

Omaha City Council Passes Emergency Ordinance on Masks

Update:

The Omaha City Council voted 5-2 during a meeting on October 6 to extend the face mask ordinance until November 24, 2020.

Key highlights include:

- Individuals 5 or older required to wear Face Covering while inside a premises open to the general public
- Premises required to enforce the Ordinance
- Misdemeanor fines of up to \$25.00 and/or injunctive relief
- Expires September 15, 2020, unless extended by the Omaha City Council
- Multiple exceptions as noted below

On August 11, 2020, the Omaha City Council voted unanimously to institute an emergency mask ordinance to combat the spread of COVID-19. Effective immediately, Emergency Ordinance No. 42309 ([Ordinance](#)), requires all individuals age five (5) and older to wear a Face Covering over their mouth and nose while indoors in a Premises open to the general public, unless a separation of 6 feet can be maintained at all times from anyone who is not a member of the individual's household. Any individual or entity which maintains a Premises open to the general public is obligated to require individuals age five (5) and older to wear a Face Covering as well. However, Face Coverings are not required if the individual:

- (1) is seeking federal, state, county, or city governmental services.
- (2) is seated at a bar or restaurant to eat or drink, or while immediately consuming food or beverages.
- (3) is engaged in an occupation preventing the wearing of a face covering.
- (4) is obtaining a service or purchasing goods or services that requires the temporary removal of the face covering.
- (5) is asked to remove a face covering to verify an identity for lawful purposes.
- (6) is providing a speech, lecture, or broadcast to an audience so long as six (6) feet of distancing from other individuals is maintained.
- (7) cannot otherwise wear a face covering because of a medical condition, a mental health condition, or a disability that makes it unreasonable for the individual to wear a face covering.

Further, the Ordinance does not apply to:

- (1) Courts of law; public utilities or federal, state, county, or city operations; medical providers, facilities, or pharmacies; congregate living centers or facilities: group homes and residential drug and/or mental health treatment facilities; shelters; airport travel; election offices; polling places on an election day; or to residential dwelling units.
- (2) Children under the age of five (5). While children ages three (3) and four (4) may wear a face covering if that child can remove the face covering without assistance, guidance from the CDC states that children two (2) years old and under should never wear a face covering due to the risk of suffocation.
- (3) Federal and state activities. Nothing in this Article shall be construed to limit, prohibit, or restrict in any way the operations of the federal or state government or the movement of federal or state officials in the city while acting in their official capacity, including federal and state judicial, legislative, and executive staff and personnel.
- (4) Individuals at their workplace when wearing a face covering would create a job hazard for the individual or others, as determined by federal, state, or local regulators or workplace safety and health standards and guidelines.

- (5) Individuals who are alone in an office, room, a vehicle, the cab of heavy equipment or machinery, or an enclosed work area. In such situations, the individual should still carry a face covering to be prepared for person-to-person interactions and to be used when the individual is no longer alone.
- (6) Individuals who are seated at a desk or standing at a stationary work station; provided, that the desk or work station has a solid Plexiglas or plastic barrier installed upon it which cannot be moved.
- (7) Individuals who are officiating at a religious service.
- (8) Individuals communicating with other individuals who are deaf or hard of hearing or who have a disability, medical condition, or mental health condition that makes communication with that individual while wearing a face covering difficult, provided that minimum social distancing of six (6) feet or more is maintained to the extent possible between persons who are not members of the same household.
- (9) Individuals who are engaged in activities, such as swimming or showering, where the face covering will get wet.
- (10) Individuals who are exercising in an indoor business or indoor space such as a gym or fitness center, while the level of exertion makes it difficult to wear a face covering, provided that minimum social distancing of six (6) feet or more is maintained at all times.
- (11) Individuals in an indoor premises that is generally open to the public while playing a musical instrument that cannot be played when a face covering is worn, provided that a minimum social distancing of six (6) feet or more is maintained at all times.
- (12) Public safety workers actively engaged in a public safety role, including but not limited to law enforcement personnel, fire fighters, or emergency medical personnel, in situations where wearing a face covering would seriously interfere in the performance of the individual's public safety responsibilities

Any individual or entity which maintains a Premises open to the general public is required to post one or more signs that are visible to all persons (including workers, customers, and visitors) instructing them to wear Face Coverings as required by the Ordinance. The City of Omaha has provided a form [Face Covering Notice](#). The Ordinance is scheduled to terminate on September 15, 2020, unless otherwise extended by ordinance of the City Council. It is a misdemeanor to violate the Ordinance with a fine up to \$25.00 and/or injunctive relief. The City Health Director is required to prepare and send a weekly report to the City Council and Mayor with information relevant to the spread of COVID-19 within Omaha.

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