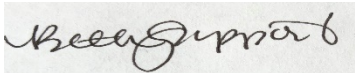






<p>Department: City of Seattle Department of Finance and Administrative Services</p>	<p>Rule No: PUBLIC HEALTH REQUIREMENTS FOR SEATTLE BUSINESSES 03-2020</p>	<p>Supersedes: PUBLIC HEALTH REQUIREMENTS FOR SEATTLE BUSINESSES 02-2020</p>
<p>Subject: Rule Requiring Businesses to Comply with Order of the Secretary of Health 20-03.1 on Statewide Face Coverings, Governor’s Proclamation 20-25.7, and any subsequent amendments</p>	<p>Code and Section Reference(s): SMC 3.39.020, SMC 6.202.240 and SMC 6.208.030</p>	
<p>Approved:</p> <p></p> <hr/> <p>Division Director</p> <p></p> <hr/> <p>Business Unit Officer</p> <p></p> <hr/> <p>Calvin W. Goings, Department Director</p>	<p><u>September 3, 2020</u> Date</p> <p><u>September 4, 2020</u> Date</p> <p><u>September 8, 2020</u> Date</p>	

CITY OF SEATTLE GENERAL BUSINESS RULES

PUBLIC HEALTH REQUIREMENTS FOR SEATTLE BUSINESSES 03-2020

1. **Authority:** The Seattle Municipal Code (SMC) authorizes the Director of the Department of Finance and Administrative Services (FAS) to adopt, publish, and enforce all rules necessary to implement, interpret, administer and enforce Title 6 of the Seattle Municipal Code for the purpose of licensing and regulating businesses and carrying out the functions of FAS.

2. **Purpose:** The purpose of this rule is to help reduce the spread of COVID-19 by ensuring Seattle businesses require staff and customers wear face coverings in compliance with the Washington Secretary of Health's Order 20-03.1 Face Coverings, the Governor's Proclamation 20-25.7, and any subsequent amendments. The Director finds that this rule is necessary for the preservation of public health, safety and general welfare. These findings are based upon the following:
 - Washington State Governor Jay Inslee issued Proclamation 20-05, subsequently amended and extended, proclaiming a State of Emergency due to an outbreak of coronavirus (COVID-19) in the United States and community spread of COVID-19 in Washington State.
 - COVID-19 spreads mainly from person to person through respiratory droplets when infected people, many of whom do not exhibit COVID-19 symptoms, cough, sneeze or talk.
 - Evidence suggests that wearing a protective face covering reduces an infected person's chance of spreading the infection to others and may protect uninfected persons from larger droplets from infected people around them.
 - The Washington State Department of Health, Public Health Seattle & King County, the United States Centers for Disease Control and Prevention and the World Health Organization recommend that people wear face coverings when they are in public settings where they cannot reliably maintain six feet of distance from others at all times.
 - King County moved from Washington State's Phase 1 to Phase 1.5 on June 5, 2020.
 - King County moved from Washington State's Phase 1.5 to Phase 2 on June 19, 2020.
 - In Phases 1.5 and 2, businesses were allowed to reopen, but reopening was contingent upon following recommended guidelines for ensuring customer safety.
 - King County's daily average of COVID-19 cases continues to trend upwards, more than tripling since the move from Phase 1.5 to Phase 2 on June 19, 2020.
 - Without immediate action requiring businesses to ensure that all customers and staff wear face coverings except as provided by the Secretary of Health's order, Seattle may continue to see a significant increase in COVID-19 cases.

This rule requires businesses to require their staff and customers wear face coverings as required by the Washington State Secretary of Health Order 20-03.1 regarding Face Coverings, and any subsequent amendments. This rule also requires that businesses comply with the Governor's Proclamation 20-25.7 and any subsequent amendments, which incorporates the [Safe Start Washington Phased Reopening County-County Plan](#) and [COVID-19 Reopening Guidance for Businesses and Workers](#). This rule also requires that businesses continue to engage in personal protective behaviors outlined in the Governor's Proclamation including but not limited to social distancing, business occupancy requirements, washing

hands frequently, and disinfecting surfaces and objects regularly. Businesses must cooperate with public health authorities regarding the investigation of cases, suspected cases, outbreaks, and suspected outbreaks of COVID-19.

