

R-21-267

TOWNSHIP OF MONTCLAIR

RESOLUTION INSTITUTING A MASK MANDATE FOR INDOOR PUBLIC PLACES
IN MONTCLAIR TOWNSHIP

December 21, 2021

WHEREAS, the Township of Montclair has a compelling interest to protect the health, welfare and safety of residents; and

WHEREAS, on March 11, 2020, the World Health Organization (WHO) declared the emergence of the novel coronavirus, SARS-CoV-2, that causes the disease COVID-19, a worldwide pandemic; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) and other public health organizations monitor all variants of the virus that cause COVID-19 in the United States and globally; and

WHEREAS, in July 2021, the CDC identified a concerning national trend of increasing circulation of the Delta COVID-19 variant, a variant which was more infectious and was leading to increased transmissibility when compared with other variants, even in some vaccinated individuals; and

WHEREAS, on November 24, 2021, a new variant of SARS-CoV-2 was reported to the WHO; and on November 26, 2021, WHO named the new variant Omicron and classified it as a Variant of Concern (VOC); and

WHEREAS, on December 1, 2021, the first confirmed case of Omicron was identified in New Jersey; and

WHEREAS, the spread of COVID-19, particularly the mutations and variants of the virus, throughout New Jersey and the Township of Montclair, continues to pose a severe threat to the public health, safety and welfare to the residents of the Township of Montclair; and

WHEREAS, wearing a mask is an effective way to reduce the spread of earlier forms of the virus, the Delta variant and other known variants; and

WHEREAS, the CDC recommends that in order to protect themselves and others from COVID-19 and its variants, people who are not fully vaccinated should wear a mask indoors in public at all levels of community transmission; and specifically recommends mask-wearing indoors in public places designated as substantial or high community transmission regardless of vaccination status; and

WHEREAS, as of December 20, 2021, the CDC classified Essex County, New Jersey, as an area with high community transmission with a case rate per 100 thousand of 522.42, representing a positivity rate of 10.61%, and

WHEREAS, Governor Murphy's Executive Order 242 allows municipalities to impose additional restrictions, in response to COVID-19, regarding mask requirements for individuals in indoor public spaces;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Township of Montclair, that all businesses and venues located in the Township of Montclair that are open to the public shall require both staff and customers (or visitors) to wear face coverings or face shields over their nose and mouth while inside the establishment when in the presence of others (within six feet); and

BE IT FURTHER RESOLVED, the face covering requirement of this Resolution does not apply to the following persons:

- young children under age 2;
- a person with a disability who cannot wear a face covering or cannot safely wear a face covering for reasons related to the disability;
- a person for whom wearing a mask would create a risk to the person related to their work, as determined by local, state, or federal regulators or workplace safety guidance;
- a person while eating or drinking inside any establishment that serves food or beverages; and

BE IT FURTHER RESOLVED, the face covering requirement of this Resolution does not apply to certain gatherings, including religious services and political activities, which are constitutionally protected activities, and restrictions on these gatherings should be less aggressive than restrictions on other gatherings; and

BE IT FURTHER RESOLVED, that a violation of any provision of this Resolution is subject to penalties as provided for by law; and

BE IT FURTHER RESOLVED, this Resolution shall take effect immediately upon adoption by the Council of the Township of Montclair, and shall remain in effect for 30 days.