

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 THE OPERATIONS OF ESSENTIAL SERVICES

DATE OF ORDER: April 11, 2020

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 §§ 2-6, M.G.L. c. 111 §§ 31, 104, 122, and the Mayor and Board of Public Health's Declaration of a Public Health Emergency Relative to COVID-19 in the City of Lynn dated March 18, 2020 and March 17, 2020, respectfully, hereby enacts and declares as follows:

WHEREAS, on March 10, 2020, Governor Baker declared that there exists within the Commonwealth of Massachusetts a state of emergency due to the outbreak of COVID-19;

WHEREAS, on March 23, 2020, Governor Baker issued an Order Assuring the Continued Operating of Essential Services in the Commonwealth, Closing Certain Workplaces, and Prohibiting Gatherings of More Than 10 People in effect until April 7, 2020, which has subsequently been extended until May 4, 2020 ("the Governor's March 23, 2020 Order, as extended");

WHEREAS, as of April 11, 2020, the number of confirmed positive COVID-19 cases has risen to 545, 16 have recovered and 9 Lynn residents have died.

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, because there is no known vaccine to immunize individuals from COVID-19, the only effective method of preventing the spread of the disease is to isolate known carriers until they are no longer contagious. It has been determined that a period of at least fourteen days is necessary to protect the public from an infected individual.

WHEREAS, the Mayor and the Public Health Director have determined that community-wide compliance with the practice of social distancing, including people remaining at least six feet apart, and eliminating all unnecessary physical interaction is reasonably believed to be necessary to prevent or reduce the immediate spread of COVID-19;

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, a disproportionately large and important number and concentration businesses designated as Essential Services under the Governor's March 23, 2020 Order, as extended, are located in Lynn and additional measures are required to protect the large number of Essential Workers who work in Lynn;

WHEREAS, given its size and geographic location and limited access to PPE and other emergency equipment, failure to limit exposure will necessarily result in the overburdening of the hospital's resources and lead to a further health crisis emergency. Hospital leaders have further indicated that their ethics teams are now analyzing how the hospitals will make decisions as to who should receive treatment and who should not, or cannot. This is our reality today.

WHEREAS, during a state of emergency, Lynn does not have sufficient resources to provide emergency police, fire and ambulance service above what it is providing to area residents during this unusual period.

WHEREAS, it is essential that visitors to the City be limited to only those who absolutely have to be here so that the City's limited resources do not become overwhelmed and insufficient to protect the health and safety of its residents, first responders and essential workers.

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 90,000 people.

WHEREAS, the intent of this Executive Order is to ensure that residents and businesses in Lynn act consistently with the imperative public health need that the entire community achieve the maximum amount of "social distancing" feasible, while continuing to provide and receive Essential Services, to slow 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 Executive Order constitutes an imminent threat and creates an immediate threat to public health.

NOW THEREFORE, THE FOLLOWING EXECUTIVE ORDER IS HEREBY IN EFFECT FOR THE CITY OF LYNN, AS FOLLOWS:

1. ZERO TOLERANCE for the presence of any employee or agent of the business who is sick, feels sick, or exhibits symptoms of being sick; and any such person is to be sent home.
2. Facilities must ensure sufficient running hot water, soap, hand-sanitizer as available, disinfectant spray as available, and ample and sufficient time for employees to regularly and frequently wash their hands.
3. A plan for regularly cleaning/sanitizing surfaces with which the public and/or employees frequently touch, such as door handles, countertops, toilet facilities, faucets, atms, credit/debit card machines, refrigerator/freezer door handles, telephones, keyboards, shopping carts and shopping baskets, gas pumps, lottery stations, laptops, computer keyboards, public bathrooms, menus and any other such surface or item.
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 - a. Essential Services as defined by Governor Baker's Covid-19 Executive Orders must limit the number of customers and staff inside the establishment at any given time so that social distancing of six feet may be maintained. All retail establishments must establish maximum occupancy loads in accordance with the "Guidance for Grocery Stores" issued by the Massachusetts Commissioner of Public Health on April 7, 2020. See this order at: <https://www.mass.gov/doc/order-grocery-stores-40-percent/download>. Generally, occupancy should be limited to forty (40%) percent of occupancy as stated on its Occupancy Permit. Maximum occupancy shall be posted at each entrance to the establishment and shall be readily visible to members of the public.
 - 4b. All essential service locations shall impose and enforce a ZERO TOLERANCE policy for the gathering, congregating, loitering, or lingering, of customers within the store premises. No customer may remain on the premises following the completion of the sale or other business for which the customer entered the premises.
 - 4c. Visible floor markings and/or signage that establish proper social distance of no less than six feet to be maintained between customers.
 - 4d. An employee of the retailer shall be designated to ensure the maximum number of individuals inside of the store is not exceeded. Customers queued either waiting in line to check out inside the store or waiting to enter the store outside must maintain a minimum of six feet distance. Where staffing reasonably permits, an employee must be assigned to oversee and tally the number of customers entering and exiting the business and to oversee the social distancing requirements among customers and employees.
5. All employees of all essential services shall wear a face covering such as a fabric mask, scarf or bandana, over their mouth and nose when interacting with the public and within six feet of a co-worker. The cloth face coverings recommended are not surgical masks or N-95 respirators, which should be left for medical professionals and first responders. Employees

whose duties involve handling food or in-person public interaction should also use other recommended personal protective equipment such as gloves.

