

City of Lynn



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Thomas M. McGee
Mayor

**EXECUTIVE ORDER FROM THE MAYOR OF THE CITY OF LYNN AND PUBLIC
HEALTH DIRECTOR OF THE CITY OF LYNN RELATIVE TO FACE COVERINGS
DATE OF ADVISORY: DECEMBER 16, 2021**

The Mayor of the City of Lynn and the City of Lynn Board of Public Health, acting through its duly appointed and authorized agent, Public Health Director Michele Desmarais, pursuant to M.G.L. c. 111, § 30, M.G.L. c. 111 App §§ 2-6, M.G.L. c. 111 §§ 30, 31, 95-105, 122, 310 CMR 11.05, 105 CMR 300.200 and all other authorizing statutes and regulations, respectfully hereby enacts and declares as follows:

DECLARATION

WHEREAS, the Mayor of the City of Lynn and the Board of Public Health have determined that the threat of COVID-19 poses a present, real and imminent danger to public health, safety, and general welfare of the people of Lynn;

WHEREAS, COVID-19 is easily transmitted, especially indoors and in group settings, and it is essential that the spread of the virus be slowed to protect the ability of public and private health care providers to handle the influx of new patients and safeguard public health and safety;

WHEREAS, the disease caused by the 2019 novel Coronavirus is a contagious, and at times fatal, respiratory disease. Symptoms of COVID-19 include fever, cough, and shortness of breath, and the disease can spread from person to person via respiratory droplets produced when an infected person coughs or sneezes;

WHEREAS, the worldwide outbreak of COVID-19 and the effects of its extreme risk of person-to-person transmission throughout the United States and the Commonwealth significantly affect the life and health of our people, as well as the economy, and is a disaster that impacts the health, security, and safety of the public. Therefore, it is critical to take additional steps to prepare for, respond to, and mitigate the spread of COVID-19 to protect the health and welfare of the people of the Commonwealth;

WHEREAS, the Centers for Disease Control and Prevention have advised that the spread of the disease from person to person is caused in part by breathing in air when close to an infected person who is exhaling small droplets and particles that contain the virus, and that people can spread the disease even before they experience symptoms;

WHEREAS, the unique size and density of Lynn's population poses inherently elevated risks of transmission that the City must address on behalf of the public health of the City and region;

WHEREAS, the incidence of the Covid-19 virus, and deaths, hospitalizations and serious illness related to the virus, continues in the City of Lynn and the Commonwealth;

WHEREAS, the Centers for Disease Control and Prevention, the United States Surgeon General, and the National Institute of Allergy and Infectious Diseases, among other federal and state medical authorities, have recommended that individuals wear masks or other suitable facial covering to prevent individuals from infecting others;

WHEREAS, these recommendations observe that covering an individual's nose and mouth can reduce the chance of spreading the virus;

WHEREAS, the City of Lynn Board of Health recognizes additional measures are necessary to prevent or reduce activities that increase the likelihood of the spread of a highly contagious infectious disease;

WHEREAS, the CDC has recently advised on July 27, 2021 as follows: that fully vaccinated people wear a mask in public indoor settings in areas of substantial or high transmission and that fully vaccinated people might choose to wear a mask regardless of the level of transmission, particularly if they are immunocompromised or at increased risk for severe disease from COVID-19, or if they have someone in their household who is immunocompromised, at increased risk of severe disease or not fully vaccinated.

WHEREAS, the situation involving the COVID-19 crisis continues to evolve, with additional guidance being issued by the Federal and State governments.

WHEREAS, the City of Lynn has no full-service hospital and a population of over 100,000 people.

WHEREAS, there is clear evidence that COVID-19 continues to cause serious harm to the public health of the City of Lynn and has resulted in the infection of over 21,531 Lynn residents and the deaths of over 237 Lynn residents;

WHEREAS, the Mayor and the Health Director has determined that further temporary restrictions are necessary to prevent the spread of COVID-19 in Lynn workplaces;

WHEREAS, it is essential to suppress virus transmission as much as possible in the immediate term to conserve limited local public health resources and protect Lynn residents, particularly the most vulnerable;

WHEREAS, the intent of this Order is to prevent the spread of COVID-19 to the maximum extent possible. All provisions of this Order should be interpreted to effectuate this intent.

Failure to comply with any of the provisions of this Order constitutes an imminent and immediate threat to public health.

