

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, US Centers for Disease Control, the NH Bureau of Infectious Disease Control, and the City of Portsmouth Health Officer have determined that the wearing of face coverings during the time of the pandemic is an important means of reducing the spread of COVID-19;

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 in indoor or outdoor places which are accessible to the public, in which a physical distancing of six feet (6') between people who are not members of the same household is not maintained.

SECTION 3.1102: PERMISSIBLE FACE COVERINGS

A required face covering pursuant to this ordinance shall be any product that covers the nose and mouth of the person wearing it. The face covering may be commercially manufactured or personally created.

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, except that under no circumstances shall the penalty for a violation of this ordinance exceed \$25.00.

EFFECTIVE DATE

This ordinance shall take effect on _____, 2020 and shall terminate on November 6, 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