

TOWN of HAMILTON, MASSACHUSETTS, BOARD of HEALTH

EMERGENCY ORDER REQUIRING FACE MASKS IN INDOOR PUBLIC SPACES

ORDERED at Town Hall this 22nd day of December 2021; Amended 27 Dec. 2021

Whereas the SARS-CoV-2 virus has recently caused a steep increase in the numbers of residents of Hamilton and the Commonwealth infected with Covid-19 and, as a result, in hospitalizations and deaths attributable to Covid-19;

Whereas the hospitals in our region have come precariously close to full capacity and they and their staffing levels are at risk of being unable to cope with the increasing patient loads resulting from rising Covid-19 infections;

Whereas SARS-CoV-2 and its recent variants have been documented to be highly transmissible and contagious, particularly in enclosed indoor public spaces, and show the potential to evade our immune systems, thus further taxing our already overburdened health care providers and systems;

Whereas thus the Board of Health has determined that Covid-19 poses a present, real, and serious threat to the public health, safety, and general welfare of the residents of Hamilton;

Whereas infectious disease experts and the health care community recognize the importance of employing all effective measures to help slow the spread of the virus and that properly designed and fitted face masks do help slow the spread of Covid-19;

Whereas being fully vaccinated and boosted continues to be the most effective means to protect ourselves from Covid-19, our most vulnerable citizens -- seniors and immunocompromised -- still remain at some risk of infection and we owe it to them to help avoid exposures by adding in the extra layers of protection that are readily available;

Now therefore, pursuant to the provisions of 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 Town Manager and Board of Health of the Town of Hamilton, Massachusetts, hereby order the following:

1) All members of the public entering any public indoor space including but not limited to Town of Hamilton facilities, schools, grocery stores, pharmacies, convenience stores, home improvement stores and the like must wear a face mask or face covering, such as a fabric mask, surgical mask, N-95 respirator, or other as recommended by the CDC, over his or her nose and mouth. See this link for Centers for Disease Control information on selecting and wearing a face mask: https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/masks.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fprevent-getting-sick%2Fdiy-cloth-face-coverings.html

2) All members of the public entering a restaurant for the purpose of picking up food for take-out must wear a face mask or covering over their nose and mouth. All customers of a restaurant or bar must wear a face covering when not seated and eating or drinking.

3) All employees of businesses with indoor spaces shall wear a face mask or covering over their mouth and nose when interacting with the public and within six feet of a co-worker. Employers and employees must use prescribed protocols and guidelines for personal protective equipment such as gloves.

4) Any resident or member of the general public entering or exiting a residential or commercial building complex of greater than one (1) unit must wear a face mask or covering over their nose and mouth while in common areas and communal spaces and must exercise social distancing in these spaces in accordance with CDC guidelines. See these guidelines at:

<https://www.cdc.gov/coronavirus/2019-ncov/community/community-mitigation.html>

5) **Exemptions.** The following categories of people are exempt from the requirement to wear a mask:

- A child age 2 years and younger;
- A person with a disability who cannot wear a mask, or cannot safely wear a mask, because of the disability as defined by the Americans with Disabilities Act (42 U.S.C. 12101 *et seq.*).

This emergency order shall be effective beginning Monday, December 27, 2021 at 12:01AM and remain in effect until notice is given, pursuant to the Board of Health's judgement, that the reasons for this Order have abated. The Board will review this Order at every future Board meeting to assess its necessity.

To the extent necessary, this Order shall be enforced by Board of Health officials, Hamilton Police Officers, and Building Inspectors. Individuals who violate the provisions of this Emergency Order are subject to warnings/fines issued by the enforcing authorities as follows:

(1) first offense – a warning; (2) second offense – a fine of \$100; (3) third and further offenses – a fine of \$250.