



EXETER HEALTH DEPARTMENT

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The Town of Exeter, through the Exeter Selectboard, ordains as follows:

EMERGENCY ORDINANCE #2020-01 REQUIRING THE WEARING OF FACE COVERINGS UNDER CERTAIN CONDITIONS WITHIN THE TOWN OF EXETER.

Declaration of Purpose:

The purpose of this emergency ordinance is to enact public health provisions designed to significantly help reduce the risk of the spread of Coronavirus Disease 2019, (COVID-19), an infectious disease that poses a threat to the residents and visitors of the Town of Exeter. These provisions have been recommended by the Centers for Disease Control and Prevention (CDC), the World Health Organization (WHO), the Director of Public Health for the State of New Hampshire, and other communities throughout the State. These provisions must be implemented within the Town of Exeter in order to promote education and mitigate the risk of community spread of COVID-19.

Authority:

WHEREAS, NH RSA 147:1 grants Health Officers of cities and towns the authority to draft regulations relating to the public health as in their judgment the health and safety of the people require; and

WHEREAS, the Town of Exeter, New Hampshire Selectboard recognizes that the health and wellbeing of the citizens of and visitors to Exeter is of the utmost importance and proper measures are necessary to further protect the community from the potential spread of COVID-19; and

WHEREAS, the most effective means of slowing the spread of the virus is through minimizing close personal contact in a public environment, social/physical distancing by keeping a distance of six (6) feet between yourself and others, covering your mouth and nose by wearing a face covering, and proper hand washing; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) recommends as of August 7, 2020, that people wear face coverings in public settings and when around people who don't live in your household, especially when other social distancing measures are difficult to maintain; and

WHEREAS, COVID-19 can be spread by people who do not have symptoms (asymptomatic carriers) and therefore unaware they are infected. It is therefore important that everyone wear face coverings in public settings, whether or not they are feeling ill; and

WHEREAS, the Town of Exeter is part of a diverse education economy including being host to Phillips Exeter Academy, the Seacoast School of Technology, SAU16, and multiple day schools and educational institutions which will bring thousands of students back to school in 2020; and

WHEREAS, the Town of Exeter hosts a Downeaster Train Station, which brings people to Exeter via Amtrak from the New England Region; and

WHEREAS, the Town hosts Exeter Hospital, a significant regional medical care facility which also brings thousands of patients and employees to the immediate area on a daily basis; and

WHEREAS, Exeter is home to multiple senior congregate living facilities housing more than 1,000 residents, a population which is at higher risk for suffering life threatening complications resulting from COVID-19 infection; and

WHEREAS, the Town serves as a regional shopping and dining destination, and

WHEREAS, the State of New Hampshire began on May 11th, with limitations, the opening of retail establishments and other businesses and on May 18th, with limitations, the opening of restaurants, and Exeter has experienced a significant increase in visitor traffic in the downtown; and

WHEREAS, the potential exists for businesses to operate in a safe manner, and limit the potential spread of COVID-19 if mask usage is required; and

WHEREAS, every New England state with the exception of New Hampshire has adopted and implemented a comprehensive mask order; and

WHEREAS, the Health Officer for the Town of Exeter has made and submitted regulations that the public health and safety of the citizens and visitors of Exeter require; and

WHEREAS, Exeter has the opportunity through further educational opportunities to encourage safe and proper social distancing, hand washing and the wearing of face coverings in order to encourage increased foot traffic safely and effectively while promoting local businesses; and

WHEREAS, because COVID-19 presents a clear and present danger to the general Exeter community, it behooves the Selectboard to take this emergency measure requiring the wearing of face coverings in certain situations to protect the public health;

NOW THEREFORE, for the purpose of continuing to provide safety for its residents and visitors resulting from the unique features of a boarding school community and home to a large regional medical center, as well as several congregate senior living facilities, and regional schools, under New Hampshire RSA 147:1 acting in their capacity as the Exeter Selectboard and based on the Town Health Officer's authority to promulgate regulations for the prevention and removal of public health nuisances, hereby ordains that:

1. A face covering as referenced herein means a covering made of cloth, fabric, or other soft or permeable material, without holes, 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 material.
2. 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 (6) feet of a co-worker or customer. In food service settings, kitchen staff shall not be required to wear a mask within the kitchen, in keeping with current "Safer at Home" guidance. Exceptions may be made for individual businesses on a case by case basis for situations in which wearing a face covering may be counter-intuitive to the situation and safety can still be provided. Exceptions shall not preclude, supersede, alter, revise, or amend the Governor's Safer at

Home guidance. Businesses are asked to contact the Health Department for more details on a variance process.

