



2020-06R-1

ORDINANCE CITY OF BERLIN

In the year of our Lord Two Thousand Twenty

AN ORDINANCE amending the CODE OF ORDINANCES, Chapter 7. Health, by creating ARTICLE V, Face Coverings Required.

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

The CODE OF ORDINANCES, Chapter 7. Health, ARTICLE V, Face Coverings Required is hereby adopted as presented in response to the current rise in transmission of the COVID-19 virus.

WHEREAS, there is active spread and transmission of the Coronavirus Disease 2019 (COVID-19) within the City of Berlin; and

WHEREAS, in order to:

- Protect the City's most vulnerable citizens, and
- Ensure that limited healthcare resources are not exceeded, and
- Promote an environment in which students are able to attend in-person classes, and
- Promote an environment in which businesses are able to conduct and sustain their day to day operations, and
- Minimize the significant expense of public funds associated with quarantining and isolation of public sector employees, and
- Ensure that critical services can continue to operate, and

WHEREAS, Public Health Officials have determined that it is well established that an individual infected with COVID-19 can transmit the disease whether or not they are exhibiting any symptoms (an asymptomatic carrier); and

WHEREAS, it is clinically established that the best means of slowing the spread of a virus is through minimizing close personal contact with individuals in a public environment, social/physical distancing, covering one's mouth and nose by wearing a face covering, and frequent and proper hand washing; and

WHEREAS, social/physical distancing by keeping a distance of at least six feet between yourself and others also greatly protects against the spread of our respiratory droplets and aerosols, whether an individual is indoors or outdoors; and

WHEREAS, face coverings are most likely to reduce the spread of COVID-19 when they are widely used by people in public settings as they reduce the spray of respiratory droplets and aerosols, particularly when combined with social/physical distancing and other sanitary measures such as washing hands or utilizing hand sanitizer; and

WHEREAS, it has been determined that the virus which causes COVID-19 spreads very easily and sustainably between people, particularly within indoor environments with limited fresh air exchange but also amongst persons in close physical proximity, indoors or outdoors, who cannot adequately social distance; and

WHEREAS, as previously noted, COVID-19 can be spread by people who do not have symptoms (asymptomatic carriers) and therefore are 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 City of Berlin has an interest in protecting all persons within the community from unnecessary exposure to COVID-19 with its risk of contracting a devastating illness that may prove fatal for our most vulnerable citizens, it follows that the wearing of a face covering under certain circumstances is crucial; and

WHEREAS, the more closely a person interacts with others and the longer that interaction occurs, the higher the risk of COVID-19 spread; and

WHEREAS, the City's Emergency Management COVID Task Force and Health Officer have discussed this matter in detail while keeping current with the latest guidelines put forward by the Centers for Disease Control and Prevention (CDC) and other trustworthy organizations and recommend the following emergency ordinance measures to the City Council for adoption; and

WHEREAS, because COVID-19 presents a clear and present danger to the general Berlin population it behooves the community for the City Council to take this emergency measure requiring the wearing of face coverings in certain situations to protect the public health.

NOW, THEREFORE BE IT RESOLVED that the City of Berlin, through the City Council resolves that Article V - Face Coverings Required be appended to Chapter 7 Health of the City of Berlin's Ordinances and that the chief of police, will take action as deemed appropriate to ensure that persons wear facial coverings under the conditions listed below within the City of Berlin.

WEARING OF FACIAL COVERINGS IN THE CITY OF BERLIN:

1. 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 feet of a co-worker or a customer.
2. Members of the public entering any business, including without limitation any outdoor area where business of any sort is conducted, work site, or government building must wear a face covering, such as a fabric mask, scarf, or bandana over their nose and mouth.
3. Members of the public entering a restaurant for the purpose of picking up food for take-out or any other purpose must wear a face covering over their mouth and nose. Members of the public dining **indoors or** outdoors at a restaurant may remove face covering while seated at their table.
4. Residents, visitors, and members of the public entering or present at a residential or commercial building complex of greater than two (2) units must wear a face covering over their nose and mouth while in common areas and communal spaces.
5. As used herein "face covering" means a covering made of cloth, fabric, or other soft or permeable material, without holes, 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 material.
6. Notwithstanding the above this order does not require children under ~~10~~ **5** years of age to wear face covering (parents should make their own judgment). Face covering is not recommended for children less than 2 years of age.
7. A face covering is also not required to be worn by any person if said person can show a medical professional has advised that wearing a face covering may pose a risk to said person for health related reasons.

8. All businesses open to the public, including restaurants, retail stores, service providers, and places of amusement and recreation, and residential and commercial buildings of greater than two (2) units shall post at each public entrance a notice stating "FACE COVERINGS REQUIRED."

PENALTIES:

Anyone who violates this ordinance AND refuses to comply with local, county, or state law enforcement officers to meet the requirements outlined herein shall be subject to a verbal warning for the first offence, a written warning for the second offense, \$100 for the third offense and \$250 for subsequent offenses, and/or shall be summoned to the Berlin District Court.

This Ordinance shall be in full force and effect from and after passage. This Ordinance, unless readopted shall sunset ~~90~~ 60 days after passage.

PASSED: _____
November 21~~6~~, 2020

APPROVED: _____
Paul Grenier, Mayor

ATTEST: _____
Shelli Fortin, City Clerk