

## CITY OF CAMBRIDGE

### EMERGENCY ORDER WITH REQUIREMENTS FOR FITNESS CENTER AND HEALTH CLUB OPERATIONS ISSUED ON FEBRUARY 9, 2021

**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 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 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; and

**WHEREAS**, on May 1, 2020, Governor Baker issued an Executive Order requiring any person over the age of two 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 six 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

**WHEREAS**, on May 18, 2020, Governor Baker’s Administration released a plan entitled “Reopening Massachusetts” pursuant to which previous restrictions on business operations will be relaxed in phases, with Phase 1 beginning on Monday, May 18, 2020; and

**WHEREAS**, on June 6, 2020 Governor Baker issued an Order allowing Step 1 of Phase II, which includes outdoor dining at restaurants to commence on June 8, 2020, and thereafter, issued an announcement that Step 2 of Phase II, which includes indoor dining at restaurants, shall commence on June 22, 2020; and

**WHEREAS**, on July 2, 2020, Governor Baker issued COVID-19 Order No. 43 which provided that Step 1 of Phase III of the Reopening Plan would go into effect, which includes the reopening with restrictions of, among others, movie theaters, museums, cultural and historical sites, and fitness centers and health clubs; 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 would go into effect, which includes the reopening with restrictions of, among others, indoor performance venues, arcades, and recreation businesses; and

**WHEREAS**, on October 2, 2020, the Cambridge Commissioner of Public Health and the City Manager issued an Order that the City of Cambridge shall not advance to Step 2 of Phase III of the Governor’s Reopening Plan until further notice. Accordingly, businesses and organizations that are identified as Phase III, Step 2 enterprises in COVID-19 Order No. 51 were ordered to not open their brick-and-mortar premises. Additionally, Phase I, II and III enterprises, including fitness centers and health clubs were ordered to not operate pursuant to revised Safety Standards that may provide for increased capacity and other adjustments to safety protocols upon commencement of Step 2 of Phase III;

**WHEREAS**, on November 2, 2020, Governor Baker announced a series of targeted measures to disrupt the increasing trend of new COVID-19 cases, which included Order No. 53 requiring certain businesses and activities to close by 9:30 p.m., Order No. 54 reducing the size of gatherings, and Order No. 55 requiring all persons to wear face-coverings even when they are able to maintain 6’ of distance from others;

**WHEREAS**, on November 23, 2020, Governor Baker launched a public awareness effort entitled #GetBackMass which encouraged residents to stay safe and vigilant in light of the increase in COVID-19 cases and the expectation that COVID-19 cases will continue to increase because of holiday festivities; and

**WHEREAS**, on December 8, 2020, Governor Baker issued COVID-19 Order No. 58, which is an Order Returning all Municipalities to Phase III, Step 1 COVID-19 Safety Rules; and

**WHEREAS**, on December 22, 2020, Governor Baker issued COVID-19 Order No. 59, which is an Order Temporarily Applying Further Capacity Restrictions to Statewide COVID-19 Safety Rules; and

**WHEREAS**, on December 23, 2020, the City issued the Temporary Emergency Order Requiring a Modified Rollback to Phase II, Step 2 of Governor Baker’s Reopening Plan in the City of Cambridge, which was extended by subsequent orders on January 12 and 29, 2021 and in place until 12:00 a.m. on February 8, 2021;

**WHEREAS**, on February 4, 2021, Governor Baker announced that as of Monday, February 8, 2021, the capacity limits for certain businesses, including fitness centers and health clubs, will increase from the current 25% to 40%; and

WHEREAS, it is necessary to restrict certain fitness center and health club activities to reduce virus transmission to continue to lessen the likelihood of additional community spread.

NOW THEREFORE, the Cambridge Commissioner of Public Health and the City Manager hereby order as follows:

1. Fitness centers and health clubs shall only operate in accordance with the following requirements:
  - a. Fitness centers and health clubs shall limit capacity of locker rooms/changing rooms to 1 person per 200 square feet and shall post signage and enforce capacity limits;
  - b. Customers of fitness centers and health clubs shall only utilize the facility for a ninety (90) minute time period, per day;
  - c. Fitness centers and health clubs shall post a sign at the entrance clearly displaying the maximum capacity of the facility;
  - d. In addition to the mandatory requirements of this Order, the City recommends that indoor fitness centers and health clubs abide by the following provisions, as further detailed below:
    - i. Consider scheduling a one-hour buffer between group classes to ventilate the room/studio where classes are held. If possible, fitness centers and health clubs shall utilize passive ventilation in group activities and/or classes (i.e. open windows to create a cross-flow air pattern);
    - ii. Consider utilizing self-standing, movable air filtration units rather than building-wide air handling systems;
    - iii. It is recommended that each indoor fitness center and health club participate in Indoor Air Quality (IAQ) consult/training;
    - iv. Consider offering a real-time on-line dashboard indicating the current capacity and the number of available slots for customers;
    - v. Consider adding a system for scheduling appointments for the facility;
    - vi. Consider offering group classes outside whenever possible;
    - vii. It is recommended that each indoor fitness center and health club close changing rooms/locker rooms; and
    - viii. Consider using a sign-in sign-out sheet indicating area/equipment used by each customer.
2. Fitness centers and health clubs shall adhere to the capacity limits set by Governor Baker, and shall comply with all applicable sector specific workplace safety standards, unless any provision is less restrictive than the requirements above, in which case fitness centers and health clubs shall adhere to the requirements above.
3. The Cambridge Public Health Department may issue guidance consistent with the provisions of this Order.

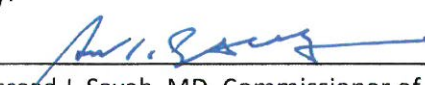
This Order shall take effect immediately and shall remain in effect until further notice or until the declaration of a State of Emergency in the City has been rescinded, whichever is sooner.

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.

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: 2/9/21

By:   
Assaad J. Sayah, MD, Commissioner of Public Health

  
Louis A. DePasquale, City Manager