



**CITY OF SOUTH PORTLAND
Executive Department
Scott T. Morelli, City Manager**

CITY OF SOUTH PORTLAND FACE COVERING MANDATE January 21, 2022

I, Scott T. Morelli, City Manager of the City of South Portland, pursuant to the authority vested in me under Sec. 8-2.8 of the South Portland Code of Ordinances to “promulgate such regulations as he/she deems necessary to protect life and property and to preserve critical resources” in the event of a state of civil emergency within the City, and based upon guidance given by the South Portland City Council at its January 18, 2022 meeting, hereby issue the following regulations:

Section 1. Purpose; Publication of Regulations.

These regulations are issued following the state of civil emergency declared by the Mayor on January 21, 2022 (and scheduled to be extended by the City Council on January 25, 2022) in order to reduce the risk of increasing the spread of COVID-19, preserve the public health and safety, and to ensure that the health care system is capable of serving all persons in need, especially those at high risk and vulnerable to COVID-19. Public notice of these regulations shall be circulated publicly and on the City’s website.

Section 2. Definitions.

For the purpose of these regulations, the follow 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 gators, 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 City of South Portland that is accessible to the general public, including, without limitation, restaurants, grocery stores, retail stores, pharmacies, health care facilities, social clubs, auditoriums, theaters, arenas, concert halls, meeting halls, gymnasiums, indoor rinks, fitness centers, houses of worship, transportation centers, indoor parking garages, hotels, motels, and other places of public accommodation. It also includes portions of government buildings and private buildings that are typically accessible to the public, including lobbies, waiting areas, elevators, service desks, and related hallways. For purposes of these regulations, a Public Building shall not include a private residence or residential unit or a public pre-school or K through 12 school (which remains under the authority of the South Portland Board of Education)

Section 3. Face Covering Mandate.

Starting Monday, January 24, 2022, any Person shall wear a Face Covering over their nose and mouth any time they are in a Public Building within the City of South Portland, unless otherwise excepted in Section 4.

Persons must also wear a Face Covering over their nose and mouth any time they are using or operating public transportation conveyances, including buses, trains, taxis, ride shares, vehicles for hire, or any other ride services within the City of South Portland.

Persons inside a Public Building or portion thereof may temporarily remove their Face Covering to participate in the primary purpose of the business, such as eating or drinking, but only to the extent that such removal occurs at an isolated location, such as a table or booth, and provided that any Person who removes their Face Covering must restore it (i) as soon as their activity is completed, and (ii) to the extent that they traverse or move about the premises away from their isolated location. This includes, but is not limited to, the ability of a Person to temporarily remove their Face Covering in order to communicate with a person who has a hearing impairment and who relies upon lip reading to conduct business.

Nothing in these regulations shall be interpreted to relieve a Person or business of any state or federal Face Covering obligations, and these regulations shall be subordinate to any federal or state laws concerning Face Coverings.

Section 4. Exceptions.

Any Person under the age of 2, anyone with a medical or disabling condition that is complicated or irritated by a facial covering, or 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.

Any Person who is alone in a Public Building is not required to wear a Face Covering as long as they remain alone.

Section 5. Posting of Signage Requirement.

Each Public Building and each separate business or separate premise within a Public Building must have posted signage at the entrance and at other appropriate locations stating that Persons entering are required to wear Face Coverings by order of the City of South Portland. Other appropriate locations can be alternative entrances (e.g., back doors) or at transaction locations such as registers. Signage requirements outlined in this Section are effective on Wednesday, January 26, 2022.

Section 6. Enforcement.

If necessary, these regulations shall be enforced by the City Manager, Local Health Officer, Health Inspector, or their designee(s).

A Person found violating the Face Covering mandate will be directed to comply with the Face Covering mandate or will be obligated to leave the Public Building or area where the violation occurred.

A business owner and/or Public Building owner found without the required signage will be directed to post the required signage. A business owner and/or Public Building owner found to be willfully disregarding the Face Covering mandate for its employees and/or its customers, invitees or guests will be directed to require Face Coverings.

Section 7. Penalties.

In the event that compliance is not obtained as set forth in Section 6, the penalty for failure to comply with these regulations is as set forth in Sec. 8-2.13 of the Code of Ordinances.

Section 8. Severability.

If any provision of these regulations or their application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of these regulations, which can be given effect without the invalid provision or application. To achieve this purpose, the

provisions of these regulations are declared to be severable.

Section 9. Duration.

These regulations shall be effective on Monday, January 24, 2022 and, pursuant to Secs. 8-2.6 through 8-2.7 of the Code of Ordinances, shall remain in full force and effect until either rescinded or modified by me *or* the emergency proclamation is terminated by the Mayor.

When 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, the City Manager shall suspend these regulations. Subsequently, prior to the termination of the emergency proclamation by the Mayor, these regulations shall be reinstated by the City Manager if the seven-day average for Cumberland County has returned to "substantial" or "high" levels of transmission for ten consecutive days.

Notwithstanding the immediately preceding paragraph, the community transmission level for Cumberland County will change over time and the methods for determining the level of community transmission may also change over time. The City Manager will reassess both the community transmission level and the available methods of measuring the same on a weekly basis for situational awareness and to continuously inform the necessity of these regulations.

Dated: January 21, 2022



Scott T. Morelli, City Manager