

EXECUTIVE ORDER FROM THE MAYOR OF THE CITY OF HAVERHILL AND THE HAVERHILL

BOARD OF HEALTH RELATIVE TO THE OPERATIONS OF ESSENTIAL SERVICES

DATE OF ORDER: April 13, 2020

The Mayor of the City of Haverhill and the City of Haverhill Board of Health, pursuant to M.G.L. c. 111, § 30, M.G.L. c. 111 §§ 2-6, M.G.L. c. 111 §§ 31, 104, 122, and the Mayor and Board of Public Health's Declaration of a Public Health Emergency Relative to COVID-19 in the City of Haverhill dated March 19, 2020, hereby enacts and declares as follows:

WHEREAS, on March 10, 2020, Governor Baker declared that there exists within the Commonwealth of Massachusetts a state of emergency due to the outbreak of COVID-19;

WHEREAS, on March 23, 2020, Governor Baker issued an Order Assuring the Continued Operating of Essential Services in the Commonwealth, Closing Certain Workplaces, and Prohibiting Gatherings of More Than 10 People in effect until April 7, 2020, which has subsequently been extended until May 4, 2020 ("the Governor's March 23, 2020 Order, as extended");

WHEREAS, the disease caused by the 2019 novel Coronavirus is a contagious, and at times fatal, respiratory disease. Symptoms of COVID-19 include fever, cough, and shortness of breath, and the disease can spread from person to person via respiratory droplets produced when an infected person coughs or sneezes.

WHEREAS, the worldwide outbreak of COVID-19 and the effects of its extreme risk of person-to-person transmission throughout the United States and the Commonwealth significantly affect the life and health of our people, as well as the economy, and is a disaster that impacts the health, security, and safety of the public. Therefore, it is critical to take additional steps to prepare for, respond to, and mitigate the spread of COVID-19 to protect the health and welfare of the people of the Commonwealth.

WHEREAS, because there is no known vaccine to immunize individuals from COVID-19, the only effective method of preventing the spread of the disease is to isolate known carriers until they are no longer contagious. It has been determined that a period of at least fourteen days is necessary to protect the public from an infected individual.

WHEREAS, the Mayor and the Board of Health have determined that community-wide compliance with the practice of social distancing, including people remaining at least six feet apart, and eliminating all unnecessary physical interaction is reasonably believed to be necessary to prevent or reduce the immediate spread of COVID-19;

WHEREAS, the unique size and density of Haverhill's population poses inherently elevated risks of transmission that the City must address on behalf of the public health of the City and region;

WHEREAS, a disproportionately large and important number and concentration businesses designated as Essential Services under the Governor's March 23, 2020 Order, as extended, are located in Haverhill and additional measures are required to protect the large number of Essential Workers who work in Haverhill;

WHEREAS, given its size and geographic location and limited access to PPE and other emergency equipment, failure to limit exposure could result in the overburdening of the hospital's resources and lead to a further health crisis emergency.

WHEREAS, the situation involving the COVID-19 crisis continues to evolve, with additional guidance being issued by the Federal and State governments.

WHEREAS, the intent of this Executive Order is to ensure that residents and businesses in Haverhill act consistently with the imperative public health need that the entire community achieve the maximum amount of "social distancing" feasible, while continuing to provide and receive Essential Services, to slow the spread of COVID-19 to the maximum extent possible. All provisions of this Order should be interpreted to effectuate this intent. Failure to comply with any of the provisions of this Executive Order constitutes an imminent threat and creates an immediate threat to public health.

NOW THEREFORE, THE FOLLOWING EXECUTIVE ORDER IS HEREBY IN EFFECT FOR THE CITY OF HAVERHILL, AS FOLLOWS:

1. ZERO TOLERANCE for the presence of any employee or agent of the business who is sick, feels sick, or exhibits symptoms of being sick; and any such person is to be sent home.
2. Facilities must ensure sufficient running hot water, soap, hand-sanitizer as available, disinfectant spray as available, and ample and sufficient time for employees to regularly and frequently wash their hands.
3. A plan for regularly cleaning/sanitizing surfaces with which the public and/or employees frequently touch, such as door handles, countertops, toilet facilities, faucets, ATMs, credit/debit card machines, refrigerator/freezer door handles, telephones, keyboards, shopping carts and shopping baskets, gas pumps, lottery stations, laptops, computer keyboards, public bathrooms, menus and any other such surface or item.
- 4 a. Essential Services as defined by Governor Baker's Covid-19 Executive Orders must limit the number of customers and staff inside the establishment at any given time so that social distancing of six feet may be maintained. All retail establishments must establish maximum occupancy loads in accordance with the "Guidance for Grocery Stores" issued by the Massachusetts Commissioner of Public Health on April 7, 2020. See this order at: <https://www.mass.gov/doc/order-grocery-stores-40-percent/download>. Generally, occupancy should be limited to forty (40%) percent of occupancy as stated on its Occupancy Permit. Maximum occupancy shall be posted at each entrance to the establishment and shall be readily visible to members of the public.

4b. All essential service locations shall impose and enforce a ZERO TOLERANCE policy for the gathering, congregating, loitering, or lingering, of customers within the store premises. No customer may remain on the premises following the completion of the sale or other business for which the customer entered the premises.

4c. Visible floor markings and/or signage that establish proper social distance of no less than six feet to be maintained between customers.

