

ORDINANCE #39
TOWN OF HANOVER
Ordinance of the Selectboard

The Selectboard of Hanover, New Hampshire ordains as follows:

Emergency Mask Ordinance Related to COVID-19 Pandemic

Declaration of Purpose:

The purpose of this Emergency Ordinance is to enact public health provisions designed to significantly reduce the spread of COVID-19, a highly contagious virus that poses a dangerous health threat to citizens. These provisions, recommended by the Centers for Disease Control and the World Health Organization, and further promulgated by the Director of Public Health for the State of New Hampshire, must be implemented on a community-wide basis as part of the Town of Hanover's COVID-19 public health response plan.

Title:

This Ordinance shall be known and may be cited as the "COVID-19 Emergency Mask Ordinance of the Town of Hanover"

Authority:

NH RSA 147:1

WHEREAS, NH RSA 147:1 grants Health Officers of cities and towns the authority to draft regulations relating to the public health as in their judgement the health and safety of the people require; and

WHEREAS, the Town of Hanover, New Hampshire Selectboard recognizes additional measures are necessary to prevent or reduce activities that increase the likelihood of the spread of the highly contagious and potentially life-threatening virus known as COVID-19; and

WHEREAS, the best means of slowing the spread of the virus is through minimizing close personal contact with individuals in a public environment, social/physical distancing by keeping a distance of six feet between yourself and others, covering your mouth and nose by wearing a face covering, and proper hand washing; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) has concluded that the wearing of masks by all persons under certain circumstances is an effective method to reduce exposure to the COVID-19 virus, by providing a simple barrier to help prevent respiratory droplets from traveling into the air and onto other people when the person wearing the face covering coughs, sneezes, talks or raises their voice; and

WHEREAS, COVID-19 can be spread by people who do not have symptoms (asymptomatic carriers) and therefore are unaware they are infected. It is therefore important that everyone wear face coverings in public settings, whether or not they are feeling ill; and

WHEREAS, the Town of Hanover hosts Dartmouth College, the Thayer School of Engineering, the Tuck School of Business and the Geisel School of Medicine, which, when combined will bring several thousand students back to campus in September 2020; and

WHEREAS, the Town serves as a regional shopping, cultural and visitor destination, welcoming families of Dartmouth undergraduate and graduate students, faculty and staff, visitors from around the world and many residents from the Upper Valley who come to Hanover for campus gatherings, dining, shopping and cultural activities; and

WHEREAS, the neighboring City of Lebanon hosts Dartmouth Hitchcock Medical Center, the State's largest medical care facility which also brings thousands of patients and employees to the immediate region on a weekly basis; and

WHEREAS, some people fail to recognize the potential risks of COVID-19 and have displayed a lack of support for social/physical distancing, face masks and limiting the size of social gatherings; and

WHEREAS, Hanover is home to five senior congregate living facilities housing more than 900 residents, a population which is at higher risk for suffering life threatening complications resulting from COVID-19 infection; and

WHEREAS, the State of New Hampshire began on May 11th, with limitations, the opening of retail establishments and other businesses and on May 18th, with limitations, the opening of restaurants, and Hanover has experienced a significant increase in visitor traffic in the downtown and immediate Dartmouth campus area; and

WHEREAS, every New England state with the exception of New Hampshire has implemented a mandatory mask order; and

WHEREAS, retail and restaurant owners have strongly requested a mandatory mask order to assist them and their staff in requiring customers to wear masks; and

WHEREAS, citizens of the Town of Hanover have repeatedly requested that the State or Town implement a mandatory mask order for a number of reasons, chiefly to reduce viral spread and to increase the sense of safety for our citizens who are complying with the "Safer at Home" guidance and only venturing out for essential reasons; and

WHEREAS, the Health Officer for the Town of Hanover has made and submitted regulations that the public health and safety of the citizens and visitors of Hanover require; and

