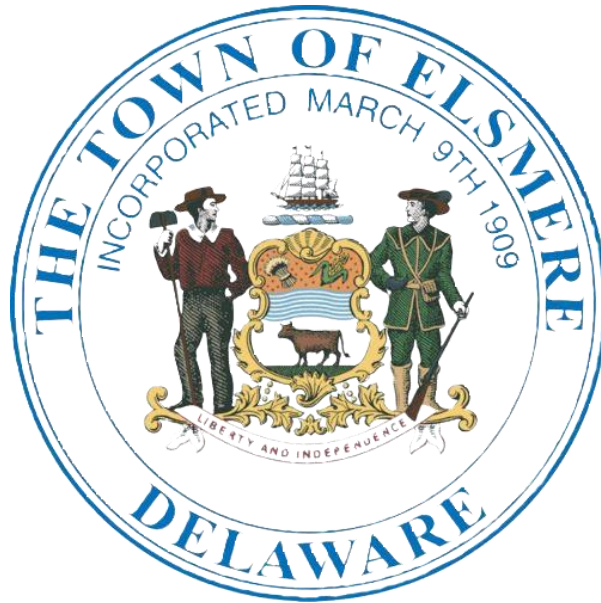




Ordinance 683

AN ORDINANCE PROHIBITING CERTAIN FACIAL COVERINGS FROM BEING WORN IN CERTAIN SPACES; UNDER CERTAIN TERMS AND CONDITIONS

Sponsored By: Councilwoman Jensen

First and Second Reading: July 8, 2025

Results: Passed 5 In Favor, 1 Opposed, 1 Vacant

Third and Final Reading: August 14, 2025

Results:

TOWN OF ELSMERE ORDINANCE 683

AN ORDINANCE PROHIBITING CERTAIN FACIAL COVERINGS FROM BEING WORN IN CERTAIN SPACES; UNDER CERTAIN TERMS AND CONDITIONS

WHEREAS, in 2020, casually wearing ski masks became prevalent. This trend corresponded with an uptick of individuals who wore ski masks in the commission of a crime.

WHEREAS, the Elsmere Bureau of Police has received numerous complaints from residents and business owners of individuals wearing ski masks to conceal their identities.

WHEREAS, in most cases, perpetrators' use of a ski mask to conceal their identity to impede law enforcement's ability to identify and apprehend the individual.

WHEREAS, the use of ski masks by criminals to conceal their identities is both a public safety issue and a quality-of-life issue. Our quality of life suffers when residents feel at greater risk of experiencing crime while going about their daily lives in the Town of Elsmere. And public safety is lessened when criminals can wear ski masks with anonymity, making it difficult for police officers to identify them.

WHEREAS, on April 14, 2025, a resident went to the Wawa and was carjacked by two juveniles who were wearing ski masks.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF ELSMERE, THE FOLLOWING:

1. No person shall, with the specific intent to intimidate or threaten another person, or with the specific intent to hide one's identity during the commission of unlawful activity, wear a mask, hood, *ski mask*, *balaclava*, or other device or means of hiding, concealing, or covering any portion of the face for the purpose of concealing their identity on public property or private property in the Town of Elsmere without the express written permission of the owner or occupier of the property; and
2. This Section shall not be construed to punish constitutionally protected speech.
3. A person who violate Paragraph (1) of this Section shall be subject to a fine (Fined) not less then (seventy-five dollars (\$75).) two thousand dollars (\$2000).
4. No person shall wear a ski mask or balaclava in any school building, recreation center, daycare, park, City-owned building, or on any mode of public transportation, including, but not limited to, buses, trains, cabs, Uber, and/or Lyft. For purposes of this Section, a "ski mask or balaclava" means a close-fitting garment covering the whole head and face, with holes for the eyes, mouth, or nose, or any combination of the three.
5. The provisions of shall not be construed to apply to any person who wears a ski mask or balaclava while:
 - (a) Wearing a traditional holiday costume;
 - (b) Worn for a religious purpose;

- (c) Engaged in a trade or employment where they are worn for the purpose of ensuring the physical safety of the wearer;
 - (d) In a theatrical production;
 - (e) Protecting the wearer from the elements while participating in a winter sport; or
 - (f) Lawfully engaged in First Amendment activities.
- 6. Any person who wears a ski mask or balaclava in violation of Paragraph (4) of this Section, where such violation is not otherwise covered by Paragraph (1) of this Section, shall be fined two hundred fifty dollars (\$250).
 - 7. If a court of competent jurisdiction declares any part of this Section to be invalid, such judgement shall not affect the validity of this Section as a whole or any remaining part thereof. It is the intention of the Mayor and Council that the remaining provisions of this Section would have been adopted as if such part found to be invalid had not been enacted.
 - 8. This Ordinance shall take effect September 8, 2025.

**RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF ELSMERE, THIS
14th DAY OF AUGUST, 2025.**

First and Second Reading
July 8, 2025

Third and Final Reading
August 14, 2025

Joann I. Personti, Mayor

Jane McDaniel, Secretary

Approved as to form:

Town Solicitor

Ordinance 683

SYNOPSIS

This Ordinance prohibits perpetrators from trying to conceal their identities while increasing public safety and improve quality-of-life issues.

Fiscal Impact:

At this time there is no fiscal impact.