6 a. Operation of Ice Cream Trucks is prohibited. Ice cream trucks will not be permitted to operate in the City of Lynn until the Public Health Emergency declaration issued by the Public Health Director has been lifted.

6b. Brick and mortar establishments serving ice cream will be allowed to operate in accordance with the Governor's Directive if effective social distancing measures are implemented.

7. Re-usable bags are prohibited. Single use bags shall be provided at no extra cost to customers. Notwithstanding any Board of Health Regulations to the contrary, plastic bags are permitted during the pendency of this Order.

8. Non-essential services (such as a floral, jewelry, furniture, etc.) department within a supermarket or box store shall be closed.

9. Additional best practices should be employed to the maximum extent possible in order to enhance social distancing for supermarkets, pharmacies and box stores:

- Offer home delivery options and encourage on-line ordering and payment.
- Provide public announcements every 30 minutes to remind shoppers to keep physical distance, avoid crowding, keep distance at check-out, and not load items onto conveyor belt until the customer in front has finished their transaction.
- Offer high-demand items such as pre-packaged deli-meats to limit lines inside store. Consider moving placement of high-demand products to limit the amount of time customers are in the store.
- Establish a one-way only flow for aisle shopping.

10. Restaurants, bars, and like establishments shall prohibit customer entry and shall limit operations to one or more of the following:

- Drive-through window: where customer remains inside a vehicle for the entire sales transaction including ordering, paying and receiving purchases; or,
- Curbside Pickup: Customer's order is made in advance such as by phone or online and purchases are carried outside and delivered by employees upon the arrival at the establishment to the customer's vehicle or food delivery service's vehicle; or,
- Delivery: customer places an order in advance and the purchases are delivered to a customer's location by employees or food delivery service.
- Walk-up service: customer orders, pays, and receives purchases while outside the establishment. Social distancing practices must be followed and customers may not congregate outside the establishment.

11 a. Notwithstanding M.G.L. c. 186, M.G.L. c. 239, or any general or special law to the contrary, no landlord and/or owner shall enforce an eviction upon a resident of Lynn, including residential tenants and commercial tenants during this public health crisis.

11b. No landlord and/or owner shall access or seek to access a tenant's dwelling space for the purposes such as general inspections, displaying units to potential future tenants and other non-critical activities. A landlord may only access a tenant's dwelling space to make repairs requested by the tenant, repairs required as a matter of law or to respond to a life threatening emergency. A tenant may refuse access of entry for non-critical purposes or when adequate social distancing arrangements (at a minimum of six feet) have not been made.

GENERAL PROVISIONS

A copy/copies of this Order shall be posted in a conspicuous place visible to employees and the public, with at least one copy posted at any place where the public enters the facility.

If any provision of this Order or the application thereof to any person or circumstance is determined to be invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of this Order or the application thereof to other purposes, entities and circumstances.

This document is not intended to replace any formalized procedures currently in place with the Essential Services' Employer.

Where this guidance does not meet or exceed the standards put forth by the Essential Services' Employer, everyone shall abide by the most stringent procedure available.

The Director of Public Health may require the Owner of an Essential Services' Business employing ten or greater employees (including subcontractors and day laborers) to pay for an independent, third party inspector or inspection firm (or to pay into a pool to pay for such inspections). The third party inspector shall be accountable solely to the City of Lynn and shall be responsible for enforcement on behalf of the City. The Director of Public Health may require businesses to close until such a third-party inspector has been secured.

EFFECTIVE DATE

This Order shall begin at 11:59pm on Sunday, April 12, 2020 and will continue through 11:59 p.m. on May 4, 2020, at which time the Public Health Director shall review all relevant information and determine if a further Executive Order is warranted. In making this determination, the Public Health Director may consider whether community transmission in Lynn continues to present a serious danger to public health.

ENFORCEMENT

All reasonable efforts will be made to secure compliance with this Order. The Public Health Director may seek the assistance of other City of Lynn agencies in securing compliance with this Order.

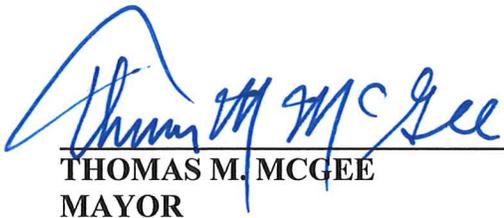
NOTICE

The City of Lynn must promptly provide copies of this Order as follows: (1) by posting on the City of Lynn website (www.ci.lynn.ma.us) and the Lynn Public Health Commission website (<http://www.lynnma.gov/departments/publichealth.shtml>); by providing to any member of the public requesting a copy.

PENALTY

Pursuant to Massachusetts General Laws Chapter 111, §31, a violation of this Executive Order shall be subject to a fine of not more than one thousand (\$1,000.00) dollars. Non-compliance with this order shall also be a basis for the suspension and/or revocation of any and all City of Lynn licenses and permits. The essential services' owner will be required to submit a Corrective Action Plan detailing each issue of non-conformance and a plan to rectify the issue(s) to the Department of Public Health. The essential services will 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 service.

IT IS SO ORDERED: Dated: April 11, 2020



THOMAS M. MCGEE
MAYOR



MICHELE DESMARAIS,
PUBLIC HEALTH DIRECTOR