

CORTLAND COUNTY COVID-19 ENFORCEMENT POLICY

EXECUTIVE ORDER AUTHORITY:

- On March 7, 2020, Governor Andrew M. Cuomo issued Executive Order 202 declaring a disaster emergency for the State of New York in response to the spread of COVID-19.
- On March 20, 2020, Governor Andrew M. Cuomo issued Executive Order 202.8 provided the directive wherein all businesses and not-for-profits within the State of New York shall reduce the in-person workforce, at any work location, by one hundred percent (100%) no later than March 22, 2020, at 8:00 p.m. Any essential business or entity providing essential services or functions, whether to an essential business or a non-essential business, shall not be subjected to the in-person work restriction, but may operate at a level necessary to provide such service or function. Any business violating the above order shall be subject to enforcement as if this were a violation of an order pursuant to Section 12 of the Public Health Law.
- On April 12, 2020, Governor Cuomo issued Executive Order 202.16, effective April 15, 2020, at 8:00 p.m., directing that all essential businesses or entities to provide any employees who are present in the workplace face coverings at no-cost to the employees. Employees are required to wear face coverings when in direct contact with customers or members of the public. This provision may be enforced by local governments or local law enforcement as if it were an order pursuant to Section 12 or 12-b of the Public Health Law.
- On April 15, 2020, Governor Cuomo issued Executive Order 202.17, directing any individual who is over age two (2) and able to medically tolerate a face-covering shall be required to cover their nose and mouth with a mask or cloth face-covering when in a public place and unable to maintain, or when not maintaining, social distance.
- On June 26, 2020, as part of the Re-Open New York Plan, Governor Cuomo issued Executive Order 202.45, amending Executive Order 202.10, by allowing gatherings of fifty (50) or fewer individuals for any lawful purpose or reason so long as such gatherings occurring indoors do not exceed fifty percent (50%).

NEW YORK CODE OF RULES AND REGULATIONS AUTHORITY

- 10 NYCRR, Subpart 66-3.1: Duration and Applicability
The provisions of this Subpart shall apply for the duration of any state disaster emergency declared pursuant to sections 28 and 29-a of the Executive Law related to the outbreak of COVID-19 in New York State. To the extent any provision of this Subpart becomes inconsistent with any Executive Order, the remainder of the provisions in this Subpart shall remain in effect and shall be interpreted to the maximum extent possible as consistent with such Executive Orders.
- 10 NYCRR, Subpart 66-3.2: Face-Coverings

- (a) Any person who is over age two (2) and able to medically tolerate a face-covering shall be required to cover their nose and mouth with a mask or face-covering when in a public place and unable to maintain, or when not maintaining, social distance.
 - (b) Any paying passenger of a public or private transportation carrier or other for-hire vehicle, who is over age two (2) and able to medically tolerate a face covering, shall wear a mask or face covering over the nose and mouth during any such trip; any employee of such public or private transportation carrier who is operating such public or private transport, shall likewise wear a mask or face-covering which covers the nose and mouth while there are any paying passengers in such vehicle.
 - (c) Any employee who is present in the workplace shall be provided and shall wear a mask or face-covering when in direct contact with customers or members of the public, or when unable to maintain social distance. Businesses must provide, at their expense, such face coverings for their employees.
 - (d) Business operators and building owners, and those authorized on their behalf or otherwise authorized to use the building shall deny admittance to any person who fails to comply with this section and shall require or compel such persons' removal. Provided, however, that this regulation shall be applied in a manner consistent with the federal American with Disabilities Act, New York State or New York City Human Rights Law, and any other applicable provision of law.
 - (e) For the Purposes of this section:
 1. Face-coverings shall include, but are not limited to, cloth masks (e.g. homemade sewn, quick cut, bandana), surgical masks, N-95 respirators, and face shields.
 2. A person shall be considered as maintaining social distancing when keeping at least six (6) feet distance between themselves and any other persons, other than members of such persons' household.
- 10 NYCRR Subpart 66-3.3: Non-Essential Gatherings
 - (a) There shall be no non-essential gatherings of greater than ten (10) individuals for any reason at any location in the state, including but not limited to parties, celebrations or other social events. This restriction may be modified by any Executive Order issued pursuant to Executive Law Section 28 and 29-a implementing the phased re-opening of New York businesses and the relaxation of social distancing rules by region.
 - (b) No person, business, or other entity, shall encourage or promote any non-essential gathering including those on public property such as streets, sidewalks, parking lots, parks, playgrounds, or beaches, that would violate subdivision (a) of this section.
 - (c) All non-essential gatherings that are permitted pursuant to this section shall comply with social distancing protocols and cleaning and disinfection guidelines issued by the Department.
 - (d) Subdivision (a) of this section shall not apply to any essential business, as defined by the New York State Department of Economic Development d/b/a Empire State Development (ESD), pursuant to the authority provided in Executive Authority 202.6, or as further defined in this Subpart.
 - 10 NYCRR Subpart 66-3.4: Business Operations
 - (a) All businesses and not-for-profit entities in the state shall utilize, to the maximum extent possible, any telecommuting or work from home procedures that they can

