



CITY OF KEENE

Ordinance O-2021-16-B

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 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 interior 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 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 in a food service establishment.
- 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 interior 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 general public without charge, 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, non-membership fitness centers and 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 houses of worship, or any home occupation or business located ancillary to, or entirely within a private residence.
- e) As used herein “face covering” means a covering in compliance with the recommendations by the Centers for Disease Control and Prevention that covers the nose, mouth, and surrounding areas of the lower face. 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, and any recommendations or requirements to the public. 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 denied entry to, and/or services provided by the business. In addition, any member of the public who declines to wear a face covering as required by 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 that may be 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 Pandemic that are more restrictive than as stated herein.
- l) This Ordinance shall be reviewed for termination every 60 days by the City Council, or sooner at the discretion of the City Council.
- 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.


George S. Hansel, Mayor