



# Metropolitan Nashville and Davidson County, TN

## Legislation Details (With Text)

**File #:** BL2024-510

**Type:** Bill (Ordinance)      **Status:** Passed

**File created:** 8/23/2024      **In control:** Metropolitan Council

**On agenda:** 10/1/2024      **Final action:** 10/1/2024

**Title:** An ordinance amending Section 11.12.040 of the Metropolitan Code of Laws regarding exemptions for wearing disguises in public places.

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**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
10/2/2024	1	Mayor	approved	
10/1/2024	1	Metropolitan Council	passed on third reading	Pass
9/17/2024	1	Metropolitan Council	passed on second reading	
9/17/2024	1	Public Health and Safety Committee	approved	
9/3/2024	1	Metropolitan Council	passed on first reading	
8/27/2024	1	Metropolitan Council	filed	

An ordinance amending Section 11.12.040 of the Metropolitan Code of Laws regarding exemptions for wearing disguises in public places.

WHEREAS, Section 11.12.040 of the Metropolitan Code of Laws prohibits any person, while masked, to be or appear on or in any public place in the metropolitan government area, with exemptions for certain persons; and,

WHEREAS, the current law is derived from the former City Council of Nashville ordinance Bill No. 49-299, where the stated purpose and policy of prohibiting masks in public places in the city is to protect its citizens from intimidation, from crime by masked and hooded persons, and to give police the fullest opportunity to detect, apprehend, and bring to justice violators of the law; and,

WHEREAS, the Constitutions of the United States and the State of Tennessee recognize the fundamental rights of citizens to express sincerely held religious beliefs; and,

WHEREAS, health authorities, including the Centers for Disease Control and Prevention, recognize that wearing a mask can help lower the risk of transmission of respiratory illness pathogens; and,

WHEREAS, the intent of Section 11.12.040 is not to prohibit persons from wearing masks for sincerely held religious beliefs or for legitimate medical purposes.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Section 11.12.040 of the Metropolitan Code of Laws is hereby amended by deleting the period at the end of Subsection C.5 and adding a semicolon and adding the following new Subsections C.6 and C.7 as follows:

6. Persons wearing a mask based on a sincerely held religious belief or practice;

7. Persons wearing a mask covering the nose and mouth that is intended for a legitimate medical purpose, including but not limited to, lowering the risk of transmission of respiratory illness pathogens.

Section 2. The ordinance shall take effect from and after its final passage, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

### Analysis

This ordinance amends Section 11.12.040 of the Metropolitan Code of Laws to provide exemptions to the prohibition for wearing disguises in public places.

Section 11.12.040 of the Metro Code currently prohibits a person from wearing a mask in a public place within Nashville and Davidson County. There are several existing exemptions from this prohibition, including children under the age of 17, workers while engaged in work wherein a covering is necessary, persons wearing traditional holiday costumes, persons engaged in theatrical productions or masquerade balls, and persons wearing gas masks in civil defense drills and exercises or emergencies.

The ordinance under consideration would add two new exemptions from the prohibition against wearing a mask in a public place. The exemptions would be for persons wearing a mask based on sincerely held religious beliefs or practices and persons wearing a mask covering the nose and mouth that is intended for a legitimate medical purpose, including but not limited to, lowering the risk of transmission of respiratory illness pathogens.