

ORDER
Of the City Manager
Morgantown, West Virginia

July 14, 2020

Pursuant to the authority delegated by the City Council in its Emergency Ordinance No. 2020-3, the following public health measures are adopted to address the COVID-19 Pandemic:

Article I. Required Face Coverings

SECTION 1. ADEQUATE FACE COVERING REQUIRED.

(a) All individuals age 9 and over within the City of Morgantown shall wear an adequate face covering when in confined, indoor spaces, other than when in one's residence or when actively engaged in the consumption of food and/or beverage, and when not able to adequately social distance from other individuals who do not reside in the same household. The requirement of this Section 1 shall be construed in a manner consistent with the requirements of Executive Order 50-20 issued by the Governor of the State of West Virginia issued July 6, 2020, except as otherwise expressly provided herein.

(b) The following individuals are exempt from the requirement to wear adequate face coverings:

(i) Persons younger than nine years old. Very young children under age two must not wear a face covering because of the risk of suffocation.

(ii) Persons with a medical condition, mental health condition, or disability that prevents wearing a face covering. This includes persons with a medical condition for whom wearing a face covering could obstruct breathing or who are unconscious, incapacitated, or otherwise unable to remove a face covering without assistance.

(iii) Persons who are hearing impaired, or communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication.

(iv) 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 regulators or workplace safety guidelines.

(v) Persons who are obtaining a service involving the nose or face for which temporary removal of the face covering is necessary to perform the service.

(vi) Persons who are seated at a restaurant or other establishment that offers food or beverage service, while they are eating or drinking, provided that they are able to maintain a distance of at least six feet away from persons who are not members of the same household or residence.

SECTION 2. DEFINITIONS.

The following terms shall have the meanings given for purposes of this Article III entitled "Required face coverings":

Face covering means any material or device worn so that it fully covers the nose and mouth including cloth masks, bandanas or handkerchiefs, face shields, and dust mask.

Adequately social distance means maintaining physical separation of at least six feet between oneself and any other person.

SECTION 3. PENALTY.

Any violation of this Article II shall be deemed a public nuisance subject to summary abatement by the Chief of Police or other law enforcement officer. In addition, any violation shall be a misdemeanor punishable by a fine of no less than \$25.00 and no more than \$500.00. Each day a violation continues shall constitute a separate violation.

Article II. Restrictions on outbreak locations.

SECTION 1. REQUIRED CLOSURES OF OUTBREAK SITES

(a) Any business that serves the public, that is identified by the Monongalia County Health Department or its agents (the “Health Department”) as having three new cases of Covid-19 in staff and/or patrons will be required to close and do a deep clean as prescribed by the Health Department. The location may reopen only following an inspection by the Health Department and authorization to reopen issued by the Health Department.

(b) At any business where an additional three individuals are diagnosed with Covid-19 after the reopening, the site will again be required to close, undergo another deep cleaning, and be quarantined for 14 days. The location may reopen only following an inspection by the Health Department and authorization to reopen issued by the Health Department.

(c) At any business where another three individuals are diagnosed with Covid-19 at the same site, following quarantine and second reopening, then that business will remain closed until such a time as deemed safe by the Health Officer of the Health Department.

SECTION 2. DEFINITIONS

In this Article, the following terms shall have the meanings given

Business or business that serves the public means any physical location open to entry by members of the general public, whether activity conducted at the location is undertaken for profit or not for profit and any facility licensed or inspected by the Health Department.

Health Department means the Monongalia County Health Department, acting through its duly authorized agents, employees, and officers.

Health Officer means the County Health Officer supervising the Health Department, and is intended to have the same meaning as the term defined in *W. Va. Code* § 16-2-2(o).

SECTION 3. PENALTIES

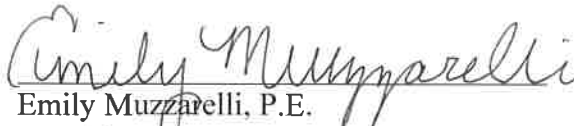
(a) Any person who willfully obstructs a local health officer, public health nurse, sanitarian or any other person charged with enforcement of any public health law, in the performance of that person's legal duties in enforcing the law, is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than \$50 and not more than \$500.

(b) Any violation of this Article shall be deemed a public nuisance subject to summary abatement by the Chief of Police or other law enforcement officer. In addition, any violation shall be a misdemeanor punishable by a fine of no less than \$25.00 and no more than \$500.00. Each day a violation continues shall constitute a separate violation.

Effective Date

This Order is effective beginning at 12:00 a.m. on July 15, 2020, and shall continue in effect until repealed or modified by order of the City Manager, or until it expires by operation of law.

Adopted this 14th day of July, 2020:


Emily Muzzarelli, P.E.
City Manager