



## **UPDATE ON THE PORTSMOUTH MASK MANDATE (April 16, 2021)**

### **Portsmouth Mask Ordinance, effective through June 30, 2021**

**The NH Governor's Emergency Order and Universal Guidelines remain in effect through May 7, 2021.**

**The City of Portsmouth indoor and outdoor dining permits approved with COVID restrictions are effective through October 2021.**

#### **Why does Portsmouth need a mask ordinance?**

- The NH DHHS considers COVID-19 virus to be in “substantial community transmission.”
- **The infection rates in Rockingham County and in Portsmouth are higher than elsewhere in the state.**
- The CDC and WHO have urged protocols when the positivity rate is more than 5%. It is currently over **7% in Rockingham County.**
- **Only 23% of the NH population is fully vaccinated.** “Herd immunity” is thought to be reached at 70%. More than 50% of the NH population has received a first dose; but over 100,000 residents are scheduled but have not yet received any vaccine.
- Portsmouth joins other surrounding towns including Durham, Dover, Stratham, Newington and Exeter with mask mandates and with Rollinsford and Somersworth who have mask resolutions. Together we help each other reduce the spread of infection as people go to school, shop, attend church services, visit medical/professional offices, and conduct our lives on the Seacoast.

#### **What are the requirements of the Mask Ordinance?**

The Portsmouth Mask Ordinance includes the requirements listed below in **red**. Additional information is provided to answer Frequently Asked Questions.

**FACE COVERINGS -- All persons are required to wear face coverings whenever they are:**

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

#### **Are masks required in all buildings within the Portsmouth city limits?**

- Masks are required inside all City-owned buildings, including schools.
- Governor Sununu supports the decision by any business or municipality to require mask-wearing.

- Mask wearing requirements on private property are determined by the property owner, aided by the Governor’s Emergency Order 52 and Guidelines covering various industries and situations, effective through May 7, 2021.  
<https://www.covidguidance.nh.gov/sites/g/files/ehbemt381/files/files/inline-documents/guidance-universal.pdf>
  - *Nothing in this document or other guidance precludes any business, organization, or individual business operator from taking additional precautions for the health and safety of its employees and consumers. In addition to these Universal Guidelines, businesses, organizations, and individual business operators must also review, monitor, and follow other applicable guidance issued by the Center for Disease Control and Prevention (CDC) and any applicable federal or state regulatory requirements to reduce transmission among employees, volunteers, and consumers in order to maintain healthy business and organization operations.*
- The NH Attorney General has agreed that businesses are not required to admit persons who assert they cannot wear a mask due to a medical condition.
- The NH Attorney General has also specified that “despite the use of such terms as ‘guidance’ and ‘guidelines’ the requirements in the Emergency Orders and their applicable documents must be complied with.”
- The Governor’s Emergency Order #63 requires mask wearing at any event – indoors or outdoors – where 100 or more people are gathered.

**Are masks required inside buildings, in individual offices in Portsmouth? Yes.**

- Mask are required in the public spaces of all buildings.
- Masks are not required to be worn by a single person in an office with the door shut but are required if more than one person is in the office and physical distancing of 6’ is not possible or where there is no barrier such as a Plexiglas divider between workers.
- In private buildings, once someone has left the public space (e.g. reception area), mask wearing is subject to the policy of the property owner EXCEPT where State guidelines require mask wearing by customer-contact employees at all times.
- Face coverings must be worn in houses of worship whenever congregants are not seated 6’ apart from all others except members of the same household.

**Are masks required at all times outdoors?**

- Mask wearing is required outdoors when it is not possible to maintain physical distance of at least six feet.

**EXCEPTIONS** The following persons are exempted from the requirements of this ordinance in public spaces:

- Persons who have a medical or other condition which may pose a risk to the health of the individual wearing the face covering.
- Any person age six (6) or younger.
- Any person who is eating or drinking at a business establishment licensed by the City of Portsmouth for that purpose.
  - Face coverings should be worn entering/leaving the restaurant and while moving around the restaurant, per the Governor’s Guidelines.

<https://www.covidguidance.nh.gov/sites/g/files/ehbemt381/files/files/inline-documents/guidance-restaurants.pdf>

**ENFORCEMENT** Anyone charged with violating this ordinance is subject to a civil citation. The maximum penalty is \$25.

**Who enforces the Mask Ordinance?**

- The **Portsmouth Police Department is responsible for issuing civil citations.**
- The first step is education. Anyone in violation who dons a mask will not receive a citation.

**Am I under arrest if I'm stopped for not wearing a mask?**

- A civil citation is not a criminal citation and persons cited for violating the Ordinance are therefore not under arrest.

**If I receive a citation, where do I pay the fine?**

- The fine is payable to the City of Portsmouth. Details included on the citation.

**What if I refuse to wear a mask and refuse to pay the fine?**

- Those who refuse to pay the fine or are repeat offenders are subject to court (criminal) proceedings.

**What if someone refuses to comply with the Ordinance or with private property requirements?**

- Persons who refuse to comply with mask wearing on private property and refuse to leave the premises when asked are **subject to charges of trespassing.**
- Trespassing charges are criminal and are handled by the Police Department.