

COUNCIL PENDING ORDINANCE \_\_\_\_\_ 2020-38 \_\_\_\_\_  
ORDINANCE NO. 9344 \_\_\_\_\_  
AS AMENDED \_\_\_\_\_  
CERTIFICATION DATE \_\_\_\_\_  
CERTIFIED BY \_\_\_\_\_  
FAVORABLY \_\_\_\_\_  
UNFAVORABLY \_\_\_\_\_

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF GARY, INDIANA  
REQUIRING ALL PERSONS ENTERING PUBLIC PLACES AND CITY  
GOVERNMENT BUILDINGS WITHIN THE CITY OF GARY TO WEAR FACE  
COVERINGS TO PREVENT THE SPREAD OF CORONAVIRUS DISEASE**

**WHEREAS**, as of the enactment of this ordinance, the coronavirus pandemic is a public health emergency which has resulted in nearly 15,000,000 confirmed cases and over 610,000 deaths world-wide; nearly 4,000,000 confirmed cases and over 143,000 deaths in the United States; over 57,000 confirmed cases and almost 2,700 deaths across Indiana; and over 6,000 confirmed cases and 256 deaths in Lake County; and 946 confirmed cases and 59 deaths in the City of Gary; and

**WHEREAS**, coronavirus is a disease that causes upper-respiratory tract illnesses that can range from mild to severe, spread quickly, and may cause death; and

**WHEREAS**, coronavirus can be spread from person to person by respiratory droplets emitted from the mouth and nose and public health experts have determined that asymptomatic infected individuals can still transmit the virus; and

**WHEREAS**, on March 6, 2020, Governor Eric Holcomb declared that a public health emergency existed in the state of Indiana due to the coronavirus disease (“COVID-19”) global pandemic and followed up said order with a series of executive orders known as “stay-at-home” orders;

**WHEREAS**, after declining numbers in infection rates and deaths occurred pursuant to the previously enacted Governor’s stay-at-home orders issued in March and April of 2020, COVID-19 infection rates have begun to rise again as businesses and public places have begun to reopen and the stay-at-home order was lifted; and

**WHEREAS**, on July 20, 2020, the Lake County Health Department issued an order that applies to all Lake County municipalities except for Gary and East Chicago, which have their own health departments, that require all persons inside a business, or any other indoor public space, to wear a mask over their mouth and nose at all times where people cannot maintain at least 6 feet of social distancing; and

**WHEREAS**, the Common Council has a duty to assist with the abatement of any impending threats of widespread disease, injury, or loss of life within the City of Gary as well as protecting the general welfare of the citizens while ensuring efficient government of the City; and

**WHEREAS**, Federal, State, County, and City health officials, including the U.S. Centers for Disease Control and Prevention (CDC), have recommended implementation of mitigation strategies to decrease the spread of the virus, particularly by the recommendation of social distancing and wearing face coverings in public places; and

**WHEREAS**, the Common Council has determined that it is in the best interests of the public health, safety and welfare of the residents and employees of the City of Gary that all persons entering public places within the City of Gary shall wear face coverings to prevent the spread of coronavirus within our community.

**NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the City of Gary as follows:

**ARTICLE I: FACE COVERING MANDATE**

1. During the COVID-19 public health emergency as declared by the Governor of Indiana, all persons in enclosed places open to the public and city government buildings within the City of Gary shall wear face coverings or masks (i.e. surgical masks, N95, cloth masks, etc.) that completely conceal the person’s nose and mouth to prevent droplets from being emitted from the persons nose and mouth at all times when social distancing of at least six (6) feet cannot be maintained.
2. This order shall not apply to individuals with medical conditions that prevent persons from wearing a face covering, incapacitated individuals, and individuals that are unable to remove a mask without assistance such as children under the age of two (2). Such individuals are required to maintain maximum social distancing to the extent possible under the circumstances.
3. The Gary Police Department, Gary Health Department, and Code Enforcement Inspectors shall have the authority to enforce this ordinance if necessary.
4. Gary Police Officers shall have the authority to expel a person from a City-owned property if that person fails to comply with this ordinance.
5. Owners or managers of public places or establishments shall have the authority to expel a person from said public places or establishments if a person fails to comply with this face covering requirement.
6. Owners or managers of public places or establishments shall post in a conspicuous location at the entry to the public place or establishment a visible sign notifying persons of this face covering requirement.
7. Violations of this ordinance are punishable by fines as regulated under Gary Municipal Code Sec. 1-7. Businesses found liable by the Gary City Court or another court of

competent jurisdiction on more than one (1) occasion for violations of this ordinance may have its City of Gary general business license revoked by the Zoning Administrator of the City of Gary.

