



## NANTUCKET DEPARTMENT OF HEALTH & HUMAN SERVICES

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### **DECLARATION OF PUBLIC HEALTH EMERGENCY - EMERGENCY ORDER 12**

Pursuant to the declaration of a public health emergency on March 20, 2020, G.L. c. 111, §122, 310 CMR 11.05, 105 CMR 300.200 and all other authorizing statutes and regulations, acting by and through its agent authorized under MGL c. 111, §31 we, the Board of Health of the Town of Nantucket, Massachusetts, hereby order the following for the protection of public health and safety and to protect against the outbreak of COVID-19 on the Island of Nantucket:

- 1) All persons who are not exempt as set forth below, shall wear a face covering over their mouth and nose when in public and within six feet of another person, and at all times when within the bounds of the Nantucket Old Historic District and the Siasconset Historic District. The boundaries of said historic districts may be found at the following link: <https://nantucket-ma.gov/DocumentCenter/View/24215/Historic-Districts-Map-PDF?bidId=>
- 2) This order shall apply to all places open to the public, whether indoors or outdoors. The cloth face coverings recommended are not surgical masks or N-95 respirators, which should be left for medical professionals and first responders. See this link for information on making a cloth face covering: <https://www.cdc.gov/coronavirus/2019ncov/prevent-getting-sick/cloth-fac...>
- 3) Exception: 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 five are encouraged but should be at the discretion of the child's parent or guardian at this time. Parents and guardians should ensure that the mask fits snugly and does not obstruct a child's ability to breathe.
- 4) Exception: This Order shall not apply to persons for whom a face covering would cause impairment due to an existing health condition, or persons requiring a reasonable accommodation/modification as a result of a qualifying disability as required by the Americans with Disabilities Act and/or any applicable laws of the Commonwealth of Massachusetts, including: those who cannot breathe safely; those who, due to a behavioral health diagnosis, are unable to do so; those communicating with people who rely upon lip-reading; and those who require supplemental oxygen to breathe; and

- 5) Businesses shall not allow patrons to enter their establishment without a mask, unless they qualify for an exemption, and all businesses shall post a sign on their main entrance doors advising consumers that it is mandatory that the consumer entering the business wear a face covering.
- 6) All places open to the public or employees shall comply with Massachusetts Sector Specific Workplace Safety Standards issued pursuant to the Governor's Phased Re-Opening Plan, and all other executive orders, state laws and/or local rules, regulations and orders applicable to the business or entity, a may be amended or superseded from time-to-time. An up-to-date list of sector-specific standards issued to date may be found at: <https://www.mass.gov/resource/reopening-sector-specific-protocols-and-best-practices>
- 7) This emergency order shall be effective beginning Monday, June 29 2020 AT 2:00 PM and remain in effect until notice is given, pursuant to the Board of Health's judgement that the Public Health Emergency no longer exists.
- 8) To the extent necessary, this Order shall be enforced by Board of Health officials, Nantucket Police Officers, Natural Resources Enforcement Officer, Building Inspectors, and all other agents for the Board of Health.
- 9) Whoever violates any provision of this Order may be penalized by a noncriminal disposition process as provided in Massachusetts General Laws, Chapter 40, section 21D and the Town's non-criminal disposition by-law, Sections 1-2, 1-3, 1-4, 1-5, and 1-6 of the Code of the Town of Nantucket.
- 10) If non-criminal disposition is elected, then any person who violates any provision of this Regulation shall be subject to a penalty in the amount of fifty dollars (\$50) for a first offense; one hundred dollars (\$100) for a second offense; two hundred dollars (\$200) for a third offense; and three hundred dollars (\$300.00) for a fourth or subsequent violation. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.
- 11) Any person who is not wearing a proper face covering and who refuses to leave a public place at the direction of a person in lawful control of the premises may be subject to removal from the premises pursuant to Massachusetts General Laws, Chapter 266, Section 120.
- 12) Notwithstanding the foregoing, agents and officers are encouraged to educate offenders and to exercise their judgment on a case-by-case basis, and they may issue verbal or written warnings prior to determining that an offense has occurred.
- 13) The Nantucket Board of Health may enforce this Order or enjoin violations thereof through any lawful process, and the election of one remedy by Board of Health shall not preclude enforcement through any other lawful means.

ORDERED by Board of Health this 29<sup>th</sup> day of June 2020