



CITY OF KEENE

Ordinance O-2020-09-A

Twenty

In the Year of Our Lord Two Thousand and

Relating to the Wearing of Face Coverings

AN ORDINANCE

Be it ordained by the City Council of the City of Keene, as follows:

That the City Code of the City of Keene, New Hampshire, as amended, is hereby further amended by adding a new Article VIII, "Wearing of Face Coverings," to Chapter 66, entitled "PUBLIC CONDUCT" as follows:

Section 66-170. Statement and Intent.

- a) COVID-19 has been determined to be a virulent infectious disease threatening the public health and welfare of the country, and including residents in the City of Keene; and
- b) Infectious diseases such as COVID-19 are caused by germs, such as viruses, bacteria, and parasites; and
- c) Some diseases, including COVID-19, are transmitted from person to person very easily through respiratory droplets produced by sneezing and talking; and
- d) Public Health Officials have determined that it is possible for an infected individual to transmit certain diseases without exhibiting any symptoms; and
- e) The best means of slowing the spread of a virus is through minimizing close personal contact with individuals in a public environment, social distancing, covering the mouth and nose by wearing a **proper** face covering in a **proper manner**, and proper hand washing; and
- f) For optimal protection, the safe use of face coverings also requires the wearer to maintain proper hand hygiene by frequently handwashing with soap and water or hand sanitizer for at least twenty (20) seconds; and
- g) The wearer of the face covering can prevent the spread of disease by not touching the face, nose, or eyes with unwashed hands, not touching the outside of the face covering, and by keeping a distance of at least six (6) feet between from others; and
- h) The City Council for the City of Keene desires to minimize the threat to public health posed by the spread of communicable disease such as COVID-19 within the community.

Section 66-171. RecommendationsRequirements.

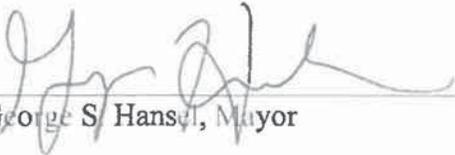
- a) Employees of businesses, **while performing their duties**, are ~~encouraged~~ **required** to wear a face ~~covering over~~ **covering completely covering** their mouth and nose at **all times** when interacting with the public, ~~and whenever they are within six (6) feet of a co-worker or a customer~~ **unless a barrier approved by the City Health Official provides sufficient separation.**
- b) Members of the public entering any business **for any purpose**, including any outdoor area where business is conducted, ~~work site, or government building,~~ are ~~encouraged~~ **are required** to wear a face covering, ~~such as a fabric mask, scarf, or bandana over~~ **completely covering** their nose and mouth **while conducting their business; provided however, that members of the public shall not be required to wear a face covering while actually seated at a restaurant table.**
- ~~e) Members of the public entering a restaurant for the purpose of picking up food for take-out or any other purpose are encouraged to wear a face covering over their mouth and nose.~~
- c) Residents, visitors, and members of the public entering or present ~~at within a commercial building~~ **residential apartment complex of greater than containing two- three or more residential (2) units** are ~~encouraged~~ **required** to wear a face covering over their nose and mouth while in **the interior common areas, including but not limited to foyers, stairwells and elevators (“Common Areas”)** **unless social distancing of six (6) feet can be maintained. This requirement shall also apply to any business having such Common Areas, notwithstanding the number of business units within the business complex.**
- d) As used herein, “business” is defined as any place, premises, or location within a premises (“Premises”), operated either for profit or not for profit, which is generally open to, or accessible to the public, and into which the public is invited for the purpose of conducting any business customarily provided to the public by the business, including but not limited to retail stores, restaurants, banks, fitness centers, personal care facilities, food banks, grocery stores, thrift stores, theaters, City of Keene public facilities, and public conveyances licensed by the City of Keene; provided, however, that “business” shall not include any home occupation or business located ancillary to, or entirely within a private residence.
- e) As used herein “face covering” means a covering made of cloth, fabric, **paper** or other soft or permeable materials, without holes, **mesh, or exhaust valves**, that covers ~~only~~ 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. **The face covering shall be worn in a manner to completely and continuously cover the mouth and the nose of the wearer when required to be worn. Provided, however, that this provision shall not supersede any**

Personal Protective Requirements that may otherwise apply to employees in any employment context, including, but not limited to health care workers emergency service personnel, public works employees, construction employees, and hazard mitigation employees.

- f) ~~Notwithstanding the above, e~~Children under ten (10) years of age are not generally encouraged~~required~~ to wear a face covering, although parents should make their own judgment on such use. ~~A face covering is not recommended for children two (2) years of age or less.~~
- g) A face covering is ~~also not encouraged~~ **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. **The individual shall not be required to produce documentation or other evidence to verify the condition.** ~~who has been advised that wearing a face covering may pose a risk to the person for health-related reasons.~~
- h) **Businesses shall implement adequate measures to notify their employees and the public of the requirements stated by this Ordinance. Such measures may include, but are not limited to the implementation of internal policies and procedures applicable to employees, and the prominent posting of signage both interior and exterior to any Premises subject to this Ordinance that the wearing of a face covering within the Premises is required. Businesses shall deny entry and/or services to any person who declines to wear a face covering after being requested to do so.**
- i) **Notwithstanding any provision of the City Code to the contrary, the penalty under this Ordinance for any member of the public who declines to wear a face covering as required by this Ordinance, after being requested to do so, shall be limited to the denial of entry to, and/or services provided, by the business; provided, however, that any business that violates the requirements of this Ordinance shall be given a verbal warning for a first offense; a written warning for a second offense; a fine of \$100 for any third offense; and a fine of \$250 for any fourth or subsequent offense.**
- j) **Except as otherwise required herein, this Ordinance shall not be interpreted to supersede, alter, revise or amend any requirement, business operation guidance, or recommendations with respect to the public, applicable to any specific business under any Executive Order or guidance issued by the Governor of the State of New Hampshire, or required by any other federal, state, or local government authority having jurisdiction over the business.**
- k) **This Ordinance shall not preclude any business from having requirements to entry, or for the provision of services, related to the COVID-19 State of Emergency that are more restrictive than as stated herein.**

- l) **This Ordinance shall automatically and immediately terminate, without the necessity of further action by the City Council for the City of Keene, upon the termination of the COVID-19 State of Emergency by the Governor of the State of New Hampshire.**

- m) **Businesses owners** in the City of Keene are **also** encouraged to take the #KeeneSafe business pledge to follow the New Hampshire and federal CDC guidelines to prevent and slow the spread of COVID-19. Information about the Keene Safe Pledge may be obtained at www.keenesafe.com.


George S. Hansel, Mayor

PASSED August 6, 2020

A true copy; 
Attest:
City Clerk