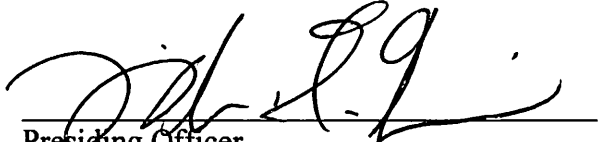
ARTICLE II. SEVERABILITY

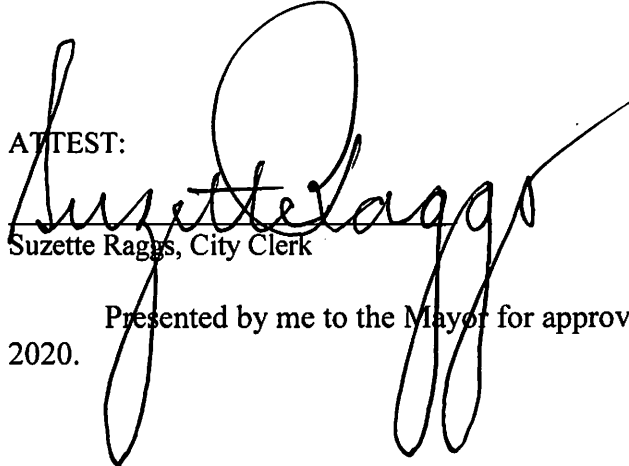
If any provision of this ordinance shall be determined to be invalid or unenforceable, the remaining provisions of this executive order shall remain in full force and effect and enforceable to the fullest extent permitted by law.

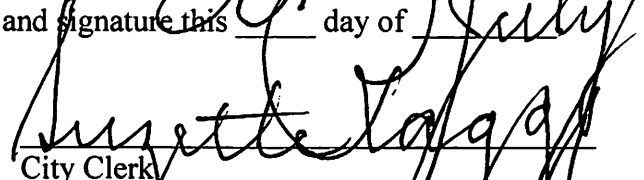
ARTICLE III. EFFECTIVE DATE

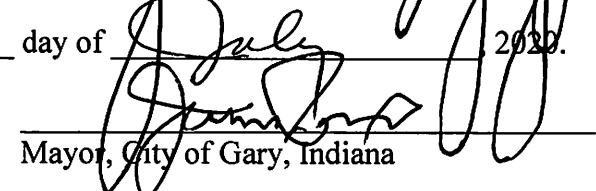
The provisions of this ordinance shall commence effective Friday, July 24, 2020.

PASSED and ADOPTED by the Common Council of the City of Gary, Indiana this 21<sup>st</sup> day of July, 2020.

  
\_\_\_\_\_  
Presiding Officer

ATTEST:  
  
\_\_\_\_\_  
Suzette Raggs, City Clerk

Presented by me to the Mayor for approval and signature this 22<sup>nd</sup> day of July 2020.  
  
\_\_\_\_\_  
City Clerk

APPROVED and SIGNED by me, this 23 day of July 2020.  
  
\_\_\_\_\_  
Mayor, City of Gary, Indiana

PREPARED BY: Rodney Pol, Jr. – City Attorney, City of Gary Law Department

SPONSORED BY: Jerome A. Prince – Mayor

C.P.O. 2020-38/9344  
COMMITTEE ASSIGNMENT Public Safety Reported-out/Date 7-21-2020  
1<sup>st</sup> Reading/Date 7-21-2020 Committee Hearing/Date -  
2<sup>nd</sup> Reading/Date 7-21-2020 Public Hearing/Date -  
3<sup>rd</sup> Reading/Date 7-21-2020 Final Reading/Date \_\_\_\_\_  
Passed/Date 7-21-2020 Defeated/Date \_\_\_\_\_ Deferred/Date \_\_\_\_\_