EXECUTIVE ORDER FROM THE MAYOR OF THE CITY OF LYNN AND PUBLIC HEALTH DIRECTOR OF THE CITY OF LYNN REQUIRING RESIDENTS TO STAY AT HOME DURING CERTAIN HOURS AND TO RESTRICT CERTAIN BEHAVIORS AT ALL TIMES OF THE DAY

DATE OF ORDER: April 11, 2020

The Mayor of the City of Lynn and the City of Lynn Board of Public Health, acting through its duly appointed and authorized agent, Public Health Director Michele Desmarais, 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 Lynn dated March 18, 2020 and March 17, 2020, respectfully, 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, as of April 11, 2020, the number of confirmed positive COVID-19 cases has risen to 545, 16 have recovered and 9 Lynn residents have died.

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 Public Health Director 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 Lynn’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 Businesses under the Governor’s March 23, 2020 Order, as extended, are located in Lynn and additional measures are required to protect the large number of Essential Workers who work in Lynn;

WHEREAS, given its size and geographic location and limited access to PPE and other emergency equipment, failure to limit exposure will necessarily result in the overburdening of the hospital’s resources and lead to a further health crisis emergency. Hospital leaders have further indicated that their ethics teams are now analyzing how the hospitals will make decisions as to who should receive treatment and who should not, or cannot. This is our reality today.

WHEREAS, during a state of emergency, Lynn does not have sufficient resources to provide emergency police, fire and ambulance service above what it is providing to area residents during this unusual period.

WHEREAS, it is essential that visitors to the City be limited to only those who absolutely have to be here so that the City’s limited resources do not become overwhelmed and insufficient to protect the health and safety of its residents, first responders and essential workers.

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

WHEREAS, the City of Lynn has no full-service hospital and a population of over 90,000 people.

WHEREAS, the intent of this Executive Order is to ensure that residents and businesses in Lynn 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 LYNN, AS FOLLOWS:

1. The Mayor and the Public Health Director hereby order all residents of and visitors to the City of Lynn stay at home between the hours of 9:00 p.m. and 6:00 a.m. unless they are actively providing or receiving COVID-19 Essential Services as defined by the Governor’s March 23, 2020 Order, as extended.

2. Non-essential gatherings of individuals of any size for any reason (e.g. parties, celebrations or other social events) shall be canceled or postponed at this time.

3. Any concentration of individuals outside their home must be limited to workers providing essential services or individuals who are undertaking essential tasks, such as picking up pharmaceutical drugs, grocery shopping, or visiting a physician.

4. Individuals should limit outdoor recreational activities to non-contact and avoid activities where they come in close contact with other people.

5. Sick individuals should not leave their home unless to receive medical care.

6. When in public, individuals must practice social distancing of at least six feet from others in accordance with CDC guidelines. See these guidelines at: https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/social-distancing.html.

7. Individuals must wear a cloth face covering, such as a fabric mask, scarf or bandana, over their nose and mouth when social distancing in public cannot be met. 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/2019-ncov/prevent-getting-sick/cloth-face-cover.html.

8. 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, food establishments, and the like, must wear a cloth face covering, over their nose and mouth.

9. 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 covering over their nose and mouth while in common areas and communal spaces and must practice social distancing in these spaces.
EFFECTIVE DATE

This Order shall begin at 9 p.m. on April 12, 2020, and will continue through 11:59 p.m. on May 4, 2020, at which time the Public Health Director shall review all relevant information and determine if a further Executive Order is warranted. In making this determination, the Public Health Director may consider whether community transmission in Lynn continues to present a serious danger to public health.

ENFORCEMENT

All reasonable efforts will be made to secure compliance with this Order. The Public Health Director may seek the assistance of other City of Lynn agencies in securing compliance with this Order.

NOTICE

The City of Lynn must promptly provide copies of this Order as follows: (1) by posting on the City of Lynn website (www.ci.lynn.ma.us) and the Lynn Public Health Commission website (http://www.lynnma.gov/departments/publichealth.shtml); by providing to any member of the public requesting a copy.

EXCEPTION

It shall not be a violation of this Executive Order if an individual is traveling to or from his place of employment that has been classified as an essential service. It shall further not be a violation of this Executive Order if an individual is traveling to or from an emergency situation involving the life, health and/or safety of themselves or a family member.

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 one thousand ($1,000.00) dollars.

IT IS SO ORDERED: Dated: April 11, 2020

[Signature]
THOMAS M. MCGEE
MAYOR

[Signature]
MICHÈLE DESMARAIS,
PUBLIC HEALTH DIRECTOR