

CITY OF CAMBRIDGE

TEMPORARY EMERGENCY ORDER ALLOWING RESTAURANTS TO SELL GROCERIES DURING STATE OF EMERGENCY

WHEREAS, the 2019 Novel Coronavirus (“COVID-19”) is a highly contagious and potentially fatal respiratory disease, the prevalence of which is increasing rapidly throughout the world, inclusive of the United States and the Commonwealth of Massachusetts; and

WHEREAS, on March 10, 2020, the Governor of the Commonwealth of Massachusetts issued a Declaration of a State of Emergency to Respond to COVID-19; and

WHEREAS, on March 11, 2020 the World Health Organization designated the COVID-19 outbreak a Pandemic Health Emergency; and

WHEREAS, on March 13, 2020, the President of the United States announced a national declaration of emergency; and

WHEREAS, on March 15, 2020, Governor Baker issued an emergency Order (the “March 15, 2020 Order”) to respond to the evolving COVID-19 public health emergency impacting the Commonwealth, including prohibitions on public gatherings of twenty-five or more people and prohibiting on-premises consumption of food or drink at bars and restaurants from March 17, 2020 until April 6, 2020; and

WHEREAS, on March 23, 2020, Governor Baker issued an Order (the “March 23, 2020 Executive Order”) limiting gatherings of more than ten people in the Commonwealth and ordering businesses, other than those that provide COVID-19 essential services as defined in the March 23, 2020 Executive Order, to close their brick and mortar operations and operate only by remote means; and

WHEREAS, the Cambridge Commissioner of Public Health and the Cambridge City Manager, in consultation with the Massachusetts Department of Public Health have determined that COVID-19 presents a major disaster which poses an immediate threat to public health, safety, and general welfare of people residing both within and outside of the City of Cambridge, and on March 19, 2020, the Cambridge Commissioner of Public Health and Cambridge City Manager declared that a state of emergency exists in the City of Cambridge (the “State of Emergency”); and

WHEREAS, on March 31, 2020, Governor Baker issued an Order extending the March 23, 2020 Executive Order closing of businesses, other than those that provide COVID-19 essential services, to May 4, 2020; and

WHEREAS, restaurants operating in the City have reported a preponderance of surplus vegetables, dairy, canned goods, and other grocery items (“Grocery Items”) due to reduction in business as a result of the COVID-19 pandemic and have indicated a desire to sell such surplus produce to their customers; and

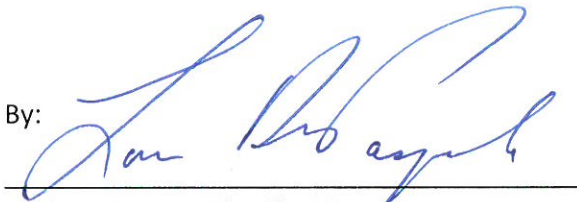
NOW THEREFORE, the City Manager hereby orders as follows:

1. Zoning and/or licensing requirements that would otherwise restrict or prohibit the sale of Grocery Items from restaurants or cafes are hereby temporarily suspended until further notice or until the declaration of a State of Emergency in the City is rescinded.
2. In order to sell Grocery Items as part of a pick-up or delivery service, businesses that have not previously sold direct to consumer Grocery Items must provide a detailed operations and safety plan for the storage and distribution of groceries to the Commissioner of Inspectional Services for review and approval.
3. Restaurants selling Grocery Items pursuant to this Order may only sell such Grocery Items on a pre-packed or pre-bagged for take-out or delivery basis. Restaurants shall create menus available online to permit customers to order Grocery Items online or via telephone prior to collecting or receiving such items.
4. This Order does not allow Restaurants to operate as a brick and mortar grocery store.

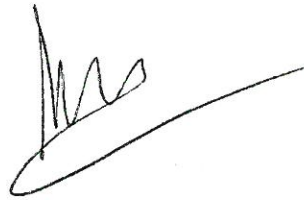
This Order shall take effect at midnight (12:00 a.m.) on Thursday, April 30, 2020 and shall remain in effect until rescinded or until the declaration of a State of Emergency in the City has been rescinded.

Dated: April 27, 2020

By:



Louis A. DePasquale, City Manager



Ranjit Singanayagam, Commissioner of Inspectional Services