

## **ORDINANCE 2021-09 FACE MASKS**

**Adopted September 1, 2021**

**Amended November 3, 2021**

**FOR THE PURPOSE OF** reducing the spread of the SARS-Co-V-2 (COVID-19) virus and all of its current variants, 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**, the provisions of RSA 47:17, XV provide authority to city councils to adopt By-Laws and Ordinances for the well-being of their 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**, COVID-19 is a viral infection that has the ability to be spread from person to person very easily through respiratory droplets, including:

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

And,

**WHEREAS**, viruses constantly change through mutation and new variants of a virus emerge as the virus continues to spread and infect; and

**WHEREAS**, the Delta Variant of COVID-19 has emerged as the predominant strain of the virus in the Nation, and has been found to be more infectious and faster spreading with the ability to cause more than twice as many infections as earlier strains of the virus; and

**WHEREAS**, more than 94 percent of counties in the Nation are experiencing a substantial or high level of community transmission of COVID-19; and all 10 counties in New Hampshire are experiencing a substantial or high level of community transmission; and

**WHEREAS**, it is clinically established that the best means of slowing the spread of a virus, other than vaccinations, is through minimizing close personal contact with individuals in a public environment, covering one's mouth and nose by wearing a face covering, and utilizing frequent and proper hand washing; and

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

**WHEREAS**, the CDC is recommending that, due to the high level of spread and how contagious the Delta Variant is proving to be, even amongst those fully vaccinated, all persons wear a face covering in indoor public environments regardless of their vaccination status in areas of substantial or high transmission, which currently includes all of New Hampshire.

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

1. Members of the public entering or queued to enter; remaining in or exiting from, any business, governmental, or non-profit owned premises, or utilizing any form of public transportation must wear a face covering as described in paragraph 2 below.
  - 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.
  - Property owners holding private events are permitted to exempt participants from wearing face masks under the limited circumstances as detailed below:
    - Private events are gatherings of persons such as employees of a company or other organization where the general public is not permitted to participate for a one-time special event such as a holiday party.
    - The entity hosting the event requires participants to be fully vaccinated. Participants who are not fully vaccinated or their vaccination status is unknown are required to wear a face mask as otherwise prescribed in this ordinance.
    - Participants shall not have symptoms consistent with COVID-19.
    - The person or entity responsible for sponsoring the event is responsible for ensuring the provisions of this ordinance are complied with.
    - Operators of venues allowing private events to occur must make the organizers of those events aware of the requirements of this ordinance. Further, any employees or volunteers serving food or drink must wear a face mask whether vaccinated or not.
2. 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.
3. Employees of all businesses shall wear a face covering over their mouth and nose when interacting with the public except when adequate physical barriers are in place to protect the public and the employee. Building owners, operators, managers, lessees, employers, businesses, and non-profit organizations, as appropriate, shall have the authority to waive masking for employees and volunteers who are known to be fully vaccinated against Covid-19 while within the workplace or building space managed by them, provided however that mask requirements shall not be waived for employees and volunteers who are interacting in person with members of the public.
4. Members of the public dining indoors 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.
5. 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.

6. 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 is not practiced.
7. Notwithstanding the above, this order does not require children under 3 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.

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.

This ordinance shall be effective immediately upon passage and shall continue in effect until rescinded by action of the Council.

Effective date November 4, 2021.