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Town of Orono

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OPTION D
FACE COVERINGS INDOOR PUBLIC SPACES ONLY/BUSINESSES
ENFORCE/RESIDENTIAL COMPLEX PLANS

**EMERGENCY ORDINANCE REQUIRING PERSONS TO WEAR FACE COVERING
IN THE TOWN OF ORONO AND RESIDENTIAL HOUSING COMPLEXES TO
IMPLEMENT OPERATIONS PLANS IN ORDER TO REDUCE THE RISK OF
EXPOSURE TO COVID-19 DURING THE PUBIC HEALTH EMERGENCY AND
RECOVERY**

WHEREAS, an outbreak of respiratory illness due to a novel coronavirus (COVID-19) has spread across the world, including the United States; and

WHEREAS, it is well recognized that COVID-19 presents a public health concern that requires extraordinary protective measures and vigilance; and

WHEREAS, on March 13, 2020, President Donald J. Trump declared a national emergency to assist with combating the coronavirus, beginning March 1, 2020; and

WHEREAS, on March 15, 2020 Governor Janet T. Mills proclaimed a State of Civil Emergency in Maine based on a determination that “COVID-19 is a highly infectious agent that poses an imminent threat of substantial harm to our citizens”; and

WHEREAS, Governor Mills has renewed the State of Civil Emergency several times with the most recent renewal set to expire on September 3, 2020; and

WHEREAS, the State of Maine and the Town of Orono’s efforts to slow the spread of the virus, by way of limiting public gatherings and certain retail operations, contributed to the flattening of the curve, but additional efforts remain necessary; and

WHEREAS, the population of Orono will surge dramatically with the return of students to the University of Maine, which surge will increase the number of public interactions in Town; and

WHEREAS, the Centers for Disease Control and Prevention (“CDC”) and the Maine Center for Disease Control and Prevention (“MCDC”) strongly recommend, in addition to social distancing, the use of cloth face coverings to slow the spread of COVID-19; and

WHEREAS, the medical and scientific evidence concerning COVID-19 is ever-evolving and the CDC has stated that COVID-19 spreads mainly in large, in-person gatherings and crowds where social distancing is difficult, and from person to person through respiratory droplets produced when an infected person coughs, sneezes, or talks; and

WHEREAS, taking measures to control outbreaks and to lessen the spread of the virus from person to person minimizes the risk to the public, maintains the health and safety of the

Town of Orono’s residents and visitors, and limits the spread of infection in our community and within the healthcare delivery system; and

WHEREAS, in order to protect, preserve, and promote the general health, safety and welfare and the peace of the community, the Town of Orono has and will continue to take steps to try and protect the citizens, employers, and employees of the Town of Orono from an increased risk of exposure to COVID-19; and

WHEREAS, the Orono Town Council finds that it is in the best interest of the public peace, health, welfare, and safety, and to help preserve the lives of citizens of the Town of Orono, to require that masks, consisting of at least simple cloth face coverings, be worn by persons when interacting in public in the Town of Orono to decrease the spread of the virus; and

WHEREAS, the Orono Town Council finds that the foregoing facts constitute an emergency under Section 1.1.2.L of the Ordinances of the Town of Orono.

Section 1. Authority. This Ordinance is enacted pursuant to the authority vested in the Town of Orono pursuant to 30-A M.R.S. §3001 and the Town Charter of the Town of Orono, including the emergency provisions of Section 1.1.2.L.

Section 2. Purpose and Findings. The purpose of this Ordinance is to promote and protect the health, safety, and welfare of the residents of the Town of Orono and to limit the spread of COVID-19, while enabling the continuation of social and commercial life during the State of Civil Emergency, by requiring that face coverings be worn by any person interacting in public in the Town of Orono. The above recitals are adopted by the Town Council as legislative findings.

Section 3. Definitions. For the purposes of this Ordinance, the following words shall mean:

- A. “Face covering” means a piece of cloth, fabric or other material that fully covers the mouth and nose and that is secured using ear straps or otherwise tied so as to prevent slipping. A face covering may be factory-made or may be handmade and improved from household materials, but must meet all CDC guidelines, as may be amended. Face covering includes respirators, N95 masks, or other personal protective equipment that provides a higher level of protection than a face covering defined in this Ordinance. A face covering shall be worn so as to cover the mouth and nose in compliance with the CDC’s guidance on wearing face coverings.
- B. “Residential Housing Complex” means any development containing 100 or more residential dwelling units, as defined in Section 18-31 of the Ordinances, Town of Orono, Maine.

Section 4. Face Coverings Required in All Public Places.

