



CITY OF CAMBRIDGE

TEMPORARY EMERGENCY ORDER DELAYING STEP 2 OF PHASE III OF GOVERNOR BAKER'S REOPENING PLAN IN THE CITY OF CAMBRIDGE

OCTOBER 2, 2020

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 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 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 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 between the ages of two and five 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 two 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; and

WHEREAS, on May 18, 2020, Governor Baker's Administration released a plan entitled "Reopening Massachusetts" (the "Reopening Plan") pursuant to which previous restrictions on business operations will be relaxed in phases, with Phase 1 of the Reopening Plan beginning on Monday, May 18, 2020; and

WHEREAS, on June 6, 2020, Governor Baker issued an Order allowing Step 1 of Phase II of the Reopening Plan, 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 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 ten 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 ten people; and

WHEREAS, the Massachusetts Department of Public Health Weekly COVID-19 Public Health Report issued on September 30, 2020, lists Boston as a higher risk community, along with several other communities within a 15-mile radius of Cambridge; and

WHEREAS, Cambridge shares borders with Boston, residents of Cambridge commute to work or school in Boston, and residents of Boston commute to work or school in Cambridge, and population flows freely between both cities for purposes of work, study, cultural activities, exercise and leisure, and many other purposes, and further, population also flows freely between Cambridge and the other communities in the Greater Boston metropolitan area; and

WHEREAS, the Cambridge Commissioner of Public Health has determined that allowing Step 2 of Phase III of the Reopening Plan to commence in the City of Cambridge on October 5, 2020 will likely contribute to an increase in COVID-19 cases in the City and thereby present a public health risk for the residents of the City and those of neighboring communities;

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

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 shall not open their brick-and-mortar premises at this time. Additionally, Phase I, II and III enterprises identified in COVID-19 Order No. 51 shall not operate pursuant to revised Sector-Specific COVID-19 workplace safety rules that may provide for increased capacity and other adjustments to safety protocols upon commencement of Step 2 of Phase III, at this time.

This Emergency Order shall take effect at midnight (12:00 AM) on Monday, October 5, 2020 and shall remain in effect until further notice or until the declaration of a State of Emergency in the City has been rescinded.

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; enforcement officials of the City's Inspectional Services Department; and enforcement officials of the Cambridge License Commission.

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