



PLANNING, LICENSES AND DEVELOPMENT COMMITTEE  
Council Chambers A, Keene City Hall  
December 8, 2021  
6:00 PM

**A. AGENDA ITEMS**

1. Keene Downtown Group – Request to Use City Property – Ice and Snow Festival
2. Relating to Amendments to the Business, Growth and Reuse District Ordinance O-2021-14
3. In support of a Mask Mandate - Debra Bowie
4. Relating to the Wearing of Face Coverings Ordinance O-2021-16

**B. MORE TIME ITEMS**

1. Terry Clark - Relating to Small Wireless Facility Deployments in Public Rights-of-Way

**NON PUBLIC SESSION**

**ADJOURNMENT**



# CITY OF KEENE

Ordinance O-2021-14

In the Year of Our Lord Two Thousand and ~~Twenty~~ **One**.....

**Relating to Amendments to the Business, Growth & Reuse District**

AN ORDINANCE .....

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

That the Chapter 100 of the Code of Ordinances of the City of Keene, New Hampshire, as amended, is hereby further amended as follows.

1. That "Personal Service Establishment" be added as a permitted primary use to the Business Growth and Reuse District.
2. Update Table 8-1 "Permitted Principal Uses by Zoning District" and Section 5.4.5 "Permitted Uses" in Article 8 to display Personal Service Establishment as a permitted use in the Business Growth and Reuse District under the category of Commercial Uses.

\_\_\_\_\_  
George Hansel, Mayor

In City Council October 21, 2021.  
Refer to the joint Planning Board  
and Planning, Licenses and  
Development Committee.

City Clerk



# CITY OF KEENE NEW HAMPSHIRE

ITEM #A.3.

**Meeting Date:** December 8, 2021  
**To:** Planning, Licenses and Development Committee  
**From:** Debra Bowie  
**Through:** Patricia Little, City Clerk  
**Subject:** **In support of a Mask Mandate - Debra Bowie**

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**Recommendation:**

**Attachments:**

1. Communication\_Bowie

**Background:**

Debra Bowie is recommending the City Council support a mask mandate for the City of Keene.

December 6, 2021

Planning, Licenses and Development Committee  
City of Keene  
Keene, NH. 03431

Dear Committee Members:

The City Council must institute a mask mandate for the City of Keene, demonstrating leadership and respect for the safety of its citizens.

The CDC recommends that people should wear masks "in indoor public places if they are:

- Not fully vaccinated;
- Fully vaccinated and in an area with substantial or high transmission;
- Fully vaccinated and with weakened immune systems."

The CDC further recommends wearing a mask "in areas with high numbers of COVID-19 cases in crowded outdoor settings and for activities with close contact with others who are not fully vaccinated."

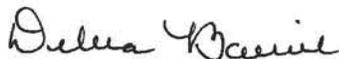
WMUR's listing as of this morning indicates -- Keene's vaccination rate is presently 58.60% with at least 1 dose; 54.60% fully vaccinated; 172 active cases in Keene. "New Hampshire has the highest Covid-19 case rate in the country."

City Council's responsibility must be protecting our community. Our residents, children (many of whom cannot be vaccinated), schools, healthcare facilities, and businesses are all important parts of our community. Cheshire Medical Center has found it necessary to suspend some services. Area economics benefit from workers and consumers that feel safe while supporting businesses.

The City and Community of Keene must work together to protect "everyone's" right to stay healthy and safe!

Thank you for supporting a mask mandate for the City of Keene!

Sincerely,



Debra Bowie  
659 Hurricane Road, POB 1076  
Keene, NH. 03431

cc: Mayor George Hansel  
Keene City Council Members



# CITY OF KEENE NEW HAMPSHIRE

ITEM #A.4.

**Meeting Date:** December 8, 2021  
**To:** Mayor and Keene City Council  
**From:** Thomas Mullins, City Attorney  
**Through:**  
**Subject:** Relating to the Wearing of Face Coverings  
Ordinance O-2021-16

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**Council Action:**

In City Council December 2, 2021.  
Referred to the Planning, Licenses and Development Committee.

**Recommendation:**

That the proposed facemask Ordinance #O-2021-16, be referred to the Planning, Licenses and Development Committee for further discussion and recommendation to the City Council.

**Attachments:**

1. Ordinance O-2021-16\_Referral

**Background:**

Based on the communication submitted to the Mayor and the City Council from Cheshire Medical Center requesting that the City Council again consider implementing a City-wide requirement for the wearing of face coverings, the Office of the City Attorney was requested to submit for further consideration by the City Council the previously adopted, but rescinded, ordinance related to the wearing of face coverings. The previous Ordinance as adopted is attached with an updated Ordinance number and a blank in paragraph I) for a termination date.



# CITY OF KEENE

Ordinance O-2021-16

## Twenty-one

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 deleting the stricken text and adding the bolded text to 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.

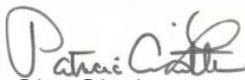
Section 66-171. Requirements.

- a) Employees of businesses, while performing their duties within the business premises, are required to wear a face covering completely covering their mouth and nose at all times when interacting with the public, unless a barrier approved by the City Health Official provides sufficient separation.
- b) Members of the public entering any enclosed indoor business for any purpose, are required to wear a face covering 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.
- c) Residents, visitors, and members of the public entering or present within a residential apartment complex containing three or more residential units are 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 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) Children under ten (10) years of age are not required to wear a face covering, although parents should make their own judgment on such use.

- g) 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. The individual shall not be required to produce documentation or other evidence to verify the condition.
- 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 terminate, without the necessity of further action by the City Council for the City of Keene, on \_\_\_\_\_.
- m) Businesses 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](http://www.keenesafe.com).

In City Council December 2, 2021.  
Referred to the Planning,  
Licenses and Development Committee.

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George S. Hansel, Mayor

  
City Clerk