- A. The use of a face covering is required by every person within the boundaries of the Town of Orono in all indoor public places and as detailed below:
 - 1. while entering and while inside a place of business open to the public;
 - 2. while interacting with others in outdoor spaces, including, but not limited to, during face to face interactions with the public during curbside pickup, delivery and services calls while in proximity to the public;
 - 3. while providing or utilizing public or commercial transportation; and
 - 4. when participating in a permitted or allowable gathering.
- B. All restaurants, retail stores, including but not limited to salons, barber shops, grocery stores, pharmacies, or other buildings open to the public in the Town of Orono must require their employees to wear a face covering at all times while having face-to-face interaction with the public.

Section 5. Exceptions to Face Covering in All Public Places. Nothing herein shall require the wearing of face coverings by the following persons:

- A. Persons who are unable to safely wear a face covering because of a medical condition, mental health condition or mental disability, or is unable to remove the face covering without the assistance of others, and any individual who should not wear face coverings under the CDC guidance. An individual is not required to produce medical documentation of the condition or disability, provided an employer may require such documentation from an employee in accordance with state and federal law;
- B. Persons traveling in their personal vehicles;
- C. Persons exercising, while maintaining a minimum of six (6) feet from other people at all times;
- D. Persons in restaurants and bars while eating or drinking;
- E. Persons in an outdoor or unenclosed area appurtenant to retail establishments or foodservice establishments in which social distancing of at least six (6) feet is possible and observed;
- F. Persons whose religious beliefs prevent them from wearing a face covering;
- G. Children under 6 years old, provided that adults accompanying child ages 2 through 6 shall use reasonable efforts to cause those children to wear face

coverings while inside the enclosed area of any retail establishment or foodservice establishment;

- H. Persons working in a profession who do not have any face-to-face interactions with the public;
- I. When complying with directions of law enforcement officers;
- J. In settings where it is not feasible to wear a face covering, including when obtaining or rendering goods or services such as the receipt of dental services or while swimming; and
- K. Police officers, fire fighters and other first responders when not practical or while engaged in a public safety matter of an emergency nature.

Section 6. Residential Housing Complexes. Owners of residential housing complexes, as herein defined, shall provide a written operations plan to the Orono Fire Chief the following within 7 days of the effective date of this emergency ordinance detailing compliance with all CDC guidelines relating to shared and congregate housing. Said operations plans must be approved by the Orono Fire Chief and contain, at a minimum, the following elements:

- A. Plans to protect staff and residents from the spread of COVID-19 and to help them put in place personal preventive measures.
- B. Plans to clean and disinfect shared areas, including exercise rooms, laundry facilities, shared bathrooms, hallways, stairwells, elevators, and frequently touched surfaces.
- C. Identification of services and activities that might need to be limited or temporarily discontinued, including consideration of alternative solutions (e.g., virtual services) that will help programs continue while being safe for residents.
- D. Plans to require social distancing (6 feet separation) and the wearing of masks in any shared spaces, including spaces restricted to staff only.
- E. Plans to minimize traffic in enclosed spaces, such as hallways, elevators and stairwells.
- F. Plans for cleaning and disinfecting pools and hot tubs, limiting their use, or restricting their use altogether.
- G. Plans for addressing confirmed or suspected cases of COVID-19, including quarantining and notification to anyone in the complex who may have been exposed while maintaining the confidentiality of the sick person as required by the American with Disabilities Act (ADA) and, if applicable, the Health Insurance Portability and Accountability Act (HIPPA).

Notwithstanding any other provision to the contrary, an owner of a residential housing complex who fails to submit a timely and satisfactory plan to the Fire Chief for review and approval shall be subject to a fine of \$1,000 per day until said plan is submitted and approved. Failure to implement and enforce said operations plan shall also subject the owner to a fine of \$1,000 per violation and each day the owner fails to implement or enforce the plan shall constitute a new and separate violation.

Section 7. Penalty. Any person, after first being warned, violating any provision of this Ordinance shall be subject to a fine of one hundred dollars (\$100.00) for the first offense; two hundred dollars (\$200.00) for the second offense; and five hundred dollars (\$500.00) for the third offense. In addition to the individual(s) violating this Ordinance by failing to where a face covering, any person who organizes a gathering on public property where the required face coverings are not worn shall also be deemed in violation of this Ordinance and find pursuant to this section.

Section 8. Enforcement. This Ordinance may be enforced by the Town Manager or the Town Manager's designees. Business owners shall be responsible for enforcing the face covering requirements inside and in the area appurtenant to their establishment and their failure to do so shall subject them to penalties under Section 7.

Section 9. Duration. This Ordinance shall expire upon the earlier of: (1) the expiration of all Civil Emergency Orders related to COVID-19 issued by the Governor of the State of Maine, plus 30 days; or (2) repeal, modification or extension by the Orono Town Council through a subsequent ordinance.

Section 10. Severability. In the event that any provision of this Ordinance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the Ordinance shall not be invalidated.

Section 11. Effective Date. This Ordinance is declared to be an emergency measure and shall be effective immediately upon passage.