

## CITY OF CAMBRIDGE

### TEMPORARY EMERGENCY ORDER REGARDING RESTAURANT OPERATIONS

**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 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**, 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 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 as amended, to close their brick and mortar operations and operate only by remote means; 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**, on April 28, 2020, Governor Baker issued an Order extending the May 4, 2020 Executive Order closing of businesses, other than those that provide COVID-19 essential services, to May 18, 2020;

**WHEREAS**, on May 18, 2020, Governor Baker issued COVID-19 Order No. 33 implementing a phased reopening of workplaces, imposing workplace safety measures to address COVID-19, and authorizing reopening of Phase I enterprises;

**WHEREAS**, on June 1, 2020, Governor Baker issued COVID-19 Order No. 35 clarifying the progression of the Commonwealth's phased workplace reopening plan and authorizing certain reopening preparations at Phase II workplaces, including restaurants that could prepare for outdoor dining which would be allowed at the start of Phase II;

**WHEREAS**, on June 6, 2020, Governor Baker issued COVID-19 Order No. 37 which authorized the reopening of Phase II, Step 1 workplaces, including restaurant outdoor dining;

**WHEREAS**, on June 8, 2020, Governor Baker issued Sector Specific Workplace Specific Safety Standards for Restaurants to Address COVID-19, which were superseded by amended versions on June 19, 2020 and August 11, 2020;

**WHEREAS**, on June 19, 2020, Governor Baker issued COVID-19 Order No. 40 which authorized the reopening of Phase II, Step 2 workplaces, including restaurant indoor dining;

**WHEREAS**, on September 10, 2020, Governor Baker issued COVID-19 Order No. 50 which extends outdoor dining provisions;

**WHEREAS**, on September 22, 2020, Governor Baker issued updated Sector Specific Workplace Specific Safety Standards for Restaurants to Address COVID-19 to go into effect on September 28, 2020;

**NOW THEREFORE**, the Cambridge Commissioner of Public Health and the City Manager hereby order (the "Emergency Order") as follows:

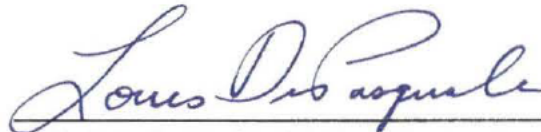
1. All restaurants within the City shall comply with the Sector Specific Workplace Specific Safety Standards for Restaurants to Address COVID-19, dated September 22, 2020, with an effective date of September 28, 2020, or any amendments thereto, for outdoor dining and inside dining, with the following exceptions:
  - a. The size of a party seated at a table cannot exceed 6 people; and
  - b. Seated food service at a bar shall only be permitted commencing on Saturday, October 3, 2020, and after the Cambridge Inspectional Services Department has inspected and signed off that (i) there is a physical barrier (e.g. Plexiglass) separating customers from the bar space that is at least 30 inches high, and if there is a gap/opening at the bottom of the barrier (which is allowed for food and drink service), the gap/opening is no more than 8 inches high; or (ii) that there are no active work areas behind the bar or that any staff working behind the bar are at least 6 feet away from all people seated at the bar. The size of a party seated at a bar cannot exceed 6 people. All parties seated at the bar must be separated by six feet from all other parties seated at the bar or seated at tables.
2. In the event that any Order issued by Governor Baker or any regulation promulgated by any department of the Commonwealth of Massachusetts, including, but not limited to, regulations issued by the Department of Labor Standards concerning COVID-19 workplace safety or the Department of Public Health, contains stricter provisions than this Emergency Order, such stricter provisions shall govern.
3. This Emergency Order shall remain in effect until further notice or until the declaration of a State of Emergency in the City has been rescinded.

4. This Emergency Order shall be enforced by the following: enforcement officials of the City's Inspectional Services Department and enforcement officials of the City's Public Health Department. Any person found to be in violation of this Emergency Order may be issued a warning or may be issued a violation notice with a fine of three hundred dollars (\$300). The person to whom a violation notice has been issued pursuant to this Emergency Order may pay the fine within 21 days of the date the violation notice was served, or within 21 days of the date the violation notice was served, may contest the matter by requesting a noncriminal hearing by mailing a copy of the violation notice to: Clerk Magistrate, Cambridge District Court, 4040 Mystic Valley Parkway, Medford, MA 02155. G. L. c. 111 §§ 30, 95-105, and 122; 310 CMR 11.05 et seq., 105 CMR 300.200; St. 1950, c. 639; G. L. c. 40, § 21D; and Cambridge Municipal Code c. 1.24, § 1.24.030.

**Dated: September 25, 2020**

By:

  
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Assaad J. Sayah, MD, Commissioner of Public Health

  
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Louis A. DePasquale, City Manager