THEREFORE, THE FOLLOWING PUBLIC HEALTH ORDER SHALL BE IN EFFECT FOR THE CITY OF LYNN, AS FOLLOWS:

1. Except as provided in Paragraph 4, effective at 12:01 a.m. on December 20, 2021, any individual, regardless of their vaccination status, who is age two (2) or older, and not otherwise exempt per CDC guidelines, shall be required to cover their nose and mouth with a clean mask or face-covering (e.g. disposable mask, cloth mask, face shield, bandana, scarf) when in or at any indoor public location. For the purposes of this section, public location is defined as any place open to the public, including, but not limited to, grocery stores, pharmacies, restaurants, places of worship, funereal homes, convenience stores, fitness centers, all retail stores, hair salons, barber shops, nail salons, public transportation, taxis, livery, and other ride sharing vehicles, and any location, including event venues, and private clubs that hosts indoor events or performances. Public location shall also include any facility where members of the public are permitted to enter conduct business while such members of the public are within the facility. If a customer, patron, or attendee refuses to wear a mask or cloth face covering for non-medical reasons, the operator of a facility, business, or event shall decline entry to the individual and conduct no transaction with the violator of this Order.
2. Face-coverings as described in Paragraph 1 shall also be worn in municipal buildings by all employees while inside on duty during work hours except for when they are seated at their cubicle/work station or using break time to eat or drink. This includes common areas (i.e. in hallways and stairwells, going to the restroom, etc.), during meetings, in city vehicles when occupied by more than one employee at a time, and interacting with the public. Members of the general public must also wear face coverings while conducting business in city buildings. If a visitor does not have a mask, they should be offered one by the department visited and business should not be conducted until the face covering is in place. This shall also apply to all school buildings and respective employees and students per the Department of Elementary and Secondary Education guidelines. All Lynn Auditorium staff and show attendees are required to wear masks, unless eating or drinking.
3. All businesses, healthcare facilities and any other establishments open to the public must post a notice at entry requiring those entering to wear a face-covering or mask, as described in Paragraph 1.
4. Exceptions:
 - a. Where a person is unable to wear a mask or cloth face covering due to a medical or disabling condition; provided that a person who declines to wear a mask or cloth face covering because of a medical or disabling condition shall not be required to produce documentation verifying the condition, except as provided in paragraph 5;
 - b. Where a face covering would impede communication by or with a person who has a hearing impairment or other disability;
 - c. While actively eating or drinking, receiving dental care or other health care, or swimming; and
 - d. In circumstances or for other populations that the Public Health Director exempts in writing from the terms of this Order and Regulation.

5. Where an employee or other worker is required to wear a face covering pursuant to this Order and Regulation or any other applicable rule requests an accommodation so as not to have to wear a face covering at the workplace due to a medical or disabling condition, an employer may require documentation to verify the condition. If a student is unable to wear a face covering because of a medical or disabling condition and will be participating in in-person learning, the school may likewise require documentation to verify the condition.
6. This Order and Regulation is enforceable by a fine of \$300.00, in the manner provided for non-criminal disposition of violations of municipal by-laws, ordinances, rules, or regulations, pursuant to G.L. c. 40, s. 21D. The Lynn Public Health Department, Lynn Inspectional Services Division, the Lynn Fire Department and Lynn Police Department are authorized to enforce this Order and Regulation. The Public Health Director shall also be authorized to deputize persons to assist in the enforcement of this Order.
7. This Order and Regulation shall remain in effect until notice is given that it is no longer necessary.

ANY ISSUE OF NON-COMPLIANCE WITH THESE GUIDELINES SHALL BE A BASIS FOR THE SUSPENSION/REVOCATION OF ANY AND ALL CITY OF LYNN LICENSES AND PERMITS. THE BUSINESS MAY BE REQUIRED TO SUBMIT A CORRECTIVE ACTION PLAN DETAILING EACH ISSUE OF NONCONFORMANCE AND A PLAN TO RECTIFY THE ISSUE(S). THE BUSINESS MAY NOT BE ALLOWED TO RESUME WORK UNTIL THE PLAN IS APPROVED BY THE PUBLIC HEALTH DIRECTOR. THE PUBLIC HEALTH DIRECTOR RESERVES THE RIGHT TO REPORT ANY VIOLATIONS OF THIS EXECUTIVE ORDER TO ANY FEDERAL OR STATE LICENSING AUTHORITY OF A PARTICULAR ESSENTIAL BUSINESS.


NOTICE

The City of Lynn must promptly provide copies of this Order by posting on the City of Lynn website (www.lynnma.gov) and providing a copy to any member of the public requesting one.

IT IS SO ORDERED: December 16, 2021



THOMAS M. MCGEE
MAYOR



MICHELE DESMARAIS,
PUBLIC HEALTH DIRECTOR