WHEREAS, because COVID-19 presents a clear and present danger to the general Hanover population, it behooves the community for the Selectboard to take this emergency measure requiring the wearing of face coverings in certain situations to protect the public health;

NOW THEREFORE, for the purpose of continuing to provide safety for its residents and visitors resulting from the unique features of a college community and adjacency of the state's largest major medical center, under New Hampshire RSA 147:1 acting in their capacity as the Hanover Selectboard and based on the Town Health Officer's authority to promulgate regulations for the prevention and removal of public health nuisances, hereby ordains that:

1. All businesses, healthcare facilities and any other establishment, including government facilities, as allowed under Orders by the State of New Hampshire, which are open to the public, shall require all those entering the business including, without limitation any outdoor area where business of any sort is conducted or work site, to wear a mouth and nose covering mask and may refuse entry and service to anyone who refuses to wear a mask.
2. All employees of all businesses must wear a mouth and nose covering mask when interacting with the public and are within six feet of a co-worker.
3. Members of the public entering or queued to enter any restaurant for the purpose of picking up food for take-out or an alcohol-serving business or any other purpose must wear a mouth and nose covering mask. Members of the public dining at a restaurant may remove masks while seated at their table but must wear a mask when entering and exiting the restaurant or moving around the interior or exterior of the restaurant.
4. All such businesses, restaurants, government facilities and public downtown areas shall post the requirement for a mask.
5. Members of the public must wear face masks while using public sidewalks, other pedestrian ways, public recreation areas and other public property within the Town of Hanover where maintaining adequate social/physical distancing is not possible due to pedestrian congestion.
6. Members of the public are strongly urged to wear face masks when attending social gatherings including individuals outside their immediate family.
7. This ordinance shall apply to the more densely-settled areas of Hanover, corresponding with the Downtown (D), Business (B), Institutional (I), Residence and Office (RO), General Residence (GR1, GR2, GR3 and GR4), and Single Residence (SR1, SR2, SR3) Zoning Districts. These Zoning Districts are generally bounded on the west by the Ledyard Bridge at West Wheelock Street, on the south at the Lebanon-Hanover town line along Route 10, Route 120 and Great Hollow Road, on the north by Wilson's Landing on Route 10 and Trumbull Field in Etna Village, and on the east in the center of Etna Village.
8. Under the above circumstances, this order shall apply to any individual who is age two (2) or older, and not otherwise exempt per CDC guidelines. A face covering is also not required to be worn by any person if said person can show a medical professional has advised that wearing a face covering may pose a risk to said person for health-related reasons.
9. As used herein "face covering" means a covering made of cloth, fabric, or other soft or permeable material, without holes, that covers only the nose, mouth, and surrounding areas of the

lower face. A face covering may be factory made or homemade and improvised from ordinary household material.

10. For the purposes of enforcement the Selectboard may appoint persons to serve as Deputy Health Officers to serve as enforcement agents pursuant to New Hampshire RSA 147:1.

11. This order shall remain in effect until notice is given that it is no longer necessary because the Hanover Selectboard declares that a Public Health Emergency no longer poses a threat to Hanover citizens.

PENALTIES:

Anyone who violates this ordinance AND refuses to comply with local, county, or state Health Officers to meet the requirements outlined herein shall be subject to a verbal or written request to comply by the Health Officer, followed by fine in the amount of \$100 for the second offense, \$200 for the third offense, and \$500 for the fourth and subsequent offense, and/or shall be summoned to Court at the 2nd Circuit – District Division - Lebanon.

Effective Date: Having held one public hearing on August 3, 2020, this Ordinance shall be effective on August 10, 2020.

IN WITNESS WHEREOF, a majority of the Selectboard have hereunder set their hands.

TOWN OF HANOVER SELECTBOARD

Peter L. Christie, Chair

Athos Rassias, Vice Chair

Nancy A. Carter

William V. Geraghty

Joanna Whitcomb

Adopted August 3, 2020

