WHEREAS, the ability of businesses to reopen and conduct business safely and remain open may be enhanced by wearing face coverings in such businesses when practicable;

WHEREAS, the unchecked spread of COVID-19 in the community and public businesses of the City creates a danger to the health, safety and wellbeing of the citizens of the City;

WHEREAS, to prevent the spread of COVID-19, and thereby to save lives, face coverings should be worn to reduce the increasing spread of COVID-19;

WHEREAS, the City may impose restrictions upon persons that might cause other persons to contract diseases under an Indiana Code § 36-8-2-5 and the City may regulate conduct and the use of property that might endanger the public health, safety or welfare under Indiana Code § 36-8-2-5;

WHEREAS, Indiana Code § 10-14-3-29 and Chapter 2.150.110 of the Evansville Municipal Code grant the Mayor power to declare a local disaster emergency;

WHEREAS, “disaster” under Indiana Code § 10-14-3-1 includes the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from a public health emergency; and

WHEREAS, Chapter 2.150.110(B)(2)(k) of the Evansville Municipal Code grants the Mayor additional powers to respond to a local disaster emergency.

NOW, THEREFORE, by virtue of the authority vested in me as the Mayor of the City, it is hereby ordered as follows:

1. I have determined that emergency conditions continue to exist in the City relating to the COVID-19 pandemic and that the recent surge in the number of COVID-19 cases in our City require the City to take prohibitive action to combat COVID-19 in order to avoid further shutdowns.
2. A “Face Mask” means a covering made of a permeable cloth, fabric, or other material, without holes, that completely covers the wearer’s nose, mouth, and surrounding areas of the lower face without allowing droplets to be released. A Face Mask shall be worn so as to cover the mouth and nose in compliance with the CDC’s current and any future guidance on wearing face coverings. A Face Mask may be factory-made, sewn by hand or improvised from household materials and can be made from a variety of synthetic and natural fabrics, including cotton, silk or linen. Ideally, a Face Mask has two (2) or more layers. Face Masks include, but are not limited to, bandanas, scarves, medical masks and cloth masks and also include face shields that cover the nose and mouth, respirators, N-95 masks or other personal

protective equipment that provides a higher level of protection than a Face Mask defined in this paragraph.


3. I hereby order that all persons of at least six (6) years of age within the City be required to wear a clean Face Mask at any time during which they will be in contact with people who are not household members in the following places:
 - a. All indoor areas open to the public, including public transportation;
 - b. All educational institutions except where students and faculty can be appropriately socially distanced; and
 - c. Outdoors where the person cannot maintain a distance of at least six (6) feet from individuals who do not share the same household as the person; and

4. The following are exempt from the requirements of this Order:
 - a. Individuals under the age of six (6) years,
 - b. Individuals outdoors when able to maintain at least a six (6) foot distance from others,
 - c. Individuals at who are in a private residence except that Face Masks will be required in all common areas of any multi-family structure,
 - d. Individuals in a building or office who are alone in a room;
 - e. Individuals who are traveling in their own vehicle;
 - f. Individuals who are speaking in public or making presentations or lectures for a broadcast or to an audience, including, but not limited to, clergy giving sermons;
 - g. Individuals experiencing homelessness,
 - h. Individuals with deafness or other impairments (including those who are hard of hearing) or those in communication with such individuals who would face obstacles to communication if required to wear a Face Mask,
 - i. Individuals receiving medical or dental services that require removal of a Face Mask to receive such services,
 - j. Individuals who have a medical condition that prevents the wearing of a Face Mask,
 - k. Individuals who are seated and are consuming food or beverage at a restaurant, bar, or other establishment only while consuming food or beverages; however, individuals must wear a Face Mask in all other situations,
 - l. Individuals who are incarcerated,
 - m. Individuals, when requested by a law enforcement officer,
 - n. Individuals who would be at risk wearing a Face Mask at work, as determined by local, state or federal regulations or workplace safety guidelines,
 - o. Individuals who are engaged in outdoor or indoor physical exercise or sporting activities, including running, jogging, walking, bicycling or swimming which is incompatible with wearing a Face Mask,
 - p. Facilities that are owned or operated by Federal and State Government,
 - q. Individuals inside religious facilities; provided, however, it is strongly recommended that religious facilities adopt Face Mask policies which are in conformity with federal, state and local guidance,
 - r. Individuals while acting in their official capacity as a public safety employee or an emergency responder when wearing a Face Mask would interfere or limit their ability to carry out their official duties or functions. These include police officers, fire fighters and other public safety or emergency medical personnel that support public safety functions, and
 - s. Individuals who are smoking or vaping so long as social distancing is maintained.

5. Long-term care facilities ("LTC") workers including skilled nursing facilities ("SNF"), adult care homes ("ACH"), family care homes ("FCH"), mental health group homes ("MHGH"), intermediate care facilities with intellectual disabilities ("ICF-ID") and day care or child care facilities are exempt from this Order but shall follow the guidance set forth by the CDC and the Indiana State Department of Health ("ISDH") regarding the use of Face Masks.
6. Health care facilities, other than LTC facilities, are exempt from this Order but shall follow the guidance set forth by the CDC/ISDH regarding their use of Face Masks.
7. A business may deny service to a person who is not in compliance with this Executive Order.
8. All business and individuals shall remain subject to any and all Executive Orders now or hereafter issued by the Governor.
9. I support the Vanderburgh County Health Department's enforcement of the Governor's Executive Orders, including enforcing capacity restrictions and the pursuit of those who intentionally participate in the spread of the COVID-19 virus.
10. This Executive Order will be effective on July 15, 2020 and filed with the City Clerk pursuant to Indiana Code § 10-14-3-29(a) and Chapter 2.150.110(B)(2)(a) of the Evansville Municipal Code, and it shall be effective until midnight on July 22, 2020 unless extended.

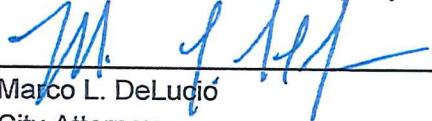
Dated: July 14, 2020

THE CITY OF EVANSVILLE, INDIANA



Lloyd Wisnecke
Mayor of Evansville

Approved as to form and legality:



Marco L. DeLucio
City Attorney