

ORDINANCE NO. _____, SERIES 2024

**AN ORDINANCE REPEALING AND RE-ENACTING SECTION 130.01 OF
THE LOUISVILLE METRO CODE OF ORDINANCES (“LMCO”)
REGARDING PROHIBITIONS ON MASK WEARING.**

SPONSORED BY: COUNCIL MEMBER PAULA MCCRANEY

WHEREAS, the health and safety of the residents and visitors of Louisville Metro are of utmost importance to the Louisville Metro Government and the Louisville Metro Police Department (LMPD); and

WHEREAS, many individuals throughout the community are at higher risk for severe complications from airborne illnesses, including senior citizens, immunocompromised individuals, and those with pre-existing health conditions, making it a preference for some to exercise protective measures in public spaces; and

WHEREAS, the 2020 COVID-19 pandemic increased the prevalence of face mask-wearing, making it an everyday practice for many residents as a measure to reduce the spread of airborne pathogens, helping to protect individuals during times of heightened illness, including seasonal flu and other infectious diseases; and

WHEREAS, youth and young adults have embraced face masks not only for health reasons but also as a form of self-expression and fashion, incorporating masks as part of their daily attire and contributing to a culture of health consciousness; and

WHEREAS, Louisville Metro Government is dedicated to upholding public safety while respecting the rights and freedoms of all Louisville Metro residents; and

WHEREAS, Louisville Metro Government seeks to ensure that community members who wear masks are not subject to unwarranted suspicion, bias, or discrimination solely based on wearing a face covering; and

WHEREAS, Louisville Metro Government is committed to equipping peace officers with best practices training on the enforcement of a mask ordinance and respectfully engaging with residents who choose to wear face masks; and training that promotes awareness, fairness, and the ability to differentiate between lawful, everyday activities and behaviors that may indicate criminal intent or criminal activity that warrants further observation or response; and

WHEREAS, documentation all mask-related stops and citations as the key to ensuring transparency and oversight; and

WHEREAS, Louisville Metro Government is dedicated to enforcing this ordinance fairly and equitably such that individuals are not stopped or detained for wearing a mask in the absence of a totality of circumstances that would create a reasonable articulable suspicion of a violation of law.

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:

SECTION I: Section 130.01 of LMCO is repealed and re-enacted as follows:

(A) It shall be unlawful for a person to cover a substantial portion of his or her face or to wear a personal disguise, whether complete or partial, for the purpose of:

(1) Avoiding identification or recognition during the commission of any criminal offense; or

(2) Concealment, flight, or escape, when charged with, arrested for, or convicted of any criminal offense.

(B) A violation of this section shall be a Class A misdemeanor, punishable by a fine not to exceed \$500 or a term of imprisonment not to exceed 12 months, or both.

(C) (1) Peace officers shall not stop or detain an individual solely on the basis that they are wearing a face covering.

(2) One year after the effective date of this ordinance and thereafter on an annual basis, LMPD shall provide a statistical report on the enforcement of this ordinance to Metro Council and the Mayor. The report shall include:

(a) The underlying criminal offenses suspected at the time of the enforcement encounter, regardless of whether a citation was issued or an arrest was made;

(b) The age and race of the individuals encountered; and

(c) The addresses at which the encounters occurred.

SECTION II: This Ordinance shall take effect upon its passage and approval or otherwise becoming law.

Sonya Harward
Metro Council Clerk

Markus Winkler
President of the Council

Craig Greenberg
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

BY: _____