



ORDINANCE

RELATIVE TO REQUIRING FACE COVERINGS THROUGH JANUARY 31, 2022

CITY OF NASHUA

In the Year Two Thousand and Twenty One

Whereas, the Nashua Board of Health provided the following statement:

Relevant statistics as of December 14, 2021, comparing the change over the prior 2 weeks. Nationwide:

- Cases of Covid-19 are up 47%
- Hospitalizations are up 21%
- Deaths are up 40%

This is all despite just a 1% increase in testing. And New Hampshire, along with Rhode Island, leads the country in cases per capita.

Gene sequencing has showed that the Omicron variant has arrived in New Hampshire, and we have verified that Covid-19 tests do not cross-react with either the flu virus or the common cold, even in the face of the Omicron variant. A positive Covid-19 test means Covid-19. To date, 799, 000 Americans have died of Covid-19. Many more have been left with disabilities due to the ravages of serious Covid-19 infection. We have come to learn this virus has killed 1 of every 415 Americans.

We are setting records with the number of cases seen here in New Hampshire, Greater Nashua and the City of Nashua. There is an increasing number of cases in those who are unvaccinated. Our local hospitals are reporting 60%-80% of patients are unvaccinated and very ill. In addition, our hospitals are over capacity, having to stand up temporary ICU beds, and they are facing significant staffing issues, so much so, that Governor Sununu activated the National Guard to assist the hospitals in providing care.

Multiple scientific analysis and projections show that we are headed for a substantial increase in illness and hospitalizations due to a triple threat: the overwhelming presence of the highly contagious and deadly Delta variant, flu season and the even more contagious Omicron variant. This does not even take into account the uptick in non-Covid-19 illness due to pandemic delays in care and testing.

We know that vaccines are safe and remain very effective in preventing hospitalization and death. A significant portion of the 52.8 percent of people who were vaccinated were vaccinated more than six months ago, and immunity wanes. Children were only recently approved in the past couple of months. Getting a booster or completing the vaccine series for most children is not something that can reasonably be accomplished before the holidays.

Much has been written about the effectiveness of masks, and our understanding of their role in preventing serious illness in the wearer and in reducing spread in the community in general. The CDC has updated their assessment of mask effectiveness as recently as December 6th. Masks are unequivocally an important tool in fighting the spread of Covid-19. In fact, in one of the most controlled settings known, an outbreak of Covid-19 in the contained environment of an aircraft carrier, wearing a face covering was associated with a 70% reduction in the risk of infection with Covid-19. Masks have also been proven to be safe. Details can be found on the CDC website. <https://www.cdc.gov/coronavirus/2019-ncov/science/science-briefs/masking-science-sars-cov2.html>

We recognize the trend in the uptick in cases during the holidays last year. We saw an increase in cases during this past Thanksgiving holiday on top of the already increasing number of cases due to the high transmissibility of the Delta variant. With the onset of the December holiday and recreational activities, individuals will engage in more indoor activities that will increase crowding in indoor public settings for gatherings, traveling, shopping and other venues. We want to increase the protection of everyone during and after those activities. This recommendation is made based on the substantial and high transmissions that are occurring in the community setting.

Thus, the Board of Health urges the Board of Alderman to implement a mask mandate and to do so without delay given the impending Holidays.

Now therefore, the City of Nashua ordains that the following Emergency Public Health Order adopted by the Nashua Board of Health is hereby approved:

1. Employees of all businesses shall wear a face covering over their mouth and nose when interacting with the public and whenever they are within six feet of a co-worker or a customer.
2. Members of the public entering any business, including without limitation any outdoor area where business of any sort is conducted, work site, or government building must wear a face covering over their nose and mouth.
3. Members of the public entering a restaurant for the purpose of picking up food for take-out or any other purpose must wear a face covering over their mouth and nose. Members of the public dining at a restaurant may remove face covering when actively eating and drinking.
4. Residents, visitors, and members of the public entering or present at a residential or commercial building complex of greater than two (2) units must wear a face covering over their nose and mouth while in common areas and communal spaces.

5. This order applies to all individuals over the age of 2, regardless of vaccination status.
6. A face covering is 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. This exception to the face covering requirement for health reasons shall require a person to have in his or her immediate possession a written document executed by a medical doctor, registered nurse practitioner, or a physician's assistant authorized to prescribe medication which document certifies that the practitioner has warned the individual that he or she should not wear a face covering because it would pose a risk to his or her health.
7. All businesses open to the public, including restaurants, retail stores, service providers, and places of amusement and recreation, and residential and commercial buildings of greater than two (2) units shall post at each public entrance a notice stating "FACE COVERINGS REQUIRED."
8. Persons engaged in utilizing cardio, strength training, and other gymnasium equipment may remove the face covering during the actual use of such equipment provided a distance of six (6) feet from any other person is maintained.
9. Persons at places of amusement, including bingo halls, bowling alleys, charitable gaming facilities, and similar places where food and drink is served secondarily to the main activity may remove face covering while actually engaged in eating or drinking and not at other times.
10. Persons receiving personal care services including hair cutting and other hair treatment, facials, tattooing, piercing, and similar services, may remove face covering during any limited period during which the face covering actually interferes with the performing of the service.
11. For purposes of this ordinance and any other face covering requirements now in force or hereafter adopted the following words shall have the indicated meanings:

"Business" means any manager or supervisor on the premises when a violation occurs and any owner of the business.

"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 a 2-layer cloth mask or a surgical mask, but may not be a gaiter or scarf.

"Owner" means any one or more of the natural persons owning a business; in the case of a business owned by a partnership "owner" means the partnership and all general and limited partners; in the case of a business owned by a limited liability company "owner" means the company and all managers and members thereof; in the case of a business owned by a corporation "owner" means the corporation and all officers, and directors,

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thereof; and in the case of a business owned by a corporation having fewer than ten (10) shareholders "owner" means all shareholders.

This ordinance shall be effective immediately and shall continue in effect until the end of the day of January 31, 2022. The Board of Health and the Board of Aldermen reserve the right to revisit this end date if the public's health remains threatened due to increased transmission.

The City Clerk is directed not to codify this ordinance in the Nashua Revised Ordinances but to designate it as **Covid-19 Emergency Measure No. _____** (City Clerk to assign appropriate number upon passage) and publish it and any subsequent emergency measures on the city website.

LEGISLATIVE YEAR 2021

ORDINANCE:

O-21-083

PURPOSE:

Relative to requiring face coverings through January 31, 2022

ENDORSERS:

**Alderman Thomas Lopez
Alderman Patricia Klee**

**COMMITTEE
ASSIGNMENT:**

FISCAL NOTE:

None.

ANALYSIS

This legislation approves the regulation adopted by the Board of Health requiring the wearing of face coverings by persons at various places, effective through January 31, 2022.

Approved as to form:

Office of Corporation Counsel

By: /s/ Steven A. Bolton

Date: December 17, 2021