

**Emergency Ordinance– An Act to Alleviate Community Spread of COVID-19**  
**Frequently Asked Questions**

**Introduction:**

The Sanford City Council unanimously passed an emergency ordinance effective September 11, 2020 that requires people to wear face coverings in all public places where safe distancing is not possible. This includes stores, restaurants, bars, tasting rooms, and lodging, regardless of their size. Businesses are required to enforce use of face-coverings in their establishments and may face penalties for non-compliance. The ordinance will remain in place for 91 days unless the Council shortens or extends the effective period.

The Sanford Police Department is authorized to enforce the ordinance, which carries a minimum fine of \$100 for anyone who fails to comply. First-time offenders will receive a warning before a fine will be levied.

This action was taken to reduce the spread of COVID-19. Sanford has recently gone from green to an elevated yellow level. We want the community to work together to wear masks, socially distance, minimize gatherings, and stay [home](#) if you are sick. This will help keep businesses open, schools open, and reduce the health risks to our residents and visitors.

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**When does the ordinance start/end?**

The ordinance takes effect September 11, 2020 and remains in effect until December 11, 2020 unless extended or shortened by the City Council. For more information use the link [here](#).

**When do I need to wear a face covering?**

Individuals must wear appropriate face coverings properly worn over the nose and mouth in public settings where other physical distancing measures are difficult to maintain. "Public settings" include parks, sidewalks, stores, restaurants, social clubs, bars, lodging, public transport, and other public gathering places. For more information visit the link [here](#).

**Where will this be enforced?**

All businesses, regardless of size, must implement measures requiring customers to wear face coverings. This includes not only those with over 50,000 sq. ft. of shopping space but also includes all other stores, eating establishments, bars, tasting rooms, and lodging operations and accommodations.

Individuals are also required to wear face coverings in public settings and gatherings where safe distancing is not possible.

**What is a face covering?**

A cloth, or disposable face covering that covers the nose and the mouth; fits snugly but comfortably against the side of the face; is secured with ties or ear loops; allows for breathing without restriction; and (for reusable masks) is able to be laundered and machine dried without damage or change to its shape.

**What is a Public Setting?**

- 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;
- 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.

**What counts as a gathering?**

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."

**What are the gathering limits?**

- 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.

**What are the consequences of not complying?**

Any person, firm, or corporation who violates the rules laid out in the ordinance is in violation and may be penalized.

The police department is authorized to enforce the use of face coverings on streets and sidewalks, parks, or other public spaces where individuals are gathering and are not able to maintain at least 6 feet of distance from one another, and can enforce gathering limits.

**What penalties could I face?**

A violation of the Emergency Ordinance may be construed to be a violation of any such license, permit and other authorization to which pertinent penalties may be assessed.

1. Documented Warning – First offense will be issued a documented Warning of Violation.
2. Civil Penalties – Violation of the ordinance may be subject to 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.
3. 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.
4. 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.

### **How is this ordinance different from the Governor's Orders that are already in place?**

The Governor's Orders apply to businesses over 50,000 square feet in size. Sanford's Ordinance expands the requirements of the Governor's Orders to include ALL businesses, regardless of size.

The Governor's Orders authorize businesses to 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.

The Sanford Ordinance lays out fines and penalties and gives the Sanford Police Department the authority to enforce the ordinance. Consistent or repeated violations of a business not enforcing customers wearing a face covering will result in enforcement action, up to and including suspension of business license.

### **Is there a minimum age requirement for wearing a face covering?**

The ordinance does not change what is laid out in the Governor's Orders. Currently, this means that face coverings are recommended for children ages 2 to 4 unless deemed developmentally inappropriate, and face coverings are required for all children age 5 and older in public settings, including school and child care settings.

### **Am I still exempt from wearing a face covering if I have a medical issue? If I have a health condition and can't wear a face covering, will I be stopped by the police/fined?**

This ordinance does not change the State requirements for or exemptions from wearing face coverings, it simply allows enforcement of the rules. If you are in a public place or outdoor gathering and are not socially distancing or wearing a face covering, you may be stopped by police. If you cannot wear a mask in such a setting, you may still be required to practice safe social distancing. A business or other establishment may refuse you entry if you are not wearing a mask and could, for example, offer you curbside service as an alternative to entering the establishment.

