

ORDINANCE NO: 46-2020 (As Revised May 26, 2020)
INTRODUCED BY: Nelson

AN ORDINANCE ENACTING NEW SECTION 521.12, "DISINFECTANT MEASURES REQUIRED FOR BUSINESS ESTABLISHMENTS WITH WALK-IN CUSTOMERS", OF THE CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY.

WHEREAS, on March 9, 2020, Governor Mike DeWine signed an Executive Order declaring a State of Emergency for the entire State of Ohio in response to the COVID-19 pandemic, pursuant to the Governor's authority vested in him by the Constitution, the laws of the State of Ohio and in accordance with Revised Code Section 5502.22;

WHEREAS, on March 13, 2020, President Trump declared a national emergency, invoking the Stafford Act and allowing the Federal Emergency Management Agency to coordinate disaster response and aid state and local governments in addressing the COVID-19 pandemic;

WHEREAS, Ohio Governor DeWine has announced the closing of all schools, kindergarten through grade 12, through the end of the school year, has restricted the sales of alcohol, food and all other beverages to carry-out sales and delivery only, and has issued guidance limiting mass gatherings of people;

WHEREAS, the federal Centers for Disease Control and Prevention has advised those that have possible or confirmed COVID-19 to stay home from work, school, and away from other public places;

WHEREAS, on March 22, 2020, the Director of the Ohio Department of Health issued a Stay at Home Order requiring all Ohio citizens to stay at home except to perform essential functions, prohibiting social gatherings of over ten (10) people and ordering all non-essential businesses and operations to cease, which Order was amended and extended by the Director on April 2, 2020 to run through May 1, 2020;

WHEREAS, on April 2, 2020, Mayor David H. Roche issued a Declaration of State of Emergency for the City of Richmond Heights due to the COVID-19 pandemic;

WHEREAS, on May 1, 2020, the Director of the Ohio Department of Health issued the "Stay Safe Ohio Order" which through its "Responsible RestartOhio" provisions for certain business to re-open requires "consumer, retail and service businesses to take several measures to ensure the health and safety of the public and their employees, including but not limited to placing hand sanitizers in high-contact locations and cleaning high-touch items after each use (e.g., carts and baskets); the Order runs through May 29, 2020;

WHEREAS, the City Council recognizes that COVID-19 poses a significant risk to the public health, safety and welfare, and that it is highly contagious, but that at some point, the State

of Ohio Department of Health Orders, which place conditions on the reopening and continued operation of businesses that provide services and retail sales to walk-in customers, clients, and patients, may lessen certain restrictions or end altogether;

WHEREAS, to provide for the protection of persons of all business establishments with walk-in customers, clients and patients, the Council finds it necessary to adopt requirements for the provision of hand sanitizer and disinfectant wipes for the health and safety of all persons visiting businesses for the foreseeable future;

WHEREAS, since the Ohio Director of Health's current *temporary* Order generally provides for the protections that are this Ordinance but which may not continue on a permanent basis, the effective date of the enforcement of this Ordinance will be delayed for thirty days after its passage in order to provide notice to affected businesses of the ensuing enforcement of the requirements of this Ordinance;

WHEREAS, the Council finds, determines and declares that this Ordinance is promulgated under the general police power of the City under the Ohio Constitution, for the preservation of the public peace, health, safety and welfare and that it is in the best interests of the City, its inhabitants and visitors, to be provided with hand sanitizer and/or disinfectant wipes upon entering businesses to prevent the spread of COVID-19 and any other such viruses that may very well appear and spread through the population in the future and finds that this Ordinance does not conflict with state law;

NOW, THEREFORE, Be it Ordained by the Council of the City of Richmond Heights, State of Ohio, that:

Section 1. New Section 521.12, "Disinfectant Measures Required for Business Establishments with Walk-in Customers," of Chapter 521, "Health, Safety and Sanitation," of the Codified Ordinances of the City of Richmond Heights, Ohio is hereby enacted to read in its entirety as follows:

"521.12 DISINFECTANT MEASURES REQUIRED FOR BUSINESS ESTABLISHMENTS WITH WALK-IN CUSTOMERS.

(a) Definitions. As used in this section:

(1) "Business Establishment" means any entity providing services or products of any nature or kind whatsoever to the public, including, but not limited to, professional services, medical and dental services, personal services, entertainment, retail sales, wholesale clubs, grocery stores, convenience stores, outdoor markets, restaurants, bars and any other type of establishment that provides any service or any tangible thing to the public, whether for profit or not for profit.

(2) "Walk-in Customer" means any person that physically enters upon the premises of any Business Establishment, whether or not the person purchases any services or products, and whether or not the person is present by pre-arranged appointment.

(b) All Business Establishments with Walk-in Customers shall provide hand sanitizer with a composition of at least 70% alcohol content to all Walk-in Customers for their use at the entrance to any Business Establishment.

(c) Business Establishments that provide shopping carts and/or baskets shall provide disinfectant wipes with a composition of at least 70% alcohol content to all Walk-in Customers at a location inside the Business Establishment and immediately near the entrance to any Business Establishment for their use to wipe the surfaces of shopping carts and baskets, unless the Business Establishment elects to provide personnel to perform disinfection of carts and baskets before their use by each Walk-in Customer.

(d) Whoever violates this section after being give one (1) warning by the Municipal enforcement officer shall be fined \$500 for a first offense and \$1,000 for each subsequent offense. Each day that a violation of this section exists may be prosecuted as a separate violation."

Section 2. Within the thirty (30) days after passage of this Ordinance, the Division of Building, Housing and Zoning shall notify Business Establishments of the passage of this Ordinance but any failure of a Business Establishment to receive such a notice does not affect in any manner or extent the enforcement of this Ordinance.

Section 3. If this Ordinance is passed as an emergency measure and, therefore, goes into immediate effect, the enforcement thereof shall be delayed for thirty (30) days after its effective date to provide Business Establishments the time to comply with the requirements of this Ordinance.

Section 4. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 5. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and general welfare of the City, its residents and visitors, so as to be able to immediately enforce new provisions of the Health, Safety and Sanitation Code regulating the provision of disinfectant measures to all customers of business establishments with Walk-in Customers; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: 5-26-20


David H. Roche, Mayor

APPROVED: 5-26-20

ATTEST: Betsy Traben
Betsy Traben
Clerk of Council


Eloise Cotton-Henry
President of Council