

City of Lynn

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Thomas M. McGee
Mayor

ORDER EXTENDING AND UPDATING THE TWO ORDERS ISSUED APRIL 11, 2020 AND EXTENDED MAY 1, 2020

DATE OF ORDER: May 18, 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 and that emergency situation continues;

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, 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, 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"), and further extended until May 18, 2020 (April 28, 2020);

WHEREAS, on May 18, 2020, Governor Baker issues an Order Implementing a Phased Reopening of Workplaces and Imposing Workplace Safety Measures to Address COVID-19.

WHEREAS, community transmission of the virus continues to present a serious danger to public health in Lynn as the number of confirmed cumulative total COVID-19 cases has risen to 3,035, confirmed active cases to 2,095, 858 Lynn residents have recovered and 82 Lynn residents died, as of May 18, 2020.

NOW THEREFORE, WE HEREBY ORDER:

1. The Mayor and the Public Health Director hereby order all residents of and visitors to the City of Lynn stay at home between the hours of 9:00 p.m. and 6:00 a.m. unless they are actively providing or receiving COVID-19 Essential Services as defined by the Governor's March 23, 2020 Order, as extended.
2. Individuals should limit outdoor recreational activities to non-contact and to those allowed under the state's reopening guidelines and avoid activities where they come in close contact with other people.
3. When in public, individuals must practice social distancing of at least six feet from others in accordance with CDC guidelines. See these guidelines at: <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/social-distancing.html>.
4. Individuals must wear a cloth face covering, such as a fabric mask, scarf or bandana, over their nose and mouth when social distancing in public cannot be met. The cloth face coverings recommended are not surgical masks or N-95 respirators, which should be left for medical professionals and first responders. See this link for information on making a cloth face covering: <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cloth-face-cover.html>.
5. All members of the public engaging in any in-person business at any place of worship or businesses open as an essential service or as part of the state's re-opening plan must wear a cloth face covering, over their nose and mouth.
6. All members of the public must wear a face covering over their nose and mouth when entering or exiting a residential or commercial building complex of greater than one (1) unit and while in common areas and communal spaces inside that building or in places of worship. Individuals shall practice social distancing in these spaces.
7.
 - 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.
 - 7b. Any business open as an essential service or as part of the state's re-opening plan shall impose and enforce a zero tolerance policy for congregating, loitering, or lingering, of customers within the businesses' premises. No customer may remain on the premises following the completion of the sale or other business for which the customer entered the premises.
 - 7c. Any business open as an essential service or as part of the state's re-opening plan shall provide signage, both inside and outside businesses to inform and facilitate adequate social distancing.
 - 7d. An employee or volunteer of any place of worship or businesses open as an essential service or as part of the state's re-opening plan shall be designated to ensure the maximum number of individuals inside of the respective building is not exceeded.

8. All workers shall wear a face covering such as a fabric mask, scarf or bandana, over their mouth and nose when interacting with the public or when 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.

9. a. Operation of Ice Cream Trucks is prohibited.

9b. Brick and mortar establishments serving ice cream will be allowed to operate in accordance with state guidelines.

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. No convenience store shall prepare food or drink inside the establishment or allow customers to prepare food or drink inside the establishment. This paragraph is intended to prohibit ready-to-eat foods including but not limited to hot dogs, pizza, wings, hamburgers, and sausages and beverages poured on site, including but not limited to coffee.

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.

Where this guidance does not meet or exceed the standards put forth by the businesses' employer, or by state guidelines, everyone shall abide by the most stringent procedure available.

EXCEPTION

It shall not be a violation of item 1 of this Executive Order if an individual is traveling to or from his place of employment that has been classified as an essential service or if an individual is traveling to or from an emergency situation involving the life, health and/or safety of themselves or a family member. It shall further not be a violation of this Executive Order if a person is unable to wear a mask or face covering due to a medical condition or the person is otherwise exempt by the Department of Public Health Guidelines. A person who declines to wear a mask or face covering because of a medical condition shall not be required to produce documentation verifying the condition.

EFFECTIVE DATE

This Order shall begin at 11:59pm on Monday, May 18, 2020 and will continue until such time it is rescinded.

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, §30, a violation of this Executive Order shall be subject to a fine of not more than three hundred dollars (\$300.00). Continued non-compliance may result in the City seeking a criminal complaint or other court remedy. 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.

IT IS SO ORDERED: Dated: May 18, 2020



THOMAS M. MCGEE
MAYOR



MICHELE DESMARAIS,
PUBLIC HEALTH DIRECTOR