3. **Rule:** *This rule implements the following provisions:*

All City of Seattle businesses that are required to possess a City of Seattle business license must require every person in their business establishment to wear a protective face covering as outlined by the Secretary of Health's Order 20-03.1 and the Governor's Proclamation 20-25.7, and any subsequent amendments. Businesses may allow an individual to remove their face covering under the following circumstances:

- While seated at a restaurant or other establishment that offers food or beverage service, while they are eating or drinking, provided that they are able to maintain a distance of at least six feet from guests seated at other tables;
- While in an outdoor public area, provided that a distance of at least six feet is maintained from non-household members;
- When any party to a communication is deaf or hard of hearing and not wearing a face covering is essential to communication;
- When obtaining a service that requires temporary removal of the face covering;
- When necessary to confirm the individual's identity; and
- When federal or state law prohibits wearing a face covering or requires removing a face covering.

Businesses are exempt from requiring face masks for the following individuals:

- Children younger than five years old; and
 - Children who are younger than two years old should never wear face coverings due to the risk of suffocation.
 - Children who are two, three, or four years old, with the assistance and close supervision of an adult, are strongly recommended to wear a face covering at all times in settings like grocery stores or pharmacies where it is likely that a distance of at least six feet cannot be maintained from non-household members and vulnerable people must go.
- Persons with a medical condition, mental health condition or disability that prevents wearing a face covering. This includes, but is not limited to, persons with a medical condition for whom wearing a face covering could obstruct breathing or who are unconscious, incapacitated or otherwise unable to remove a face covering without assistance.

For purposes of this rule, a face covering means a cloth face covering or mask that covers the nose and mouth.

All City of Seattle businesses that are required to possess a City of Seattle business license must abide all provisions of the Secretary of Health's Order 20-03.1 and the Governor's Proclamation 20-25.7 and any subsequent amendments.

Violations: Violations of this rule may subject the business to summary suspension of their business license under Seattle Municipal Code 6.202.240 and criminal prosecution under SMC 6.208.030.

Effective date: This rule takes effect immediately upon filing with the City Clerk and is effective until both the Secretary of Health's Order 20-03.1 and the Governor's Proclamation 20-25.7, and any subsequent amendments, expire or are rescinded.



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City of Seattle

NOTICE OF PROPOSED RULEMAKING AND OPPORTUNITY TO COMMENT

The City of Seattle's Director of the Department of Finance and Administrative Services (FAS), acting under the authority of Seattle Municipal Code Chapters 3.39.020, 6.202.240 and 6.208.030, proposes to adopt a rule mandating protective face coverings, physical distancing and occupancy limits in Seattle businesses, in accordance with the Washington Secretary of Health's Order 20-03.1 Face Coverings, the Governor's Proclamation 20-25.7, and any subsequent amendments.

An electronic copy of the proposed rule is available at <http://www.seattle.gov/finance-and-administrative-services/directors-rules>. More information about the rule is also available at <http://www.seattle.gov/business-regulations/business-and-restaurant-requirements-during-covid-19>.

All interested persons are invited to present data, views or comments regarding the proposed rule by phone or in writing. All comments must be received no later than 5 p.m. on Friday, August 28, 2020.

Written comments may be emailed, mailed or delivered to:

City of Seattle

Department of Finance and Administrative Services

Consumer Protection Division

Attention: Protective Face Coverings Rule

P.O. Box 94785

Seattle, WA 98124-7085

consumerprotection@seattle.gov

To provide feedback by phone, please call 206-386-1268 (interpretation services available upon request).

Calvin W. Goings, Director

Department of Finance and Administrative Services

Date of first publication in the Seattle Daily Journal of Commerce, August 10, 2020.

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