

**ORDINANCE NO. 21-16 B**

**AN ORDINANCE TO AMEND TITLE 11, CHAPTER 8,  
SECTION 11-804 WEARING MASKS**

**WHEREAS**, the Board of Mayor and Aldermen recognize the importance of wearing face coverings in response to medical conditions, religious and cultural purposes, and requirements administered by businesses, places of assembly, governmental offices and facilities, and other locations; and

**WHEREAS**, §11-804, Wearing Masks as previously adopted by the Board of Mayor and Aldermen does not contain exceptions to the wearing of facial coverings by individuals with medical conditions, religious and cultural purposes, and requirements administered by businesses, places of assembly, governmental offices and facilities, and other locations.

**NOW, THEREFORE, BE IT ORDAINED**, that Title 11, Chapter 8, §11-804 of the Code of Ordinances is repealed in its entirety as more fully described in Exhibit A attached hereto.

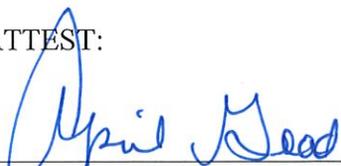
**BE IT FUTHER ORDAINED**, that all ordinances or partial ordinances in conflict herewith be, and the same hereby are, repealed or modified as the case may be.

**BE IT FURTHER ENACTED**, that this Ordinance shall take effect from and after its final passage by the Board of Mayor and Aldermen.

**Passed and adopted by the Board of Mayor and Aldermen of the City of Spring Hill, Tennessee on 16th day of August, 2021.**

  
\_\_\_\_\_  
Jim Hagaman, Mayor

ATTEST:

  
\_\_\_\_\_  
April Goad, City Recorder

LEGAL FORM APPROVED.

  
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Patrick M. Carter, City Attorney

Passed on First Reading: July 19, 2021

Passed on Second Reading: August 16, 2021



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Date: July 6, 2021

Memo To: Board of Mayor and Aldermen

From: Matt Fitterer, Alderman

RE: Ordinance regarding masks

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In the summer of 2020, the Spring Hill City attorney identified a potential first amendment issue related to Spring Hill Municipal Code Title 11, Chapter 8, Section 11-804.

BOMA has yet to resolve the matter. The enclosed Ordinance would address the concerns raised by the City Attorney while remaining silent towards the areas of concern raised by BOMA members previously.

An alternative "B" Ordinance has also been prepared which will remedy the first amendment concern should BOMA prefer the approach offered by the "B" Ordinance.

## EXHIBIT A

Title 11, Chapter 8, Section 11-804, Wearing Masks, is hereby amended as follows:

### ~~§ 11-804 WEARING MASKS~~

~~———— (A) ——— It shall be unlawful for any person to appear on or in any public way or place while wearing any mask, device, or hood whereby any portion of the face is so hidden or covered as to conceal the identity of the wearer.~~

~~———— (B) ——— The following are exempted from the provisions of this section:~~

~~———— (1) ——— Children under the age of 12 years;~~

~~———— (2) ——— Workers while engaged in work wherein a face covering as necessary for health and/or safety reasons;~~

~~———— (3) ——— Persons wearing gas masks in civil defense drills and exercises or emergencies;~~

~~———— (4) ——— Any person having a special permit issued by the city's Recorder to wear a traditional holiday costume.~~