

## EMERGENCY ORDINANCE 2020-11 FACE MASKS

**FOR THE PURPOSE OF** reducing the risk of the spread of the COVID-19 virus; reducing the potential shutdown of the local economy and the negative impacts associated with such a shutdown; and potentially reducing the need for hospitalization and the number of fatalities, the City of Lebanon ordains as follows:

**WHEREAS**, a primary function of municipal government is the health and safety of those persons residing within or entering into it; and

**WHEREAS**, infectious diseases are caused by germs, such as viruses, bacteria, and parasites. COVID-19 is a viral illness that has the ability to be spread from person to person very easily through respiratory droplets. Public Health Officials have determined that it is well established that an individual infected with COVID-19 can transmit the disease whether or not they are exhibiting any symptoms; and

**WHEREAS**, on January 23, 2020, the World Health Organization declared a Public Health Emergency of International Concern and the United States Department of Health and Human Services declared a Public Health Emergency related to the COVID-19 outbreak on January 31, 2020; and

**WHEREAS**, on March 11, 2020 the World Health Organization declared COVID-19 a pandemic; and

**WHEREAS**, on March 13, 2020, the President of the United States declared a National Emergency under the federal Stafford Act due to the spread of COVID-19; and

**WHEREAS**, on March 13, 2020, the Governor of the State of New Hampshire declared a state of emergency exists due to the impacts of the COVID-19 pandemic; and

**WHEREAS**, the top officials of the World Health Organization, the Centers for Disease Control, the National Institute of Health and the New Hampshire Department of Health and Human Services (NH DHHS) Division of Public Health have all determined that COVID-19 is most commonly spread from an infected person to others through the dispersion of respiratory droplets, including:

1. Through the air by coughing or sneezing;
2. Close personal contact, such as touching or shaking hands;
3. Touching an object or surface with the virus on it, then touching mouth, nose, or eyes before washing of hands.

And,

**WHEREAS**, the CDC has determined that COVID-19 may also be spread before an infected person shows symptoms of the virus and are therefore, unaware they are infected; and

**WHEREAS**, it is clinically established that the best means of slowing the spread of a virus is through minimizing close personal contact with individuals in a public environment, social/physical distancing, covering one's mouth and nose by wearing a face covering, and utilizing frequent and proper hand washing. For optimal protection, the following key factors should be considered while wearing a face covering. The safe use of face coverings requires the wearer to maintain proper hand hygiene by hand washing frequently with either soap and water or hand sanitizer for at least 20 seconds. The wearer should prevent the spread of disease by avoiding touching their face, nose, or eyes and not touching the outside of the face coverings at all times; and

**WHEREAS**, cloth face coverings are most likely to reduce the spread of COVID-19 when they are widely used by people in public settings as they reduce the spray of respiratory droplets, particularly when combined with social/physical distancing and other sanitary measures such as washing hands or utilizing hand sanitizer; and

**WHEREAS**, the NH DHHS Division of Public Health has found that community-based transmission of COVID-19 has been identified in all counties of the State; and

**WHEREAS**, as of August 5, 2020 there have been 696,147 deaths worldwide related to COVID-19, 156,311 in the United States, and 418 in the State of New Hampshire. As of this date worldwide there have been 18,354,342 persons infected with COVID-19, 4,748,806 in the United States, 6,693 in the State of New Hampshire and 20 in the City of Lebanon. As of this date there have been 130.1 persons hospitalized per 100,000 people due to COVID-19 in the United States, and 698 persons in the State of New Hampshire; and

**WHEREAS**, the provisions of RSA 47:17, XV provide authority to city councils to adopt By-Laws and Ordinances for the well-being of the cities. Further, RSA 147:1 allows towns to make regulations for the public health and safety of the people and RSA 47:12 vests the authority of towns to make such public health regulations to city councils; and

**WHEREAS**, the City's goal is to reduce the risk of the spread of the COVID-19 virus, and reduce the potential for additional impacts to the local economy, while also acknowledging that community mitigation measures reduce the number of fatalities and those needing hospital care.

