

ORDINANCE#

THE CITY OF PORTSMOUTH ORDAINS

That the Ordinances of the City of Portsmouth are hereby amended by the addition of a new Ordinance titled **FACE COVERINGS DURING THE COVID-19 PANDEMIC**:

WHEREAS, the Nation, the State, and the City are engaged in an effort to protect the public health in light of the COVID-19 virus pandemic; and

WHEREAS, the Portsmouth City Council has issued a policy statement on Pandemic Response by Resolution adopted on July 13, 2020; and

WHEREAS, the Portsmouth City Council has determined that the wearing of face coverings during the time of the pandemic is one means of reducing the spread of COVID-19; and

WHEREAS, Portsmouth City Council has determined that to protect the health of residents, visitors, businesses, employees and employers of the City that it must mandate the wearing of face coverings under certain circumstances as one element of the response to the public health threat of the pandemic;

NOW THEN, Portsmouth City Council hereby adopts the following ordinance regarding the wearing of face coverings in the City during the pandemic:

FACE COVERINGS DURING THE COVID-19 PANDEMIC

It is hereby adopted as a new Article XI to the Ordinances of the City, Chapter 3, **PUBLIC HEALTH**, a new provision which shall read as follows:

CHAPTER 3

PUBLIC HEALTH

ARTICLE XI: FACE COVERINGS DURING THE COVID-19 PANDEMIC

SECTION 3.1101: FACE COVERINGS REQUIRED

All persons are hereby required to wear face coverings whenever they are:

- A. In indoor places which are accessible to the public, or
- B. In outdoor places which are accessible to the public in which a physical distancing of six feet (6') between people is not be maintained.

SECTION 3.1102: PERMISSIBLE FACE COVERINGS

A required face covering pursuant to this ordinance shall be made of cloth fabric, or other soft material, that covers the nose and mouth of the person wearing the face covering. The face covering may be commercially manufactured or individually manufactured.

SECTION 3.1103: EXCEPTIONS

The following persons are exempted or excepted from the requirements of this ordinance:

- A. Persons who have a medical or other condition which may pose a risk to the health of the individual wearing the face covering.
- B. Any person age six (6) or younger.
- C. Any person who is actually engaged in the act of eating or drinking at a business establishment licensed by the City of Portsmouth for that purpose.

SECTION 3.1104 PENALTY

The penalty for a person violating this provision shall be the issuance of a civil citation pursuant to Ordinance Article XIII, **MUNICIPAL ENFORCEMENT PROCEDURES**.¹

EFFECTIVE DATE

This ordinance shall take effect on _____, 2020.

APPROVED

By: _____
Mayor Rick Becksted

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

¹ Note: The penalty for a first offense under Article XIII is \$25.00, if paid within seven (7) days