4d. An employee of the retailer shall be designated to ensure the maximum number of individuals inside of the store is not exceeded. Customers queued either waiting in line to check out inside the store or waiting to enter the store outside must maintain a minimum of six feet distance. Where staffing reasonably permits, an employee must be assigned to oversee and tally the number of customers entering and exiting the business and to oversee the social distancing requirements among customers and employees.

5. All employees of all essential services as defined by Governor Baker's Covid-19 Executive Orders, including but not limited to grocery stores, pharmacies, drive through food and coffee establishments, home improvement stores and the like should wear a face covering such as a fabric mask, scarf or bandana, over their mouth and nose when interacting with the public and within six feet of a co-worker. Employees shall be allowed to bring their own face coverings with them to work and the employer must allow them to use same. The cloth face coverings recommended are not surgical masks or N-95 respirators, which should be left for medical professionals and first responders. Employees whose duties involve handling food or in-person public interaction should also use other recommended personal protective equipment such as gloves.

6. All essential services that are permitted to continue to operate during the State of Emergency, shall designate a supervisor or manager as a Health and Safety Officer to maintain and manage proper safety protocol. This order excludes first responders and hospitals that have infectious control policies in place.

7. Essential Businesses shall implement a work policy mandating that employees self-certify to their supervisor at the start of each shift that: (1) the employee has no signs of fever, (2) the employee has no measured temperature above 100 degrees, (3) the employee has no cough, sore throat, or trouble breathing, (4) the employee does not have diarrhea, (5) the employee has not been ordered to self-isolate by a doctor, health care provider, or a local health official, (6) the employee has not been ordered to quarantine by a doctor, health care provider, or a local health official, (7) neither the employee nor household members have been tested positive for COVID-19 or clinically diagnosed as having COVID-19, (8) the employee has not had "close contact" or exposure to an individual diagnosed with COVID-19. "Close contact" may include but is not limited to situations where an employee is within six (6) feet of a person who has tested positive for COVID-19 for approximately 20 minutes, where an employee is caring for a person who has tested positive for COVID-19, or where an employee is in direct contact with secretions or respiratory droplets of a person who has tested positive for COVID-19 by cough, sneezing, sharing utensils, or other means, in environments where the exposed employee was not wearing proper PPE (personal protective equipment).

8. Essential Businesses shall direct their employees exhibiting symptoms, or employees unable to self-certify to leave the work, contact their primary care doctor, and return to work only after being cleared by a medical professional.

9. It is highly recommended that for all essential businesses, the employer should take additional steps to determine if employees are ill or exhibiting symptoms of Covid-19 prior to allowing employees to report to work. Those additional steps could include testing by infrared thermometer or other means to determine if the employee has a temperature in excess of 100 degrees. If an employee has a temperature in excess of 100 degrees they should not be allowed to report to work and shall be told to report to their physician or other health care professional and return to work only after being cleared by a medical professional.

10. All members of the public entering any essential business as defined by Governor Baker's Covid-19 Executive Orders, including but not limited to grocery stores, pharmacies, home improvement stores and the like should at all times wear a face covering, such as a fabric mask, scarf or bandana, over their mouth and nose. The cloth face coverings recommended are not surgical masks or N-95 respirators, which should be left for medical professionals and first responders.

11. All members of the public entering a restaurant for the purpose of picking up food for take-out should wear a face covering over their mouth and nose.

12. Operation of Ice Cream Trucks is prohibited. Ice cream trucks will not be permitted to operate in the City of Haverhill until the Public Health Emergency declaration issued by the Mayor and Board of Health has been lifted. Brick and mortar establishments serving ice cream will be allowed to operate in accordance with the Governor's Directive if effective social distancing measures are implemented.

GENERAL PROVISIONS

A copy/copies of this Order shall be posted in a conspicuous place visible to employees and the public, with at least one copy posted at any place where the public enters the facility.

If any provision of this Order or the application thereof to any person or circumstance is determined to be invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of this Order or the application thereof to other purposes, entities and circumstances.

Where this guidance does not meet or exceed the standards put forth by the Essential Services' Employer, everyone shall abide by the most stringent procedure available.

EFFECTIVE DATE

This Order shall be effective as of 11:59 PM on Monday, April 13, 2020 and will continue until such time as the March 19, 2020 State of Emergency is terminated by the Mayor and the Haverhill Board of Health

ENFORCEMENT

All reasonable efforts will be made to secure compliance with this Order. To the extent necessary, this Order shall be enforced by Board of Health officials, Haverhill Police Officers and Building Inspectors.

NOTICE

The City of Haverhill must promptly provide copies of this Order as follows: (1) by posting on the City of Haverhill website (<https://www.cityofhaverhill.com>) and the Haverhill Board of Health website (https://www.cityofhaverhill.com/departments/health_and_inspections/index.php); by providing to any member of the public requesting a copy.

PENALTY

Pursuant to Massachusetts General Laws Chapter 111, §31, a violation of this Executive Order shall be subject to a fine of not more than \$100 dollars for the first offense, \$300 for the second offense and \$1,000 for the third offense. Non-compliance with this order shall also be a basis for the suspension and/or revocation of any and all City of Haverhill licenses and permits. The essential services' owner will be required to submit a Corrective Action Plan detailing each issue of non-conformance and a plan to rectify the issue(s) to the Board of Health. The essential services will not be allowed to resume work until the plan is approved by the Director of Inspectional Services. The Director of Inspectional Services shall have the right to report any violations of this Executive Order to any federal or state licensing authority of a particular essential service.

IT IS SO ORDERED: Dated: April 13, 2020

James J. Fiorentini, Mayor

Peter Carbone, Chairperson
Haverhill Board of Health