- safely utilize. Except as may otherwise be permitted by any Executive Order issued pursuant to Executive Law Section 28 and 29-A implementing the phased re-opening of New York businesses and the relaxation of social distancing rules by region, each employer shall reduce the in-person workforce at any work locations by 100%, provided that any essential business or entity providing essential services or functions shall not be subject to such in-person restrictions. An entity providing essential services or functions whether to an essential business or a non-essential business shall not be subjected to the in-person work restriction, but may operate at the level necessary to provide such service or function.
- (b) Any business not otherwise described herein may be deemed essential after requesting an opinion from the Empire State Development Corporation, which shall review and grant such request, should it determine that it is in the best interest of the state to have the workforce continue at full capacity in order to properly respond to this disaster.
 - (c) Essential businesses include, but are not limited to, the following: essential health care operations including but not limited to any entity or individual licensed, certified, registered or otherwise approved pursuant to Articles 5, 28, 30, 35, 36 or 40 of the Public Health Law, or Articles 131, 131-B, 131-C, 137, 139, 140, 153, 154, 163, 164 or 165 of the Education Law, and any other research or laboratory services; essential infrastructure including utilities, telecommunication, airports and transportation infrastructure, and hotels and places of accommodation; essential manufacturing, including food processing and pharmaceuticals; essential retail including grocery stores and pharmacies; essential services including trash collection, mail, and shipping services; news media; banks and related financial institutions; providers of basic necessities to economically disadvantaged populations; construction; vendors of essential services necessary to maintain the safety, sanitation and essential operations of residences or other essential businesses; vendors that provide essential services or products, including logistics and technology support, child care and services needed to ensure the continuing operation of government agencies and provide for the health, safety and welfare of the public.
 - (d) Except as may otherwise be permitted by any Executive Order issued pursuant to Executive Law Section 28 and 29-A implementing the phased re-opening of New York businesses and the relaxation of social distancing rules by region, all restaurants and bars shall cease serving patrons food or beverages on premises, and shall only serve food or beverages for off-premises consumption which may include take-out or delivery services.
 - (e) Except as may otherwise be permitted by any Executive Order issued pursuant to Executive Law Section 28 and 29-A implementing the phased re-opening of New York businesses and the relaxation of social distancing rules by region, all indoor common portions of retail shopping malls with in excess of 100,000 square feet of retail space available for lease shall remain closed. Any stores located within such shopping malls, which have their own external entrances open to the public, separate from the general mall entrance, and which are essential businesses may remain open, provided that any restaurant shall limit itself to take out or delivery food services, and that any interior entrances to common areas of the mall remain closed and locked.

- 10 NYCRR Subpart 66-3.5: Penalties.
 - A violation of any provision of this Subpart is subject to all civil and criminal penalties as provided for by law. Individuals or entities that violate this Subpart are subject to a maximum fine of \$1,000 for each violation; provided that individuals or entities who violate section 66-3.3(a) or (b) shall be subject to a maximum fine of \$15,000 for each violation. For purposes of civil penalties, each day that there is a non-essential gathering or that an entity operates in a manner inconsistent with the Subpart shall constitute a separate violation under this Subpart.

VIOLATIONS AND PENALTIES:

1. First Complaint:

- a. The County will contact the facility and/or business and provide proper education on COVID-19 protocols and standards.
- b. The County may impose a mandatory fine of approximately five hundred dollars (\$ 500).

2. Second Complaint:

- a. The County will arrange an unannounced inspection of the facility and/or business to make a determination if the COVID-19 protocols are properly in place.
- b. If the complaint is verified, the County will send correspondence to the facility and/or business providing detailed statements about the facility and/or business's violation of the COVID-19 protocols.
- c. The County may impose a mandatory fine of approximately seven hundred fifty dollars (\$ 750).

3. Third Complaint:

- a. The County will arrange an unannounced inspection of the facility and/or business to make a determination if the COVID-19 protocols are properly in place.
- b. If the complaint is verified, the County will send correspondence to the facility and/or business providing detailed statements about the facility and/or business's violations of COVID-19 protocols and require that the facility and/or business be closed for a period of time.
- c. The County may impose a mandatory fine of approximately one thousand dollars (\$ 1,000).

4. Fines and/or Penalties:

- a. For purposes of civil penalties, fines are for each day the facility is not meeting NYCRR Subpart 66.3. Once a facility reaches the fine phase, additional verified complaints are subject to the schedule of fines above.