

Office of the

Board of Health

Municipal Offices

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Fitchburg, MA 01420

978-829-1870



ORDER REQUIRING FACE COVERINGS IN PUBLIC PLACES WHERE SOCIAL DISTANCING IS NOT POSSIBLE

COVID-19 Order #2020-1

WHEREAS, on March 10, 2020, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus ("COVID-19");

WHEREAS, on May 1, 2020,, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, ordered COVID-19 Order No. 31, requiring face coverings in public places where social distancing is not possible;

WHEREAS, The Fitchburg Health Director pursuant to G. L. c. 111, § 30 is authorized to enact this Order and enforce the Order Covid-19 Order No. 31 and may do so with the assistance of State or municipal police;

WHEREAS, on March 11, 2020, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization;

WHEREAS, the Federal Centers for Disease Control have determined that COVID-19 is spread mainly by person to person contact and that the best means of slowing the spread of the virus is through practicing social distancing and by minimizing personal contact with environments where the virus may be spread;

WHEREAS, the Department of Public Health continues to urge all residents of the Commonwealth to limit activities outside of the home and to practice social distancing at all times to limit the spread of this highly contagious and potentially deadly virus;

WHEREAS, public health experts have determined that it is possible for an infected individual to transmit COVID-19 even when the individual does not exhibit symptoms of the virus;

WHEREAS, the Centers for Disease Control and Department of Public Health have advised individuals to wear cloth face coverings when they are out of the home and may be in close proximity to others in order to prevent transmission of this highly contagious virus;

WHEREAS, the number of confirmed cases of COVID-19 continues to rise in the Commonwealth. As of April 30, 2020, the Department of Public Health had reported 62,205 cases of COVID-19, including 3,562 deaths, with all counties across the Commonwealth affected;

WHEREAS, the eventual reopening of businesses and public places in the Commonwealth will require residents to continue to take precautions, including the wearing of masks or cloth face coverings; and

WHEREAS, sections 7, 8, and SA of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise any and all authority over persons and property necessary or expedient for meeting a state of emergency, including but not limited to authority over assemblages and pedestrian travel in order to protect the health and safety of persons; transportation or travel; regulation of the sale of articles of food and household articles; and the policing, protection, and preservation of public and private property;

NOW, THEREFORE, I, Stephen D. Curry, Director of the Fitchburg Department of Health, Hereby Orders the following:

1. Effective Wednesday, May 6, 2020, the Governor's Covid-10 Order No. 31 is further adopted for the City of Fitchburg and anyone failing to follow said order is subject to a \$300 fine for each offense.

Said Covid-10 Order No 31, as adopted is as follows:

Any person over age two who is in a place open to the public in the Commonwealth, whether indoor or outdoor, and is unable to or does not maintain a distance of approximately six feet from every other person shall cover their mouth and nose with a mask or cloth face covering, except where a person is unable to wear a mask or face covering due to a medical condition or the person is otherwise exempted by Department of Public Health guidance. A person who declines to wear a mask or cloth face covering because of a medical condition shall not be required to produce

documentation verifying the condition. This requirement applies to all workers and customers of businesses and other organizations open to the public that are permitted to operate as COVID-19 Essential Businesses as defined in Appendix A of COVID-19 Order 13, as extended by COVID-19 Orders 21 and 30.

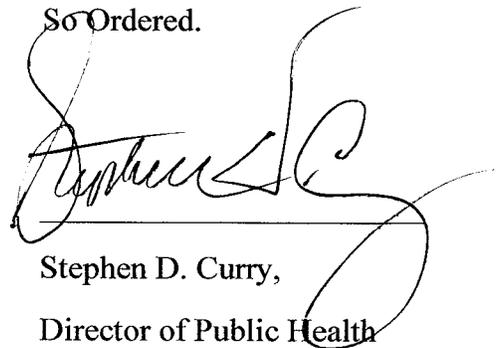
2. The face covering requirements of the Order shall also apply to all members of the public picking up food from a restaurant or other establishment serving food to be consumed off-premises. This requirement shall apply whether the food is picked-up inside or outside. If customers are waiting in line, they shall be wearing masks and standing at least six feet apart. Establishments shall make markings on the floor to ensure that this requirement is met.
3. All employees of all essential businesses open to the public shall wear a face covering over their mouth and nose when interacting with the public and within six feet of a coworker. Employers shall provide face coverings to employees who do not use their own. Employers and employees must use previously prescribed protocols and guidelines for personal protective equipment and hand sanitizer is to be provided by the employer for staff use.
4. All Food Handlers shall wear a face covering over their mouth and nose when interacting with the public and within six feet of a coworker. Employers shall provide face coverings to employees who do not use their own. Employers and employees must use previously prescribed protocols and guidelines for personal protective equipment and hand sanitizer is to be provided by the employer for staff use.
5. All persons are required to wear masks or cloth face coverings at all times when inside grocery stores, pharmacies, and other retail stores. All persons are also required to wear masks or cloth face coverings when providing or using the services of any taxi, car, livery, ride-sharing, or similar service or any means of mass public transit, or while within an enclosed or semi- enclosed transit stop or waiting area.
6. All establishments that are open to the public shall post a sign on their main entrance doors advising consumers that they are required to wear a face covering upon entering
7. All members of the public entering any place allowed to be open to the public pursuant to Governor Baker's Covid-19 Executive Orders, including but not limited to grocery stores, gas stations, home improvement stores, convenience stores and any other retail or wholesale store (and the like), and the City's transfer station (the drop off area at the Fitchburg Sanitary Landfill belonging to the City of Fitchburg) must wear a cloth face covering that covers their nose and mouth, such as a fabric mask, scarf or bandana, over his or her nose and mouth.
8. Any resident or member of the general public entering or exiting a residential or commercial building complex of great than one (1) unit must wear a face covering over their nose and mouth while in common areas and communal spaces and must exercise social distancing in these spaced in accordance with CDC guidelines. See these guidelines at www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/social-distancing.html.

9. Brick and mortar establishments included on Governor Baker's list of essential businesses will be allowed to operate in accordance with the orders and guidance of the Governor and Department of Public Health, including but not limited to effective social distancing and occupancy limit measures.
10. If a customer refuses to wear a mask or cloth face covering for non-medical reasons, a business may decline entry to the individual.
11. To the extent necessary, this Order shall be enforced by Board of Health officials and Fitchburg Police Officers and State Police Officers.
12. Whoever violates any provision of this Order may be penalized in accordance with Massachusetts General Laws, Chapter 40, Section 21D and a \$300.00 fine in accordance with this Order from the City of Fitchburg for non-criminal disposition.
13. If non-criminal disposition is elected, then any person who violates any provision of this Regulation is subject to a penalty in the amount of three hundred dollars (\$300.00) for each violation. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

This Order is effective Wednesday, May 6, 2020, and shall remain in effect until rescinded or until the Governor's COVID -19 Order No. 31 emergency order is terminated, whichever happens first.

Dated: May 6, 2020

So Ordered.



Stephen D. Curry,
Director of Public Health
City of Fitchburg