

CITY OF CAMBRIDGE

FOURTH AMENDED TEMPORARY EMERGENCY ORDER REQUIRING THE WEARING OF MASKS OR CLOTH FACE COVERINGS IN ALL PUBLIC PLACES, BUSINESSES, AND IN COMMON AREAS OF RESIDENTIAL BUILDINGS **AMENDED ON OCTOBER 2, 2020**

This Amended Emergency Order replaces and supersedes all prior versions

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 25 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 10 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 ("COVID-19 Essential Businesses"), 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, on April 10, 2020, the Massachusetts Department of Public Health issued an Advisory stating that the wearing of a face covering may help prevent the spread of COVID-19 by individuals who are infected, including those who show no signs of illness; 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 1, 2020, Governor Baker issued an Executive Order requiring any person over the age of 2 to cover their mouth and nose with a mask or cloth face covering in places open to the public in the Commonwealth, whether indoor or

outdoor, at all times when such person is unable or does not maintain a distance of 6 feet from others, except where a person is unable to wear a mask or cloth face covering due to a medical condition or where the person is exempted under Massachusetts Department of Public Health Guidance, and Governor Baker directed the Commissioner of Public Health to issue guidance to implement the terms of the Executive Order, which shall include guidance for the use of face coverings by children from age 2 through 5 years old; and

WHEREAS, on May 1, 2020 the Massachusetts Department of Public Health issued Guidance for Wearing Masks in Public Settings which is issued pursuant to Governor Baker's May 1, 2020 Order to further clarify who is required to wear masks and any exceptions, and provides that mask use by children 2 years of age through the age of 5 is encouraged but should be at the discretion of the child's parent or guardian; and

WHEREAS, on June 23, 2020 the Commonwealth of Massachusetts Department of Labor Standards ("DLS") promulgated Emergency COVID-19 Workplace Safety Regulations, the purpose of which is to establish a uniform set of Workplace Safety Rules for all enterprises operating brick and mortar premises across the Commonwealth to ensure that all enterprises adopt appropriate health and safety measures to protect against the spread of the COVID-19 virus, and on August 28, 2020, DLS promulgated amended Emergency COVID-19 Workplace Safety Regulations which superseded the prior version, and on September 15, 2020, DLS issued a Notice of Public Hearing to be held on October 14, 2020 regarding COVID-19 Workplace Safety Regulations as the prior versions were promulgated on an emergency basis and therefore expire after ninety-days;

WHEREAS, on August 7, 2020, Governor Baker issued an Order requiring, among other requirements, that face coverings be worn by all persons over the age of 2 years old attending indoor or outdoor gatherings of more than 10 people; and

WHEREAS, on September 29, 2020, Governor Baker issued COVID-19 Order No. 51 which provided that Step 2 of Phase III of the Reopening Plan, which includes the reopening with restrictions of, among others, indoor performance venues at 50% capacity for a maximum of 250 people, arcades, indoor and outdoor recreation businesses, and fitting rooms, would be permitted in lower risk communities only effective October 5, 2020; and

WHEREAS, on September 29, 2020, Governor Baker issued COVID-19 Order No. 52 which regulates gatherings in Step 2 of Phase III of the Reopening Plan, and which includes that outdoor gatherings at event venues and public settings are limited to a maximum of 100 persons in a single venue or space in lower risk communities, as defined in COVID-19 Order No. 51, and 50 persons in a single venue or space in communities that do not qualify as lower risk communities, effective October 5, 2020; and

WHEREAS, COVID-19 Order No. 52, issued on September 29, 2020, also requires that face coverings be worn by all persons over 5 years old attending indoor or outdoor gatherings of more than 10 people; and

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

1. This Paragraph shall apply, without limitation, when on, in, or about sidewalks, streets, parks, playgrounds, plazas, bus stops, non-residential parking lots and garages, and any other outdoor area or non-residential parking facility which is open and accessible to the general public ("Public Areas"). Each person shall wear a mask or cloth face covering which covers both the mouth and nose at all times when in Public Areas, except that: a) masks or cloth face coverings may be temporarily removed while eating or drinking while seated in outdoor seating areas so long as a distance of at least 6 feet is maintained at all times; and b) masks or cloth face coverings may be removed while swimming in a public pool, but must be worn at all other times when around the pool.

