

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on **Tuesday, August 18, 2020 at 7:00 p.m.**, at the Portsmouth Municipal Complex in the Eileen Dondero Foley Council Chambers, Portsmouth, NH, on the proposed Ordinance amending Chapter 3 – Public Health, Article XI – Face Coverings During the COVID-19 Pandemic, Section 3.1101 – Face Coverings Required. The Complete Ordinance will be available for review on the City's website. Due to the current State of Emergency related to COVID-19, the public hearing on **Tuesday, August 18, 2020** will be conducted remotely via zoom conference call. Details regarding how to access the zoom meeting will be published on the Agenda.

**KELLI L. BARNABY, MMC/CNHMC  
CITY CLERK**

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**KELLI L. BARNABY, MMC/CNHMC  
CITY CLERK**

**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, Portsmouth City Council has determined that to protect the health of residents, visitors, businesses, employees and employers of the City that it must mandate the wearing of face coverings under certain circumstances as one element of the response to the public health threat of the pandemic;

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:

- A. In indoor places which are accessible to the public, or
- B. In outdoor places which are accessible to the public in which a physical distancing of six feet (6') between people is not be maintained.

**SECTION 3.1102: PERMISSIBLE FACE COVERINGS**

A required face covering pursuant to this ordinance shall be made of cloth fabric, or other soft material, that covers the nose and mouth of the person wearing the face covering. The face covering may be commercially manufactured or individually manufactured.

**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**.<sup>1</sup>

**EFFECTIVE DATE**

This ordinance shall take effect on \_\_\_\_\_, 2020.

**APPROVED**

By: \_\_\_\_\_  
Mayor Rick Becksted

**ADOPTED BY COUNCIL:**

\_\_\_\_\_  
Kelli L. Bamaby, City Clerk

<sup>1</sup> Note: The penalty for a first offense under Article XIII is \$25.00, if paid within seven (7) days