

**Town of Nashville
Ordinance 2020-06**

AN ORDINANCE REQUIRING THE WEARING OF PERSONAL PROTECTIVE FACE COVERINGS OR MASKS IN BUSINESSES OR RESIDENCES WHERE THE OWNER/OPERATOR HAS POSTED A SIGN REQUIRING THE WEARING OF FACE COVERINGS IN THE TOWN OF NASHVILLE DURING THE COVID-19 DECLARATION OF EMERGENCY AND DURING RECOVERY

Whereas, the Town Council recognizes the emergency declarations of the President of the United States, the Governor of Indiana and has affirmed the local declaration of emergency by Town Council President Gore related to the effort to slow the spread of COVID-19 in the community; and,

Whereas, the Town Council has authority under IC 14-10-3-29, by ordinance, to prevent the spread of COVID-19 while under the Town's Declaration of Health Emergency which commenced with the affirmation of Town Council President Gore's Executive Order 2020-01; and,

Whereas, the Town of Nashville is a nationally recognized tourist destination and unique in the state of Indiana; and,

Whereas, the expiration of Indiana's stay at home order and the steps which will be taken to reopen society and the economy will likely encourage an influx of visitors to Nashville to enjoy the many shops, restaurants, and outdoor recreation opportunities; and,

Whereas, the residents of Nashville and Brown County, Indiana, have sacrificed and worked tirelessly to adhere to all social distancing guidelines and have kept the spread of COVID-19 to a minimum in Nashville and Brown County; and,

Whereas, the Council finds that a health emergency of unprecedented size resulting from the spread of the novel coronavirus, COVID-19, could occur in the Town of Nashville; and,

Whereas, the Council determines that it is in the best interest of the public health and safety and to preserve the lives of residents and visitors, to require that personal protective face coverings or masks, consisting of at least simple cloth face coverings, be worn by persons when entering a business or residence where the owner or operator has posted a sign requiring that face coverings or masks must be worn to enter in Nashville, Indiana.

Section 1.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Nashville that personal protective face coverings or "masks" shall be required when entering a business or residence where the owner or operator has posted a sign requiring that face coverings or masks must be worn to enter within the Town to continue to control the spread of the novel coronavirus disease, known as COVID-19, as follows:

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(a) DEFINITIONS:

Personal Protective Face Covering or Mask: 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 involuntary action. Medical grade masks are not required; coverings may be fashioned from scarves, bandanas, or other suitable fabrics. The mask must cover the mouth and nose of the wearer.

Public Place: Any place, including privately owned business locations, other than an individual's home or personal vehicle, provided, however, that personal protective face coverings or masks should be worn when interacting with someone other than a member of the household at home or when traveling with someone who is not a member of the household.

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 compromised such as by chemotherapy for cancer and other conditions requiring such therapy.

(b) Personal protective face coverings or masks shall be worn when entering a business or residence where the owner or operator has posted a sign requiring that face coverings or masks must be worn to enter in by persons over the age of two (2) years and who can medically tolerate doing so within the Town of Nashville.

(c) The requirement to wear personal protective face coverings or masks when entering a business or residence where the owner or operator has posted a sign requiring that face coverings or masks must be worn to enter shall apply to all persons, whether residents, visitors, employees or customers or clients of all businesses within the Town of Nashville.

(d) Exceptions:

(1) Children two (2) years of age and under, as personal protective coverings or masks may pose a risk of choking, strangulations or suffocation to infants, and young toddlers. Carriers and strollers with coverings that allow the child to breathe comfortably are alternatives for infants and young toddlers. Parents and guardians shall be responsible for ensuring proper masking of children over the age of two (2) years when in public but must ensure that the personal protective face covering or mask does not pose a choking hazard for children older than two (2) and can be safely worn without obstructing a child's ability to breathe. Parents and guardians shall exercise judgment and avoid bringing children not wearing masks into public places, especially where contact with vulnerable individuals is expected.

(2) Patients in examination rooms of medical or dental offices or medical clinics where there is a necessity to examine or treat the mouth or nasal area, subject to the direction of the medical or dental professionals in charge of the office or clinic.

(3) When wearing a personal protective face covering or mask poses a greater mental or physical health, safety, or security risk such as anyone who has trouble breathing, or is unconscious, incapacitated or otherwise unable to remove cover without assistance.

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(f) This ordinance shall remain in effect, subject to the modification for evolving information from the CDC, Governor of Indiana, or the Indiana Department of Health on preventing the spread of COVID-19.

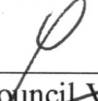
Section 2. To the extent that this ordinance is in conflict with other ordinances of the Town, this ordinance shall supersede the others until this ordinance is amended or repealed.

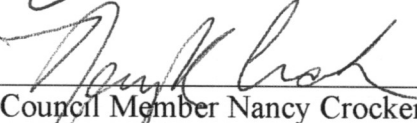
Section 3. If any subsection, sentence, clause, phrase, or word of this ordinance or any application of it to any person, structure, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision shall not affect the validity of the remaining portions of applications of this ordinance.

Section 4. This ordinance shall become effective on upon passage, approval and publication or as otherwise provided by law.

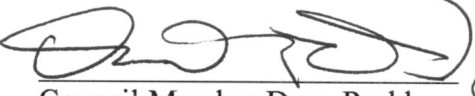
PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF NASHVILLE, BROWN COUNTY, INDIANA, THIS 16TH DAY OF JULY, 2020.


Council President Jane Gore ☒ yea ☐ nay ☐ abstain

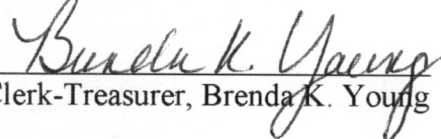

Council Vice-President Alisha Gredy ☒ yea ☐ nay ☐ abstain


Council Member Nancy Crocker ☒ yea ☐ nay ☐ abstain


Council Member Anna Hofstetter ☐ yea ☒ nay ☐ abstain


Council Member Dave Rudd ☒ yea ☐ nay ☐ abstain

ATTEST:


Clerk-Treasurer, Brenda K. Young