City of Sanford

From the Desk of
Steven R. Buck
City Manager

Emergency Ordinance – An Act to Alleviate Community Spread of COVID-19

Whereas, the Governor of the State of Maine has declared and continues the declaration of a Civil State of Emergency in response to the spread of the COVID-19 virus, and

Whereas, the City of Sanford remains under a Declaration of Emergency pursuant to City Code 27-5 to respond to the COVID-19 virus for the duration of the State of Maine declaration of Civil Emergency, and

Whereas, the Maine Department of Education changed York County status from Green to Yellow related to School Reopening on September 4, 2020 in response to the number of active cases per capita being 1.8%, three times higher than the State average of 0.6% and five new Outbreak Centers determined in York County, and

Whereas, on September 8, 2020 the Maine Center for Disease Control and Prevention listed six (6) Outbreak Centers in York County, four (4) of which are in Sanford, and

Whereas, on September 8, 2020 the Maine Center for Disease Control and Prevention further identified Community Spread in Sanford/Springvale, and

Whereas, a series of Governor's Executive Orders have place restrictions on certain activities and mandates certain public safety measures to reduce the spread of COVID-19, and

Whereas, Public Health and Sanitation regulation is a municipal power and may be enacted in coordination with existing Emergency Orders by the State and pursuant to City Emergency Management, and

Whereas, the most effective measures to reduce Community Spread as identified by the CDC is to increase sanitation, maintain social distancing, and utilize face coverings at all times in public;

Now Therefore, the City Council hereby proclaims a Statement of Emergency pursuant to City Charter 214.1 and hereby sets forth the **Emergency Ordinance to Alleviate Community Spread of COVID-19 by Strengthening the State's Face Covering Law and to Increase Enforcement**

Emergency Ordinance to Alleviate Community Spread of COVID-19 by Strengthening the State's Face Covering Law and to Increase Enforcement

Section 1: **Wearing of Face Coverings**. Consistent with guidance from the United States Centers for Disease Control and Prevention, Maine CDCP, and pursuant to Governor's Executive Orders 49 and 55 FY 19/20 and 2, 6 FY 20/21, individuals must wear appropriate cloth or disposable face coverings properly worn over the nose and mouth in public settings where other physical distancing measures are difficult to maintain as herein defined.

A. Each place of business accessible to the public shall, post readily visible signs notifying customers of the requirement to wear cloth face coverings in that setting. Such businesses may deny entry or service to a person who is not wearing a covering and is not otherwise exempt from the requirement to do so.

Section 2: Applicability. This Ordinance shall supplement all prior Maine Governor Executive Orders 49, 55 FY 19/20 and 2, 6 FY20/21 for Face Coverings including all retail stores regardless of size, all public settings, indoor spaces, outdoor spaces, public transportation, and all gatherings as herein defined.

Section 3: Violations and Penalties. Any person, firm, or corporation who violates any provision of this article is in violation and may be penalized in the following manner:

The Police Department is authorized to enforce the use of face coverings on streets and sidewalks, in parks and other public spaces where individuals are gathering and not able to maintain at least six feet of physical distance from one another, and to enforce the gathering limits. A violation of this Order may be construed to be a violation of any such license, permit and other authorization to which pertinent penalties may be assessed.

A. Documented Warning. First offense will be issued a documented Warning of Violation.

B. Civil penalties. Violation of this article is a civil penalty pursuant to Municipal Home Rule Authority, Maine Constitution, Art. VIII, Pt. 2; 7 M.R.S.A. §3001; and 17-A M.R.S.A §17, and City Code Section 27-11, and is enforced by the Police Department. In any such proceeding, the City may order that any violation be corrected, pay a penalty of not less than $100 per violation, and pay the court costs, attorneys and expert witness fees incurred by the City.

C. Suspension of License. Violation of this article by a licensed property, business, or activity may be considered for Temporary Suspension of license pursuant to Code §149-1.12 A.

D. Closure. A retail facility may be closed by order of the City Council after holding a hearing to determine all the facts. The owner of the retail facility shall be given notice of the proposed action to be taken and have an opportunity to be heard before the City Council at the hearing to consider the closure of the retail facility.

Section 4: Severability. If any clause, sentence, paragraph, section, article, or part of this ordinance, or of any ordinance included in this Code or through supplementation shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 6: Effective Date. This Ordinance shall be effective September 11th, 2020 through December 11, 2020 being 91 days from enactment unless revoked or extended pursuant to City Charter Section 214.1.

Definitions:
RE: Governor's Executive Order 49 FY 19/20

"**Cloth Face Covering**" is a protection that covers the nose and mouth; fits snugly but comfortably against the side of the face; is secured with ties or ear loops; has multiple layers of fabric; allows for breathing without restriction; and is able to be laundered and machine dried without damage or change to its shape.

"**Public settings**" mean:
a. **indoor spaces** that are accessible to the public such as grocery stores, retail stores, pharmacies and health care facilities;

b. **outdoor spaces** such as playgrounds and parks, public parking lots, and other areas such as lines for take-out service where the public typically gathers in a smaller area; and

c. **public transportation** such as a taxi, Uber, Lyft, ride-sharing or similar service; ferry, bus, or train; and any semi-enclosed transit stop or waiting area.

Employers in settings that are not typically accessible to the public may determine the persons who should wear a cloth face covering at their workplace and shall permit any employee who wants to wear a covering to do so.

"**Individual**" means any person in such settings irrespective of whether the person is an employee, customer, vendor, invitee or other.

"**Enforcement**" shall be amended to include not only stores over 50,000 sq. ft. of shopping space (as defined in Executive Order 28-A-2 FY 19/20) <u>but all stores</u>, eating establishments, bars, tasting rooms, and lodging operations and accommodations (as defined in Executive Order 57 FY 19/20) shall implement measures requiring customers to wear face coverings. Such measures may, for example, include denial of entry or service. The establishment's responsibility under this section is in addition to compliance with all applicable Executive Orders, State of Maine guidance and the Restarting Maine's Economy COVID-19 Prevention Checklists, including the use of signage stating that face coverings are required.
RE: Governor's Executive Order 49 & 55 19/20

"**Gatherings**" are defined as primarily social, personal, and discretionary events other than employment. Such gatherings include, without limitation, community, civic, public, leisure, and faith-based events; social clubs; sporting events with spectators; concerts, conventions, fundraisers, parades, fairs, and festivals; and any similar event or activity in a venue such as an auditorium, stadium, arena, large conference room, meeting hall, theatre, gymnasium, fitness center or private club.

a. Indoor Gatherings. The limit on the number of persons for indoor gatherings remains at 50 persons as set forth in Executive Order 55 FY 19/20

b. Outdoor Gatherings. The limit on the number of persons for outdoor gatherings is 5 people per 1,000 sq. ft of occupiable outdoor space or not more than 100 persons whichever is less.

This Emergency Ordinance shall stand repealed as of the ninety-first (91) day following the date of its adoption, unless re-enacted or repealed by the same Emergency Ordinance procedures.

Enacted September 11th, 2020.

Authorized by a Vote of 7-0 by the City Council so assembled for the City Manager, Steven R. Buck to sign and record.

Steven R. Buck, City Manager

September 10, 2020
Date