**WHEREAS**, it has been determined that the virus which causes COVID-19 spreads very easily and sustainably between people, particularly within indoor environments with limited fresh air exchange but also amongst persons in close physical proximity who cannot adequately social distance; and

**WHEREAS**, Lebanon serves as a regional hub, visited by thousands on a daily basis traveling from other areas of the State, Nation and Internationally; and

**WHEREAS**, in September 2020, more than 2,000 college students are expected to return to the Upper Valley to resume classes, traveling to the region from across the United States and

countries around the world; and

**WHEREAS**, the CDC, NIH, the Surgeon General of the United States and NH DHHS Division of Public Health have all recommended that persons wear a face covering to reduce the risk of spreading COVID-19 when within 6 feet of other persons (along with other mitigation measures); and

**WHEREAS**, the City's Emergency Management Director and Health Officer have discussed this matter in detail and recommend the following emergency ordinance measures to the City Council for adoption; and

**WHEREAS**, COVID-19 presents a clear and present danger to the general population of Lebanon and it behooves the community for the Council to take this emergency measure requiring the wearing of face coverings in certain situations to protect the public health.

**NOW, THEREFORE** the Lebanon City Council adopts the following Emergency Public Health regulations:

1. Employees of all businesses shall wear a face covering over their mouth and nose when interacting with the public and whenever they are within six feet of a customer or any co-worker who is not a member of the same household.
2. Members of the public entering or queued to enter; remaining in or exiting from, any business, governmental or non-profit owned premises including without limitation any outdoor area where business of any sort is conducted, work site, work place, or government building, must wear a face covering, such as a fabric mask, scarf, or bandana over their nose and mouth. This requirement shall also apply to persons traveling on public transportation such as Advance Transit buses. Policies regarding face coverings in governmental buildings within the geographical boundaries of the City of Lebanon adopted by the governmental entity having jurisdiction over such buildings are hereby recognized by this ordinance and shall control in such buildings. Property owners shall have the authority to regulate the requirement to wear masks by any person, while on the premises of their property, by allowing persons to temporarily remove their masks while remaining on the premises when it is practical or becomes necessary to do so based upon the requirements of the services provided.
3. Members of the public entering or queued to enter; remaining in or exiting from a restaurant or an establishment serving alcoholic beverages for the purpose of picking up food for take-out or any other purpose must wear a face covering over their mouth and nose. Members of the public dining indoors or outdoors at a restaurant may remove face covering while seated at their table. Members of the public must wear a mask when entering, using or leaving the restroom of a restaurant.

4. Residents, visitors, and members of the public entering or present at a residential or commercial building complex of greater than two (2) units must wear a face covering over their nose and mouth while in common areas and communal spaces when social distancing of at least six feet from non-household members is not practiced.
5. Members of the public utilizing the Mascoma Greenway, the Northern Rail Trail, sidewalks and other pedestrian public ways, or public recreational lands, are strongly encouraged but not required to wear a face covering to the fullest extent practicable and especially when there is a high likelihood of coming into contact with others and social distancing of at least six feet may not be possible.
6. As used herein “face covering” means a covering made of cloth, fabric, or other soft or permeable material, without holes or exhalation air valves, that covers the nose, mouth, and surrounding areas of the lower face. A face covering may be factory made or homemade and improvised from ordinary household materials.
7. Notwithstanding the above this order does not require children under 10 years of age to wear face covering (parents should make their own judgment). Face covering is not recommended for children less than 2 years of age.
8. A face covering is also not required to be worn by any person if said person can show a medical professional has advised that wearing a face covering may pose a risk to said person for health-related reasons.
9. Any person who violates this ordinance shall be subject to a fine for the first offense in the amount of \$100, for a second offense or subsequent offense the fine shall be \$250.
10. A person may temporarily remove their mask when in a business if obtaining a service or product that requires verification of the person’s identity or age.

This ordinance shall be effective immediately upon passage and shall continue in effect until rescinded by action of the Council. Effective date August 12, 2020 at 9:00 PM.