

**AMENDMENT TO THE EMERGENCY ORDINANCE
TO ADDRESS THE PUBLIC HEALTH EMERGENCY RESULTING FROM COVID-19**

WHEREAS, the Town Council, on September 9, 2021, adopted an ordinance entitled, “EMERGENCY ORDINANCE TO ADDRESS THE PUBLIC HEALTH EMERGENCY RESULTING FROM COVID-19” (the “COVID-19 Emergency Ordinance”); and

WHEREAS, the COVID-19 Emergency Ordinance is still in effect and requires all persons, vaccinated or unvaccinated, to wear face coverings within any public space in any Town-owned buildings or leased spaces; and

WHEREAS, the Town Council wishes to amend the COVID-19 Emergency Ordinance to require face coverings in all public spaces as defined in the amended ordinance;

NOW THEREFORE, BE IT ORDAINED, that to protect the public’s health, safety, and welfare, the COVID-19 Ordinance is amended and replaced in its entirety as follows:

Sec 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 Brunswick that is regularly accessible to the general public. For purposes of this ordinance, a Public Building shall not include a private residence or residential unit, a public pre-school or K through 12 school (which remains under the authority of the Brunswick School Board), a church or other house of worship, office space where the occupant(s) can be physically separated from the general public, or the portions of a theater, gym, or athletic arena where all of the individuals performing, exercising, or playing have been vaccinated and where there is either space, a physical barrier, or ventilation system that separates them from the general public or audience.

Sections 2. Face Covering Mandate.

- (a) Starting January 12, 2022, any Person shall wear Face Coverings over their nose and mouth any time they are in a Public Building, within the Town of Brunswick, 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 Brunswick.

- (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) Nothing in this ordinance shall be interpreted to relieve a Person or business of any state or federal face covering obligations, and this ordinance shall be subordinate to any federal or state laws concerning vaccines or Face Coverings.

Sec. 3. Exceptions.

- (a) Any Person under the age of 2, 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.
- (c) Any Person entering a business, or a portion of a business, located within a Public Building, including but not limited to retail, food and beverage, gym, theater, or similar high-traffic business, which actively screens and limits who may enter its premises to only Persons with established proof of vaccination for the COVID-19 Virus, will not be obligated to wear a Face Covering within the business, but only to the extent that the Person is actually screened and provides proof of vaccination.

Sec. 4. Posting Requirement.

Each Public Building and each separate business or separate premise within a Public Building must post signage at the entrance and at other appropriate locations stating that Persons entering are required to wear face coverings by order of the Brunswick Town Council. Other locations can be alternative entrances (back doors, etc.) or at transaction locations such as registers. Signage requirements outlined in this section will have an effective date of January 18, 2022.

Sec. 5. Effective Period.

- (a) Following its promulgation, the Town Council shall review this ordinance every 30 days. The provisions of this ordinance shall remain in effect until they are terminated.
- (b) Enforcement of this ordinance may be suspended by an Emergency Order promulgated by the Town Manager prior to its expiration upon the determination by the Town Manager that the seven-day average of new cases for Cumberland County has dropped to the CDC's "moderate" transmission level for a period of ten consecutive days. Subsequently, prior to the expiration of the ordinance, enforcement may be reinstated by an Emergency Order promulgated by the Town Manager upon a determination by the Town Manager that the seven-day average for Cumberland County has returned to "substantial" or "high" levels of

transmission for ten consecutive days. Public notice of these Emergency Orders shall be circulated publicly and on the Town's website.

Sec. 6. Enforcement.

- (a) A violation of this ordinance shall be a civil violation subject to a fine of up to \$500. A Person found violating this ordinance will also be directed to comply with the Face Covering mandate or will be obligated to leave the building or area where the offense occurred.
- (b) The Town's Health Officer or his or her designee is authorized to institute or cause to be instituted by and through the Town Attorney, in the name of the Town of Brunswick, any and all actions, legal or equitable, that may be appropriate or necessary for the enforcement of the provisions of this ordinance. The Brunswick Police Department is also authorized to enforce this ordinance.

Sec. 7. Remote Meetings.

While this ordinance is in effect, members of any public body as defined in the Town Council's policy entitled "Remote Participation in Public Proceedings" may participate remotely in all public proceedings in accordance with the provisions of that policy.

BE IT FURTHER ORDAINED, that this amendment is enacted as an Emergency, pursuant to Article II, Section 11 of the Brunswick Town Charter, making it effective immediately in order to best protect the health and welfare of the people in the Town of Brunswick, Maine.

Emergency Declaration

The Town Council declares the existence of an emergency because the significant risk of transmission of COVID-19 requires an immediate response to protect the public's safety, health and welfare.

Proposed: January 6, 2022
Adopted: January 6, 2022 (Emergency Basis)
Public Hearing: January 18, 2022 (Emergency and Regular Basis)
Adopted: