

EMERGENCY ORDINANCE NO. CO-026-2021

**AN EMERGENCY ORDINANCE OF THE LAFAYETTE CITY COUNCIL
MANDATING MASKS OR FACIAL COVERINGS IN CERTAIN ESTABLISHMENTS
AND PUBLIC PLACES, REQUIRING BUSINESSES AND ORGANIZATIONS TO
REQUIRE ALL EMPLOYEES, CUSTOMERS, AND VISITORS, TO WEAR A MASK
OR OTHER FACE COVERING IN CERTAIN CIRCUMSTANCES, AND
ESTABLISHING PENALTIES THEREFOR**

BE IT ORDAINED by the Lafayette City Council, that:

WHEREAS, the Governor of Louisiana has issued various emergency declarations due to the outbreak of a respiratory disease named “SARS-CoV-2” or “COVID-19;” and

WHEREAS, the Lafayette City Council, in its capacity as the governing authority of the City of Lafayette, prioritizes the protection of life, health, property, and public safety of all residents of and visitors to the City of Lafayette; and

WHEREAS, on January 31, 2020 the United States Department of Health and Human Services Secretary declared a public health emergency for COVID-19 under Section 391 of the Public Health Service Act.; and

WHEREAS, the Governor of the State of Louisiana, following consultation with public health authorities, in an attempt to prevent the spread of this deadly virus declared a state of public health emergency on March 11, 2020, and has renewed said declaration in various forms on April 2, 2020; April 30, 2020; May 14, 2020; June 4, 2020; June 25, 2020; July 11, 2020; July 23, 2020; August 6, 2020; August 26, 2020; September 11, 2020; October 26, 2020; November 5, 2020; November 13, 2020; December 4, 2020; December 29, 2020; and January 15, 2021. Said orders imposed certain restrictions on the operations of certain types of businesses and limited crowd sizes. A limit was also placed on the number of people attending public gatherings; and

WHEREAS, as of February 3, 2021, there have been 26,522,785 reported cases of Covid-19 in the United States with 449, 663 deaths; 406,235 reported cases in Louisiana with 9,006 deaths; and 20,784 cases in Lafayette Parish with 239 deaths; and

WHEREAS, wearing a mask or some type of facial covering has been scientifically proven to be the most effective means of preventing the spread of Covid-19.

WHEREAS, the City of Lafayette must remain flexible to account for the evolving nature and scope of the unprecedented public health emergency posed by COVID-19; and

WHEREAS, for the aforementioned and other reasons, the governing authority of the City of Lafayette is acting pursuant to its Home Rule authority to provide for the life, health, property, and public safety of residents and visitors of the City of Lafayette by requiring that masks and other face coverings be worn as described in this ordinance.

NOW, THEREFORE, BE IT FURTHER ORDAINED by the Lafayette City Council, that:

SECTION 1: All of the “Whereas” clauses hereinabove stated in the preamble of this ordinance are adopted as part of this ordinance.

SECTION 2: Face masks or some sort of facial cover covering the mouth and nose shall be worn by all persons in the City of Lafayette, other than those specifically exempted in Section 3 of this ordinance, while visiting any public or governmental building, or commercial establishment providing goods or services to the general public; including but not limited to medical facilities, bars and restaurants, entertainment centers, and movie theaters. Said mask or facial coverings shall remain in place while said visitors or customers are entering, exiting, and otherwise moving around within the interior portion of said buildings or establishments. This requirement also applies to employees of said governmental agencies and commercial establishment having direct contact with the general public; and transportation services for hire, including but not limited to taxicabs and all ride sharing services, whenever customers are present.

SECTION 3: This requirement does not apply to the following:

- A. Any individual who will not come in contact with any other individual (outside of their immediate household members) or who will be able to maintain strict social distancing of at least six (6) feet apart from other individuals (outside of their immediate household members);
- B. Any child under the age of eight (8); however, all children between the ages of two (2) and seven (7) years old are strongly encouraged to wear a face covering in accordance with Section 2;
- C. Any individual with a medical condition that prevents the wearing of a face covering;
- D. Any individual who is consuming food or drinks;
- E. Any individual seeking to communicate with someone who has or is suspected of having a communication disorder;
- F. Any individual giving a speech for broadcast or to an audience;
- G. Any individual temporarily removing his or her face covering for identification purposes; and
- H. Any individual participating in organized athletic activities.

SECTION 4: Citations under this ordinance shall be written by the Lafayette Police Department and any other law enforcement agencies having jurisdiction herein. Said citations shall be issued only to businesses or organizations, other than religious organizations, that fail to enforce the requirement to wear face coverings. Operators of businesses and organizations are entitled to rely on the representations of their customers, patrons, or employees regarding whether or not they qualify for an exception from the face covering requirements. Businesses and organizations that

rely on such a representation shall not be deemed to be in violation of this ordinance.

- A. Upon the report of a first violation, a courtesy warning shall be issued.
- B. Upon the report of a second violation, a written warning shall be issued.
- C. Upon the report of a third violation, a misdemeanor summons shall be issued; with increased penalties for each subsequent violation.

SECTION 5: If a visitor, patron, or employee refuses to comply with the provisions herein, or refuses to comply with any request to leave the premises of any building or establishment covered herein said visitor, patron, or employee may be charged with trespassing or any other appropriate criminal violation.

SECTION 6: The provisions of this ordinance shall remain in effect until expiration of the Governor's current emergency order or any extensions issued therein.

SECTION 7: All ordinances or resolutions, or parts thereof, in conflict herewith are hereby repealed.

SECTION 8: This ordinance shall become effective upon signature of the Lafayette Mayor-President, the elapse of 12 hours after receipt by the Lafayette Mayor-President without signature or veto, or upon an override of a veto, whichever occurs first.

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