2. Any person, including employees of businesses, entering any business open to the public, including, without limitation, grocery stores, supermarkets, pharmacies, laundromats, dry cleaners, hardware stores, restaurants, cafes or similar establishments where prepared foods, meals or beverages may be purchased, local government buildings, commercial office buildings, retail buildings such as indoor malls or shopping centers, industrial buildings, and any corridor, stairway, escalator or elevator, or other areas located within such a building, construction sites, repair garages, and equipment or vehicle storage yards and garage bays (hereinafter, "Places of Business") shall wear a mask or a cloth face covering which covers both the mouth and nose prior to entering such Place of Business and continuously during the time the person is in the Place of Business. Employees of Places of Business may remove masks or cloth face coverings when working alone in an individual office with a door closed or when working alone in an office suite with no other individuals present. Customers of restaurants, cafés, and other establishments where food and beverages are served ("Restaurants and Cafés") may remove masks or cloth face coverings while seated when dining inside or in an outdoor dining area of such restaurant, café, or other establishment where food and beverages are served for on-premise consumption, but customers must wear masks or cloth face coverings at all other times when in indoor and outdoor areas of such Restaurants and Cafés. All Places of Business shall post signage at entrances to buildings informing the public that masks or cloth face coverings must be worn at all times within or about the premises of the Place of Business except while seated when dining.
3. Employees who recovered from symptoms of COVID-19 shall not return to work until they have met the CDC's guidelines for ending home isolation posted at: <https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/quarantine.html>.
4. Places of Businesses shall follow the Massachusetts Department of Public Health's "Safety Practices for Non-Healthcare Essential Service Workers Who May Have Had Exposure to a Person with Suspected or Confirmed COVID-19" issued on April 14, 2020 and posted at: <https://www.mass.gov/doc/non-healthcare-essential-service-worker-covid-19-exposure-guidance/download>. All Places of Business shall follow the Commonwealth's Guidance posted at "Reopening: Mandatory Safety Standards for Workplaces" posted at: <https://www.mass.gov/info-details/reopening-mandatory-safety-standards-for-workplaces> and the Sector-Specific Protocols and Best Practices posted on the Commonwealth's web page at: <https://www.mass.gov/info-details/reopening-massachusetts#sector-specific-protocols-and-best-practices>. All Places of Business which are Retail Businesses shall follow the Commonwealth's Sector-Specific Guidance updated on September 22, 2020 and effective on September 28, 2020 and posted at: <https://www.mass.gov/info-details/safety-standards-and-checklist-retail-businesses>.
5. In residential buildings consisting of at least two dwelling units ("Residential Buildings"), any person entering without limitation, any lobby, hallway, elevator, stairwell, laundry room, garage or parking lot, walkway, yard and other common outdoor areas, or any other indoor or outdoor areas in or about a Residential Building which are accessible to more than one dwelling unit (collectively, "Common Areas") of that Residential Building shall wear a mask or cloth face covering which covers both the mouth and nose at all times while in such Common Areas, except that: a) masks or cloth face coverings may be temporarily removed while eating or drinking while seated in outdoor seating areas so long as a distance of at least 6 feet is maintained at all times; and b) these requirements shall not apply to any person specifically exempted from the requirements of this Order as set forth below. Individuals who are caring for a child or a disabled or elderly person and do not share the same household with such child or disabled or elderly person shall be required to wear a mask or cloth face covering while caring for such person, but shall not be required to maintain a distance of 6 feet from such person. Residential Buildings shall post signage at entrances and in or about Common Areas informing all residents and other individuals that the above requirements must be met at all times while in or about such Common Areas.

6. All provisions of this Emergency Order shall apply to persons over the age of 5. Children under the age of 2 years should not wear face coverings or masks. For children 2 years of age and older, a mask or face covering should be used, if possible. Mask use by children 2 years of age and up to the age of 5 is encouraged but should be at the discretion of the child's parent or guardian at this time.
7. This Emergency Order shall not apply to anyone who has trouble breathing, or is unconscious, incapacitated, or otherwise unable to remove the mask without assistance, anyone with a disability or medical condition for whom wearing a mask is not recommended by their healthcare professional, and/or any other person exempted by Massachusetts Department of Public Health guidelines.
8. The Cambridge Public Health Commission may issue guidance consistent with the provisions of this Emergency Order.

In the event that any portion of this Emergency Order is held to be invalid by a court of competent jurisdiction, said invalid or unenforceable portion shall be severable from the remainder of this Emergency Order and to the fullest extent possible this Emergency Order shall be read as if it did not contain said invalid or unenforceable portion.

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, contains stricter provisions than this Emergency Order, such stricter provisions shall govern.

This Emergency Order shall take effect immediately and shall remain in effect until further notice or until the declaration of a State of Emergency in the City has been rescinded.


This Emergency Order shall be enforced by the following: officers of the Cambridge Police Department; enforcement officials of the Cambridge Public Health Department; and enforcement officials of the City's Inspectional Services 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: October 2, 2020

By:


Assaad J. Sayah, MD, Commissioner of Public Health


Louis A. DePasquale, City Manager