



## NANTUCKET DEPARTMENT OF HEALTH & HUMAN SERVICES

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### **DECLARATION OF PUBLIC HEALTH EMERGENCY - EMERGENCY ORDER 13**

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.

This order is necessary because, due to the unique characteristics of the Island of Nantucket, emergency orders issued by the Governor and state agencies have not been effective in preventing the spread of COVID-19. In fact, since September there has been a significant surge of COVID-19 cases on the Island, resulting in numerous hospitalizations and deaths. Given the limited resources available to treat large numbers of infected individuals and to protect public health, safety and welfare, the Board of Health hereby issues the following order.

- 1) All residents and visitors shall wear a face covering over their mouth and nose when they are in any place that is open to members of the public. This paragraph shall apply to all areas of the Island that are open to the public, whether the property is publicly or privately owned, whether it is indoors or outdoors, and regardless of its size or capacity, including but not limited to retail stores, points of entry (airport and ferry terminals), marinas, parks, sidewalks and public buildings, but it shall not apply on beaches, bike trails or hiking trails, as long as individuals are maintaining a distance of six feet from other individuals. 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....](https://www.cdc.gov/coronavirus/2019ncov/prevent-getting-sick/cloth-fac...)
- 2) All businesses shall post a sign on their main entrance doors advising consumers that it is mandatory that the consumer entering the store wear a face covering.
- 3) All persons shall wear a face covering over their mouth and nose while on the premises of a job site or place of employment on the Island of Nantucket. For purposes of this paragraph, a job site or place of employment is defined as any property or portion thereof, including indoor and outdoor areas, in which any type of work is being conducted in exchange for compensation of any kind and more than one person is present on the premises, regardless of the size of the premises; provided, however, that persons may remove their face coverings when they are in an area that is separated from all other persons on the site by walls that extend from the floor to the ceiling.

- 4) The use of vehicles with commercial license plates, branded commercial messaging and carpools shall be limited to a maximum of four adults at any one time and any time there is more than one person in such a vehicle, all persons in the vehicle shall be wearing face coverings. For purposes of this paragraph, the term carpool shall mean any vehicle used to transport one or more adult passengers to a job site or place of employment.
- 5) Gatherings that bring together more than ten (10) people at any indoor or outdoor space, regardless of size or capacity, are prohibited on the Island of Nantucket. This prohibition shall apply to all public and private property and includes all weddings, bar-b-ques, parties, and unorganized activities such as pick-up ball games and bonfires. This paragraph shall not apply to restaurants, religious services, permitted entertainment venues, retail establishments or job sites, provided that there is compliance with the requirements of this order and applicable sector-specific guidance. When gatherings of up to ten people are occurring, all persons on the site of the gathering shall be wearing face coverings at all times.
- 6) The requirements of this regulation are in addition to the requirements of the emergency orders of the Governor, sector-specific guidance and other guidelines and regulations issued by the Town and the Commonwealth, and nothing herein should be interpreted as waiving any such requirements. In the event of a conflict between this regulation and the foregoing orders, regulations and guidance, the more restrictive provisions will apply.
- 7) The requirements for wearing face coverings shall not apply to children under the age of two years old or to individuals who are unable to do so by reason of medical condition.
- 8) Any person who owns or has control of a property or business, or who wishes to conduct an event or activity on the Island of Nantucket may contact the Health Department, in writing, at least one week prior to the scheduled event or activity, to request a determination as to whether the event or activity is permissible and if so, what if any restrictions apply. Requests shall be made in writing and sent to [Health@nantucket-ma.gov](mailto:Health@nantucket-ma.gov)
- 9) This emergency order shall be effective beginning Wednesday, October 7, 2020 at 12:01 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.
- 10) To the extent necessary, this Order shall be enforced by Board of Health officials, Authorized Nantucket Police Department Employees, Natural Resources Enforcement Officers, Building Inspectors, and all other agents for the Board of Health.
- 11) 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.
- 12) 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 three hundred dollars (\$300.00) for each violation. Each day or

portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

ORDERED by Board of Health this 6<sup>th</sup> day of October 2020