

# IN THE MUNICIPAL COURT OF FAIRBORN OHIO

## ADMINISTRATIVE ENTRY AND ORDER

This Administrative Entry and Order is made upon this Court's own motion, and for good cause shown, in the interest of the health, welfare, and safety of the general public, and of this Court's employees. Administrative Judge Beth W. Cappelli, makes the following findings of fact:

WHEREAS, on March 9, 2020, Ohio Governor Mike DeWine issued Executive Order 2020-01D "Declaring a State of Emergency" in the State of Ohio; and

WHEREAS on March 11, 2020, the World Health Organization officially declared COVID-19 to be a global pandemic requiring "urgent and aggressive action" to control the spread of the virus; and

WHEREAS on March 13, 2020, the President of the United States declared a national emergency to provide federal funding to fight the COVID-19 pandemic and empowered the Secretary of Health and Human Services to waive certain laws and regulations to ensure the virus can be contained and patients treated; and

WHEREAS the Centers for Disease Control and Prevention (CDC) has recommended Americans wear cloth face coverings in public to help slow the spread of COVID-19. That recommendation was made based on studies that show a significant proportion of people with COVID-19 lack symptoms and can transmit the virus to others in close proximity, through speaking, coughing, sneezing, or other means; and

WHEREAS, on July 27, 2021, the CDC recommended that to maximize protection from the Delta variant of COVID-19 and prevent possibly spreading it to others, fully vaccinated individuals should wear a mask indoors in public if in an area of substantial or high transmission. Individuals who are not vaccinated should continue to wear a mask as previously recommended. Further, if around someone who has COVID-19, one should get tested within 3-5 days after exposure, even without symptoms. A mask should be worn indoors in public for 14 days following exposure, or until the test result is negative. The individual should isolate for 10 days if the test result is positive.

WHEREAS, as of February 22, 2022, the CDC recommended that individuals review COVID-19 Community Level and decide what prevention steps to take based upon the latest data. If community levels were low the recommendation was to wear a mask based upon personal preference, informed by personal level of risk. If community levels are medium, immunocompromised individuals were urged to talk to health care providers about additional precautions, such as wearing masks or respirators indoors in public. If the community levels are high, individuals should wear a well-fitting mask indoors in public, regardless of vaccination status or individual risk.

On March 3, 2022, the CDC released that more than 90% of the U.S. population is in a location with low or medium COVID-19 Community Level.

Further, as of March 10, 2022, the CDC released that more than 98% of the U.S. population is in a location with low or medium COVID-19 Community Level.

WHEREAS, as of March 9, 2022, only employees and patrons who are not fully vaccinated were required to wear a mask or facial covering while in the Courthouse. Hearings will continue to be held using remote technology in certain instances at the discretion of the Court. The Bond Schedule filed July 1, 2021, continues to remain in effect. Fairborn Municipal Court will continue to enforce physical distancing within the court.

WHEREAS, as of July 12, 2022, Greene County Public Health (GCPH) announced that Greene County has been raised to a “high” community risk level for Covid-19 according to the Center for Disease Control and Prevention (CDC). The COVID-19 community level is classified as low, medium, or high. When making decisions about community prevention strategies and individual preventive behaviors in addition to vaccination, health officials and people should consider the COVID-19 Community Level in the county.

THEREFORE, as of July 13, 2022, the Court will continue to follow the recommendations from Greene County Public Health (GCPH) and the Center for Disease Control and Prevention (CDC). When the community level for Greene County increases from “**Medium**” to “**High**” all staff and visitors will be required to wear a mask in the interest of the health, welfare, and safety of the public and court employees regardless of vaccination status.

- All individuals are required to wear face coverings within the Courthouse unless one of the following apply:
  - The face covering is not advisable for health purposes;
  - The person is sitting alone in an enclosed space; or
  - There is a practical reason a face covering cannot be worn by a person

If any exceptions apply to an employee, written justification must be provided upon request.

If not specifically mentioned, the Court will use discretion to determine if a matter needs addressed in order to protect an individual’s health, safety, housing, or prevent other imminent, serious harm, that cannot be remedied otherwise. The Court shall ensure the orderly and efficient administration of justice while continuously assessing the situation to determine if additional precautions are necessary. This Administrative Entry and Order supersedes the previous Administrative Orders promulgated in response to the COVID-19 pandemic.

**IT IS SO ORDERED.**

  
Beth W. Cappelli, Judge