

**AN ORDINANCE TO REQUIRE WEARING FACE COVERINGS IN THE CITY OF MOBILE, ALABAMA DURING THE COVID-19 PUBLIC HEALTH EMERGENCY**

**Sponsored by: Mayor Stimpson and Councilors Manzie, Rich and Daves**

WHEREAS, by Proclamation dated March 13, 2020, Governor Kay Ivey found that the appearance of COVID-19 in the State of Alabama creates the potential of widespread exposure to an infectious agent that poses a significant risk of substantial harm to a large number of people and declared a state public health emergency under *ALA CODE* Section 31-9-1, *et seq*; and

WHEREAS, by Resolution and Proclamation of Emergency dated March 17, 2020, the City Council of the City of Mobile, pursuant to its authority to provide for the health and safety of persons and property under *ALA CODE* Section 31-9-10(b)(1) and to preserve the health of the inhabitants of the municipality under *ALA CODE* Section 11-45-1, declared that it is in the best interest of the City to adopt policies and procedures consistent with directives from the Centers for Disease Control (CDC) to prepare and protect the City from dangers arising from the unprecedented pandemic arising from the spread of COVID-19; and

WHEREAS, the City Council is authorized to adopt ordinances to preserve the health and welfare of the inhabitants of the municipality, Alabama Code Section 11-45-1; and

WHEREAS, the Council finds that COVID-19 presents a clear and present threat to the health, safety and welfare of the residents of the City of Mobile, and that it is in the best interests of the community to require the wearing of face coverings in public places to control community spread of COVID-19 in the City of Mobile and its police jurisdiction;

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Mobile, Alabama that face coverings shall be required in public places within the City of Mobile to slow the spread of the novel Coronavirus disease, known as COVID-19, as follows:

**SECTION 1:**

**DEFINITIONS:**

1. **Face Covering:** A device to cover the nose and mouth of a person to impede the spread of saliva or other fluids during speaking, coughing, sneezing or other intentional or involuntary action. Medical grade face coverings are not required; coverings may be fashioned from scarves, bandanas or other suitable fabrics. The face covering must cover the mouth and nose of the wearer. A face covering is not a “mask,” for purposes of Chapter 39 Article IX – Masks, Section 39-191, *et seq*.
2. **Public Place:** Any place other than an individual’s home or personal vehicle that is generally open or available to the public, including retail stores and transportation services.

3. **Social Distancing:** Maintaining at all times physical separation between individuals of not less than six (6) feet.
4. **Vulnerable Individuals:** Elderly individuals or individuals with serious underlying health conditions, including high blood pressure, chronic lung disease, diabetes, obesity, asthma and those whose immune system is compromised such as by chemotherapy for cancer and other conditions requiring such therapy.

## **SECTION 2:**

Face coverings shall be worn at all times by persons in public places in the City of Mobile, except that persons engaging in businesses and activities regulated by the Order of the State Health Officer Suspending Certain Public Gatherings due to Risk of Infection by COVID-19, as amended June 30, 2020 and further amended, (the June 30 Order) (<https://www.alabamapublichealth.gov/legal/assets/order-adph-cov-gatherings-063020.pdf>), shall comply with the facial covering and social distancing requirements of the June 30 Order with respect to those activities listed therein for which face coverings are required.

## **SECTION 3:**

### **ADDITIONAL EXCEPTIONS:**

Face coverings are not required for:

1. Outdoor activities in parks and other open spaces, provided social distancing is maintained. This exception does not apply to outdoor activities in parking lots, shopping malls, congested sidewalks, or other populated areas.
2. Children ten (10) years of age and under.
3. Persons for whom wearing a face covering poses a substantial mental or physical health, safety or security risk such as persons who have trouble breathing or are unconscious, incapacitated or otherwise unable to remove the cover without assistance.

## **SECTION 4:**

This Ordinance shall remain in effect for thirty (30) days.

## **SECTION 5:**

To the extent this Ordinance is in conflict with other ordinances of the City of Mobile, this Ordinance shall supersede the other ordinances until those ordinances are amended or repealed.

**SECTION 6:**

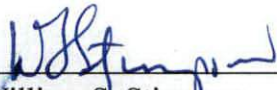
Failure to comply with this Ordinance is punishable by a fine of \$50.00 for the first offense, and \$100.00 for the second and each subsequent offense. Mobile City Code Section 1-32, the Schedule of Fines, is amended to include this fine.

**SECTION 7:**

If any subsection, sentence, clause, phrase, or word of this Ordinance or any application of it to any person, structure, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision shall not affect the validity of the remaining portions or application of this Ordinance.

**SECTION 8:**

This Ordinance shall become effective in the City of Mobile and its police jurisdiction upon its adoption, approval and publication as required by law.

  
\_\_\_\_\_  
William S. Stimpson  
Mayor

date 7/1/20

ADOPTED: JUL 0 1 2020

*asst.*   
\_\_\_\_\_  
City Clerk

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