3. Members of the public entering or queued to enter, remaining in, or exiting from any business, including without limitation any outdoor area where business of any sort is conducted, work site, or Town of Exeter government building, must wear a face covering. Exceptions may be made for individual businesses on a case by case basis for situations in which wearing a face covering may be counter-intuitive to the situation and safety can still be provided. Exceptions shall not preclude, supersede, alter, revise, or amend the Governor's Safer at Home guidance. Businesses are asked to contact the Health Department for more details on a variance process.
4. Members of the public entering or queued to enter any restaurant for the purpose of picking up food for take-out or an alcohol-serving business or any other purpose must wear a face covering. Members of the public dining at a restaurant may remove masks while seated at their table, whether dining inside or outside, but must wear a mask when entering and exiting the restaurant or moving around the interior or exterior of the restaurant.
5. All such businesses, restaurants, government facilities, and public downtown areas shall post the requirement for a face covering.
6. Members of the public must wear face coverings when social distancing of at least six (6) feet is not possible while utilizing sidewalks and other public ways, specifically within areas of Exeter where pedestrian traffic is heaviest, as seen in the highlighted areas of the attached Mask Ordinance Map 8-31-2020. This also applies to other public property within the Town of Exeter where maintaining adequate social and physical distancing of at least six (6) feet is not possible.
7. Members of the public shall not be required to wear a face covering outside when walking or utilizing public areas when there is at least six (6) feet social distancing available. A face covering shall not be required in instances where individuals are passing each other momentarily, but increasing as much distance as possible is recommended.
8. Members of the public utilizing public recreational lands are strongly encouraged but not required to wear a face covering over their nose and mouth to the fullest extent practicable, especially when coming into contact with others where social and physical distancing of at least six (6) feet may not be possible.
9. Members of the public partaking in cardiovascular exercise, including but not limited to jogging, running, or biking, shall not be required to wear a face covering during the activity. It is recommended that these individuals use increased social distancing as necessary and possible when using public ways.
10. Residents, visitors, and members of the public entering or present at a residential or commercial building complex of greater than two units must wear a face covering while in common areas and communal spaces when social distancing is not possible.
11. A face covering is not required for any person with a medical or developmental condition to whom the wearing of a face covering would pose a threat to their health or safety.
12. Children under the age of ten (10) years old are not required to wear a face covering, although parents should make their own judgement on such use. A face covering is not recommended for children under two (2) years of age.

13. A person may temporarily remove a face covering when in a business if obtaining a service or product that requires verification of the person’s identity or age.

Penalties:

The intent of this ordinance is to first and foremost educate and inform whenever and wherever possible. To that end, representatives of the Health Department shall respond to instances of non-compliance with masks and educational materials available. Penalties are a last resort to the enforcement of this ordinance and shall only be used when non-compliance is repeated, considered intentional, and at a potential detriment of others. Penalties for violation of and continued non-compliance with this ordinance shall be first a verbal or written request to comply, followed by a fine in the amount of \$25 for the second offense, \$50 for the third and subsequent offences.

Effective Date:

Having held one public hearing on _____, 2020, this ordinance shall be effective on _____, 2020.

This ordinance shall automatically and immediately terminate without the necessity of further action by the Town of Exeter Selectboard if one of the following conditions is met:

1. 61 days have passed following the date on which this ordinance came into effect and the ordinance was not extended or reenacted.
2. The Governor of the State of New Hampshire has declared an end to the COVID-19 State of Emergency.

This ordinance may be rescinded at any time by action of the Town of Exeter Selectboard.

IN WITNESS WHEREOF, a majority of the Town of Exeter Selectboard have hereunder set their hands.

TOWN OF EXETER SELECTBOARD

Niko Papakonstantis, Chair

Molly Cowan, Vice Chair

Julie D. Gilman, Clerk

Lovey Roundtree Oliff

Draft #9

Daryl Browne

Adopted _____, 2020

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