

Questions & Answers

Town of Essex Rule Requiring Face Coverings Indoors in Public Spaces

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Q: What is considered public space?

A: Every business is different. General areas where the public is allowed without restriction is generally a public space. For example, the door area where persons enter could be considered public and masks should be worn. Internal areas that are normally not open to the public or where you need permission to enter would be considered private areas, and not require a mask per this rule. If there is a delineated barrier like a counter or other door that a person has to be admitted into (i.e. storage room, employee breakrooms, private offices), these areas could be considered private. Businesses determine what is considered a private office/space.

Q: Why shouldn't I shop somewhere else and boycott the businesses in Essex?

A: The businesses in Essex did not mandate this rule and are required to follow it to abide by the law. While it is an individual's right to shop or eat wherever they choose, shopping local provides a unique and personalized experience where you can get the items you need quickly and conveniently. Buying local stimulates the economy in our community.

Q: Should I call the police if someone is not wearing a mask?

A: That depends. A business can always call the police if they are dealing with an issue. In this case the police will address the issue. Fines are not imposed for not obeying the rule. However, if a person is asked to wear a mask by the business and refuses, the business owner has the right to ask that person to leave the premises.

Q: Should a citizen call the police if they see un-masked persons at a business?

A: We would appreciate the call to come from the business. There are exemptions to the rule, including medical reasons, and it is best for the business to make the decision of whether to call or not call.

Q: When will the police respond?

A: The police will investigate reports of violations to their department. However, investigations into face covering violations will be placed into response queue based on all police calls for service and their respective priorities. There could be significant delays in police investigations if other more significant police work is pending. (i.e. accidents, traffic enforcement, alarms, crimes, etc.)

Q: How will police respond?

A: The police may respond in person or by phone. If the police respond in person it will not be an emergency response (light/sirens). Because this rule has no enforcement authority, the police will be responding in an educational posture and no enforcement action will be taken about the non-use of a mask. However other actions could be taken such as if a person is lawfully asked to leave a business and refuses. Those circumstances could potentially turn into a criminal trespassing violation. To be clear, no arrest/tickets will be issued for simply not wearing a mask.

Q: Why did the Town put a face covering rule in place and is it constitutional?

A: The Town Selectboard believes in many things; science, public health and safety, the laws of the State of Vermont, and the laws of the United States, to just name a few. Science has said that mask wearing helps reduce the spread of the virus. Coronavirus is taking its toll on us all and the State has given municipalities, like Essex, the latitude to put in place mask restrictions in order to help reduce the spread of this virus. Decisions are guided by three priorities: slowing the transmission of the virus within our community, continuing essential municipal services, and ensuring the safety and health of all municipal employees and Essex residents. Governor Scott signed S.1 [1] into law (Act 1) on November 23, 2021. Act 1 authorizes towns, cities, and villages to establish masking/face covering requirements through rule.

Q: Are gyms considered private spaces if they require a membership?

A: A liberal interpretation is that the business could allow non-masked persons to enter the non-public spaces (past the front counter where you check in) and this to be considered a private space. The business may have other public health and safety measures that they, as a business, have required such as vaccinations or masking for certain activities. Those decisions and enforcement are made by the business.

Q: How does this affect indoor sports?

A: A mask must be worn in any public space. The determination as to what is public and what is private can be different for many different situations. Our goal is public health and safety and to help reduce the public spread of the disease.

Q: Why aren't there any fines for noncompliance of the rule?

A: Living through Covid is hard enough and has hurt a lot of people financially. We would rather educate, converse, have a dialogue and try to get a long versus the alternatives.

Q: Will the Town amend this rule?

A: The Town Selectboard has established this rule for 45 days and the state law that created this authority says they can extend it in 30-day increments until April 30, 2022. The Town Selectboard meets roughly every two weeks, so this provides the public and the Selectboard the opportunity to amend the rule as necessary.

Q: Will masks be provided by the Town?

A: No, not necessarily. People can obtain a mask from most local stores to include drug stores, supermarkets, hardware stores and many other retail establishments or online. If there is a specific hardship, people can contact the manager's office at manager@essex.org or (802) 878-1341 about potential resources for obtaining a face covering.

Q: Where can I get copies of approved mask signs for my business?

A: Businesses may post their own face covering signs at their business. However, you can find a printable copy of an approved face covering sign on the Town website at www.essexvt.org or by contacting the manager's office at manager@essex.org or (802) 878-1341.