



OHIO TOWNSHIP ASSOCIATION

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Questions?

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COVID-19 Updates & Other Relevant Information for Township Officials

COVID-19 Updates:

*State Face Mask Requirements
Township Ability to Require Face Coverings*

STATE FACE MASK REQUIREMENTS

GOVERNOR ISSUES NEW REQUIREMENTS FOR "RED" AND "PURPLE" COUNTIES

Last week, Governor DeWine rolled out a new county-based color alert system for COVID-19 impact that shows more localized information. You can find a summary of the new system [here](#). There are four alert levels - yellow, orange, red, and purple - with increasing levels of impact. The colors are informed by data over a 3-week period and will be updated weekly. Data informing the alert levels includes: 1. New cases per capita, 2. Sustained increase in new cases, 3. Proportion of cases that are not congregate cases, 4. Sustained increase in emergency room visits, 5. Sustained increase in outpatient visits, 6. Sustained increase in new COVID-19 hospital admissions, and 7. ICU bed occupancy.

On July 7th, the Governor and the Ohio Department of Health issued a new public health order that requires individuals in "red" or "purple" counties to wear a mask in public. This order applies to all indoor public spaces or outdoor public spaces where social distancing cannot be maintained. It does not apply to children 10 years old and under and contains the exceptions of previous mask requirements.

This requirement goes into effect at 6:00 p.m. on Wednesday, July 8th. As of today, the seven counties labeled red are Butler, Cuyahoga, Franklin, Hamilton, Huron, Montgomery, and Trumbull.



Currently, there are 53 counties at alert level 1 (yellow), 28 counties at alert level 2 (orange), 7 counties at alert level 3 (red), and 0 counties at alert level 4 (purple). For a breakdown of each alert level, click [here](#).

TOWNSHIP ABILITY TO REQUIRE FACE COVERINGS

STATUTORY TOWNSHIPS CANNOT REQUIRE MASK USAGE

The OTA has received numerous questions on a township's ability to pass a resolution that requires individuals to wear a face mask while in public, such as some cities have required via ordinance.

After inquiring with several township attorneys, there is no section in the Ohio Revised Code that permits a statutory township to require mask usage. Further, several AG Opinions state that “[a]bsent authority based on statute, a board of township trustees is not empowered to take action to improve, or to prevent injury to, the ‘quality of life’ of residents of the township” (AG Ops. No. 92-063; 88-088). There is an exception for limited home rule townships may exercise this authority under R.C. Chapter 504.

As always, the OTA encourages townships to work with legal counsel on questions specific to their township.

NOTE FROM THE OTA: Please share this information with your fellow township officials. Thank you!

The Ohio Township Association is a statewide organization dedicated to the promotion and preservation of township government in Ohio. The OTA was founded on June 28, 1928, and is organized in 87 Ohio counties. OTA has more than 5,200 active members, made up of trustees and fiscal officers from Ohio’s 1,308 townships, and more than 4,000 associate members.