

**CHAPTER 59 – MANDATORY FACE COVERINGS (MASKS)**  
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## **CHAPTER 59 – MANDATORY FACE COVERINGS (MASKS)**

### **59.1 SECTION 1: FINDINGS, PURPOSE AND APPLICABILITY**

- 59.1.1 Findings. The Red Cliff Tribal Council recognizes that the COVID 19 Pandemic is a National Health Emergency and hereby declares that this emergency represents an immediate threat to the health, public safety and welfare of the tribal membership as well as all reservation residents. It hereby enacts this ordinance to preserve the health and safety of all reservation residents, including its members.
- 59.1.2 Purpose. This Chapter is intended to require face coverings in public spaces, as well as in outdoor spaces during the COVID-19 pandemic as further detailed herein.
- 59.1.3 Applicability. This Chapter shall apply to all persons within the Red Cliff reservation boundary.

### **59.2 SECTION 2: DEFINITIONS**

- 59.2.1 FACE COVERING means a protective mask covering the nose and mouth, including cloth face coverings or surgical masks as described by the centers for disease control and prevention. It does not include screen, tulle or other fabric that does not meaningfully restrict airflow.
- 59.2.2 COVID 19 PANDEMIC means the National Public Health Emergency declared by the United States Secretary of Health and Human Services (HHS) on January 31, 2020, under section 319 of the Public Health Service Act (42 U.S.C. sec. 247(d)), provided that the Tribal Council reserves the right to declare its own Public Health Emergency should the need arise.

### **59.3 SECTION 3: FACE COVERING REQUIREMENT DURING THE COVID-19 PANDEMIC.**

- 59.3.1 Face Covering Required Indoors. For the duration of COVID 19 pandemic, any person five (5) years old or older who is present within the Red Cliff reservation shall have possession of a face covering when the person leaves home or other place of residence and shall wear the face covering whenever the person is in an indoor public space.
- 59.3.2 Face Covering Required Outdoors. For the duration of the COVID 19 pandemic, any person five (5) years old or older who is present within the Red Cliff shall have possession of a face covering when the person leaves home or other place of residence and shall wear the face covering whenever the person is in an outdoor public space and sees a person within six (6) feet who is not a member of the person's family or household.

### **59.4 SECTION 4: EXCEPTIONS.**

- 59.4.1 Exceptions for the mandatory face covering rule specified in sec. 59.3 are as follows. It shall not be considered a violation of this Chapter if one of these exceptions applies:
- (a) Persons under five (5) years of age.
  - (b) Persons who fall into the centers for disease control and prevention's guidance for those

who should not wear face coverings due to a medical condition, mental health condition, developmental disability, or are otherwise covered under the Americans With Disabilities Act (ADA) 42 U.S.C. sec. 12101, et seq.

- (c) Persons who have upper-respiratory chronic conditions and other disabilities diagnosed by a physician that would make wearing a face covering hazardous to one's health. Persons claiming an exemption under this section must provide documentation from a physician in order to avoid fines and other penalties under this Chapter.
- (d) Persons in settings where it is not practical or feasible to wear face coverings, including when obtaining or rendering goods or services, such as the receipt of dental services or medical treatments.
- (e) Persons who are consuming food, drinking or smoking cigarettes in areas where that activity is permitted and while engaged in actually eating or smoking.
- (f) While driving a person's private vehicle; this exception shall extend to passengers. This exception shall not extend to public transport.

**59.5 SECTION 5: PENALTIES.** Penalties for violating Chapter 59 are as follows:

59.5.1 Individuals. Any person violating sec. 59.3 shall be given an initial warning and encouraged to comply with the law. Any person refusing to comply or committing another violation after having already received a warning shall be issued a citation. Each violation shall subject the offender to a fine of not less than \$50 and not more than \$500. The bond schedule for offenses under this Chapter shall be as follows:

First offense - \$50

Second Offense - \$150

Third Offense and Higher - \$500

59.5.2 Businesses. Any business failing to enforce sec. 59.3 shall be given a warning and an opportunity for compliance, followed by a citation of not less than \$50 nor more than \$500. If a business fails to enforce sec. 59.3 more than twice, the Tribal Health Director may shut down the business to protect public health and stop the spread of the virus. A business has the right to refuse service to any person for failure to comply with sec. 59.3.

59.5.3 Enforcement. Any tribal law enforcement officer (including Conservation Wardens) may enforce this Chapter and are authorized to issue citations for violations thereof. In addition, the Tribal Health Director is authorized to issue business closure orders under sec. 59.5.2 as detailed therein.

**59.6 SECTION 6: SEVERABILITY AND EFFECTIVE DATE AND DURATION**

59.6.1 Severability. If any section, subsection, sentence, clause or phrase of this Chapter is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this Chapter.

59.6.2 Effective Date and Duration. This Chapter shall become effective immediately upon passage by

formal action of the Red Cliff Tribal Council. This Chapter shall remain in effect for the duration of the COVID 19 Pandemic, unless extended by formal action of the Tribal Council declaring its own public health emergency.