### **What if my kid is on a sports team and can't stay 6 feet from other participants?**

Sporting events are covered under the [DECD's](#) guidance on sports, which can be found here: [DECD Community Sports Checklist](#). Another helpful link can be found [here](#).

### **What if my group is meeting outside?**

Outdoor gatherings are still limited under State guidance and those rules still apply. For more information visit the link [here](#).

### **As a business, what do I do if a customer refuses to wear a mask once they are in my establishment?**

You have the right under the Governor's Orders and the responsibility under the Emergency Ordinance to require that customers wear face coverings in your establishment, including the responsibility to post signage requiring face coverings. You may refuse entry to your business. If an individual refuses to comply with the requirement, you may contact the Sanford Police Department for assistance. Officers have been instructed how to respond to such situations.

If you need further guidance on this matter, you can reach out to Sanford's Keep Maine Healthy team at (207) 206-1295 or by email to [keepmehealthy@yccac.org](mailto:keepmehealthy@yccac.org). The team can help provide signage, masks for customers and other assistance.

### **If I am a business that is doing everything I can to enforce masks but a customer comes in my location without one and I am reported will I be fined?**

The City of Sanford wants to work in partnership with local businesses and understands that these are difficult times for all. If a business is reported for not enforcing the ordinance, it is likely that you will be visited by one of the City's Health Educators to discuss ways you can better enforce the face covering requirement.

A business that refuses to enforce the ordinance could face enforcement action by the police, including a written warning, followed by a fine and, if the refusal continues, suspension of business license.

If you need further guidance on this matter, you can reach out to Sanford's Keep Maine Healthy team at (207) 206-1295 or by email to [keepmehealthy@yccac.org](mailto:keepmehealthy@yccac.org). The team can help provide signage, masks for customers and other assistance.

### **Won't my customers go elsewhere if they have to wear a mask to come into my business?**

Requiring customers to wear face coverings helps ensure the safety of all customers and staff in a business. Rather than being a disincentive, requiring masks ensures your customers that their safety is being prioritized in your establishment. For more information visit the link [here](#).

**If I need masks or other PPE supplies for my business is there a way I can request them?**

Yes! The Keep Maine Healthy team can help provide signage, masks for customers and other assistance. They can be contacted at (207) 206-1295 or by email to [keepmehealthy@yccac.org](mailto:keepmehealthy@yccac.org).

**If I know of a business or public location that frequently does not enforce the face covering ordinance who should I get in touch with and what's the best method for doing that?**

Your first point of contact should be the Keep Maine Healthy team, who can speak to the business or location and offer guidance and assistance. They can be contacted at (207) 206-1295 or by email to [keepmehealthy@yccac.org](mailto:keepmehealthy@yccac.org). If the business continues to refuse to enforce the ordinance, the team can refer the matter to the Sanford Police Department for enforcement action.

**If I have a question about my businesses' enforcement of the face covering ordinance or my personal wearing of a face covering, who should I get in touch with? What is the best method for doing that?**

The City of Sanford, in partnership with York County Community Action Coalition under the Keep Maine Healthy grant program, has six Health Educators that are available to visit with businesses and individuals in the community to advise on the rules, assist with signage and help provide masks and other equipment as needed.

Sanford's Keep Maine Healthy team can be contacted by phone or email:

**(207) 206-1295**

**[keepmehealthy@yccac.org](mailto:keepmehealthy@yccac.org)**

**References and Resources:**

[Emergency Ordinance - An Act to Alleviate Community Spread of COVID-19](#)

[Restarting Maine's Economy COVID-19 Prevention](#) – Checklists, including the use of signage stating that face coverings are required.

[An Order Strengthening the Use of Face Coverings](#) – Authorizes municipal enforcement of face-covering in public and allowing businesses to refuse entry to those not wearing face coverings.

[DECD Guidance for Businesses and Organizations](#) – Contains industry-specific, detailed guidance on requirements for businesses, organizations, gatherings and more.

[DECD Community Sports Checklist](#)

[An Order Regarding Outdoor Gatherings and Face Coverings for Children](#)

[An Order to Further Implement the Restarting Plan](#)

[An Order to Stay Safer at Home](#)