

LOCAL LAW NO. \_\_1\_\_ OF 2020

VILLAGE BOARD of TRUSTEES  
VILLAGE OF ALFRED, NY  
LOCAL LAW CREATING  
LL#2020-1  
Village of Alfred, NY 14802

A LOCAL LAW to create LL #2020-1 of the Village of Alfred requiring the use of face masks and face coverings to prevent the spread of infectious diseases.

BE IT ENACTED by the Village Board of the Village of Alfred as follows:

Section 1. LL# 2020-1 of the Code of the Village of Alfred entitled “Masks and Face Coverings” is hereby created as follows:

LL#2020-1 Masks and Face-Coverings:

2020-1 Findings and purpose.

A. In February 2020, the Centers for Disease Control and Prevention (“CDC”) confirmed the first case in the United States of a new respiratory disease called the novel coronavirus (COVID-19). COVID-19 is caused by a virus (SARS-CoV-2) that is part of a large family of viruses called coronaviruses. COVID-19 spread rapidly in population centers in New York. COVID-19 poses serious health risks to persons infected with the disease, particularly those with underlying medical conditions and the elderly. The spread of COVID-19 has caused economic hardship for many of the Village’s residents and business owners, and has significantly affected the ability of the two colleges that are within the Village of Alfred to provide services to its constituents. It is therefore essential that the spread of the virus be slowed to safeguard public health, safety and welfare.

B. The virus that causes COVID-19 is readily transmitted via respiratory droplet contact, especially in group settings. Droplet transmission can be reduced with the use of personal protective barriers, such as face masks. The CDC and other public health agencies have recommended that the general public wear cloth face coverings and that individuals not residing within the same household maintain at least six feet of social distance from one another to prevent the spread of COVID-19 by droplet transmission.

C. On April 15, 2020, Governor Cuomo issued Executive Order 202.17 requiring any individual who is over the age of two and able to medically tolerate a face-covering to cover their nose and mouth with a mask or cloth face-covering when in a public place and unable to maintain, or when not maintaining social distance. However, the State has not established penalties for the violation of Executive Order 202.17.

D. On May 28, 2020, the Governor issued Executive Order 202.34 which authorized business operators and building owners to deny admittance to individuals who fail to comply

with the Governor's face mask mandate set forth in Executive Order 202.17 or to require or remove individuals from the premises if such individual fails to wear a face mask as required. Nothing in Executive Order 202.34 or any other Executive Order prohibits or limits the right of State and local enforcement authorities from imposing fines or other penalties for any violation of the directive in Executive Order 202.17.

E. The New York State Department of Health has issued *Industry Guidance During the COVID-19* public health emergency for a variety of activities, industries and businesses which sets forth physical distancing requirements to minimize the spread of droplets and airborne contaminants, including generally mandating a distance of six feet between individuals and when not able to do so, the wearing of acceptable face covering.

F. The Governor has issued multiple Executive Orders limiting the gatherings of individuals, whether it is on public or private property. On June 15, 2020, the Governor issued Executive Order 202.45, which modified prior Executive Orders to "allow gatherings of fifty (50) or fewer individuals for any lawful purpose or reason, so long as any such gatherings occurring indoors do not exceed 50% of the maximum occupancy for a particular indoor area, and provided that the location of the gathering is in a region that has reached Phase 4 of the State's reopening, and provided further that social distancing, face covering, and cleaning and disinfection protocols required by the Department of Health are adhered to." Thus, gatherings that do not exceed the Governor's limitations may occur so long as appropriate social distancing and face covering requirements are adhered to.

G. Governor Cuomo has repeatedly stated that local governments have a responsibility to enforce social distancing, mask-wearing requirements and business closures and limitations. The Governor has warned local governments across New York State that if local officials do not enforce compliance with COVID-19 public health orders, areas will be closed again. The Governor has stated that he will reverse openings in areas that are not complying with the rules and in those areas where local governments are not enforcing the law.

H. While voluntary compliance with the aforementioned health and safety precautions on public and private property is preferred, the Village of Alfred has determined that the grave health risks and economic impacts associated with COVID-19 require enforcement mechanisms to protect the public health, safety and welfare of Village residents and students and employees at Alfred State College and Alfred University. This local law therefore establishes mandatory requirements regarding the use of face masks and face coverings on public and public-access property in the Village of Alfred as well as penalties for any violation of the requirements of this LL# 2020-1

I. **FACE MASKS AND FACE COVERINGS** Masks and face coverings include, but are not limited to cloth (e.g., homemade sewn, quick cut), surgical masks, and N95 respirators.

J. When unable to maintain a distance of six feet from another person who is not a member of the same household, a face mask or face covering is required on public property. All persons

shall wear a face mask or face covering which shall be worn covering the nose and mouth of the wearer at all times in the Village of Alfred when present in or on any public property or public space, including but not limited to any park, recreational facility, village building, sidewalk, street, parking lot, or plaza.

K. When unable to maintain a distance of six feet from another person who is not a member of the same household, a face mask or face covering is required on private property with public access. All persons shall wear a face mask or face covering which shall be worn covering the nose and mouth of the wearer at all times when on private property with public access located in the Village of Alfred, including but not limited to business and professional offices, retail and personal service establishments, restaurants, child care facilities, places of public accommodation, private clubs, and religious establishments.

#### LL#2020-1 EXCEPTIONS

A. Face masks or face coverings shall not be required to be worn by any child under the age of two or by anyone who is unable medically to tolerate a face covering. Such individuals have five days (5) to provide documentation of the medical release from wearing a face mask.

B. Face masks or face coverings shall not be required to be worn if individuals maintain a distance of at least six feet from another person. Individuals who reside in the same household shall not be required to wear a face mask or face covering if located within six feet of each other.

C. Drivers traveling alone or exclusively with members of their households in a motor vehicle do not need to wear face coverings.

D. Individuals are not required to wear a face mask or face covering when they are actively eating and/or drinking while seated at a restaurant.

E. Police officers, fire fighters, ambulance personnel and other first responders shall not be required to wear a face mask or face covering when not practical or when engaged in a public safety matter of an emergency nature.

#### LL #2020-1 REQUEST FOR EXEMPTION

A. If an individual or organization believes that circumstances exist that make it a hardship or impractical to meet the requirements of this law, such individual or organization may apply, in writing, to the Board of Trustees of the Village of Alfred for an exemption. The burden is on the applicant to show hardship or impracticality, particularly in the face of the public health concern of infectious disease spread by droplets.

B. If the Board of Trustees, in its discretion, determines that wearing a face mask or face covering will result in a hardship to or is impractical for such individual or organization, the Board may grant an exemption from the provisions of this chapter.

## LL#2020-1 ENFORCEMENT, PENALTIES, PROCEDURES

### Section 1

A. This law may only be enforced during the time that a Declaration of Emergency is issued by the Village Mayor due to an epidemic or disease outbreak that is communicable through droplet contact or airborne transmission.

B. The Police Department of the Village of Alfred shall enforce the provisions of this law, subject to LL #2020-1.

C. Any person found guilty of a violation of this local law shall be subject to a fine in the amount of up to \$100 for the first violation, and up to \$150 for any subsequent violation occurring within a one-year period.

### Section 2. Numbering for Codification.

It is the intention of the Village of Alfred and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the Village of Alfred; that the sections and subsections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

### Section 3. Severability.

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local Law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from. Section 4. This Local Law shall take effect upon filing with the Secretary of State.