

## **Chapter 61, Emergency Ordinance: Face Covering Mandate (to be effective January 18, 2022 until February 16, 2022)**

**WHEREAS**, COVID-19 is a communicable disease that is easily contracted through personal contact with infected individuals in the community, and

**WHEREAS**, Cumberland County is currently designated as a county with a high level of COVID-19 community transmission, and

**WHEREAS**, the U.S. CDC is currently recommending people wear face coverings in public indoor settings in Cumberland County, and

**WHEREAS**, the Freeport Town Council voted to require face masks in all Municipal Buildings, and

**WHEREAS**, the Freeport Town Council wants to continue to protect the public health, safety and welfare of the entire community, including its residents, employees, and visitor's, and

**WHEREAS**, the Freeport Town Council determines that this warrants an immediate response in order to protect public health, and

**WHEREAS**, the Freeport Town Council further determines the current situation of the pandemic to be an emergency affecting public life and public health, as specifically included in Section 2.14 of the Freeport Town Charter, and

**WHEREAS**, in light of the foregoing, the Town of Freeport Town Council deems it proper and necessary to temporarily require the use of face coverings in all public buildings,

NOW THEREFORE BE IT ORDAINED:

That for the time period from January 18, 2022 until February 16, 2022, unless this ordinance is repealed by the Town Council prior to February 16, 2022, the following emergency regulations shall be in effect, and shall apply to any Public Buildings within the Town of Freeport.

### **Section 1. Definitions**

For the purpose of this Ordinance, the following terms shall have the following meaning:

**Face Covering** means any cloth or tightly woven fabric that can be worn on an individual's face over their nose and mouth and substantially complies with the United States Center for Disease Control's recommended guidance for masks, such as surgical masks, N95 respirators, double-layer cloth gaiters, or any similar mask that fits snugly around the nose and chin, has multiple layers and/or inner filter pockets, and does not let light through when held up to a light source.

**Person** means any individual regardless of their status within a Public Building including but not limited to an employee, an owner, a customer, a licensee, an invitee, a visitor, or any other individual.

**Public Building** means any building or portion of a building within the Town of Freeport that is regularly accessible to the general public. For purposes of this Ordinance, a Public Building shall not include a private residence or a private residential unit in a building that contains multiple units, a public pre-school or K through 12 school (which remains under the authority of the RSU #5 Board of Directors), a church or other house of worship, and/or office space where the occupant(s) can be physically separated from the general public.

## **Section 2. Face Covering Mandate**

- (a) Starting January 19, 2022, any Person shall wear Face Coverings over their nose and mouth any time they are in a Public Building, within the Town of Freeport, unless otherwise excepted in Section 3.
- (b) Persons must also wear Face Coverings over their nose and mouth any time they are using or operating public transportation conveyances, including buses, trains, taxis, rideshares, vehicles for hire, or any other ride services within the Town of Freeport.
- (c) Persons inside a Public Building or portion thereof may temporarily remove their Face Coverings to participate in the primary purpose of the business, such as eating or drinking, only to the extent that such removal occurs at an isolated location, such as a table or booth, and that any Person who removes such Face Coverings must restore their Face Coverings as soon as their activity is completed or to the extent that they traverse or move about the premises away from their isolated location.
- (d) Persons using a pool and/or hot tub in a Public Building may temporarily remove their Face Coverings while actively using the public pool and/or hot tub in the Public Building. Any Person who removes such Face Coverings must restore their Face Coverings as soon as their activity is completed or to the extent that they traverse or move about the premises away from the pool and/or hot tub.

## **Section 3. Exceptions**

- (a) Any Person under the age of five (5), anyone with a medical condition that is complicated or irritated by a facial covering, anyone with difficulty breathing, or anyone who is unconscious, incapacitated, or otherwise unable to remove the Face Covering without assistance is not required to wear a Face Covering.
- (b) Any Person who is alone in a Public Building is not required to wear a Face Covering so long as they remain alone.

## **Section 4. Posting Requirement**

Each Public Building and each separate business or separate premise within a Public Building must post signage at the public entrances and at such locations within the building in which POS (point of sale) or other transactions occur (such as cash registers), stating that Persons entering are required to wear face coverings by order of the Freeport Town Council. Signage requirements outlined in this section will have an effective date of January 25, 2022.

**Section 5. Effective Period**

This order shall be effective as of the date of adoption and shall expire in thirty (30) days after the date of adoption, unless otherwise re-enacted by the Freeport Town Council prior to such expiration.

**Section 6. Enforcement**

- (a) The business and/or owner, operator, or their designee, operating any Public Building(s) as defined by this Ordinance, who does not post a notice of this regulation, in accordance with Section 4 of this Ordinance, shall be in violation of this Ordinance, and such violation shall be a civil violation subject to a fine of up to \$500, per day.
- (b) Any Person who does not comply with Section 2 (Face Covering Mandate) of this Ordinance shall be in violation of this Ordinance, and such violation shall be a civil violation subject to a fine of up to \$500 per occurrence.
- (c) Any owner, operator and/or their designee, and/or employee of any public building may contact the Freeport Police Department for assistance if such owner, operator and/or their designee, and/or employee wishes to remove a person from the Public Building when such Person refuses to comply with Section 2 of this Ordinance or leave the Public Building upon request. Any individual who refuses to comply with Section 2 of this Ordinance or leave the Public Building upon lawful request of the owner, operator and/or their designee, may be subject to trespass order and/or prosecution pursuant to the Maine Criminal Code.
- (d) The Town Manager or their designee is authorized to institute or cause to be instituted by and through the Town Attorney, in the name of the Town of Freeport, any and all actions, legal or equitable, that may be appropriate or necessary for the enforcement of the provisions of this ordinance. The Freeport Police Department is also authorized to enforce this ordinance.

**Section 7. Conflict**

In the event of a conflict between this ordinance and any law, rule, or regulation issued by the state or federal government requiring the use of face coverings, the more restrictive standard shall apply.

**Section 8. Severability**

The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable. If any section, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional, invalid, or unenforceable by a court of competent jurisdiction, such unconstitutionality, invalidity, or unenforceability does not affect the validity of any remaining sections, paragraphs, sentences, clauses, and phrases of this Ordinance.