

COVID-19 Public Health Emergency Regulation

Notice is hereby given that on December 27, 2021 the Board of Health adopted the following emergency regulation under the provisions of MGL Chapter 111, §§ 31, 104 and 122: Based upon review of current COVID-19 caseload and testing positivity rates in the community and the rise of the Delta Variant, the Board of Health has found that there exists in the community a disease and cause of sickness that is dangerous to public health and that action is necessary to minimize the further spread of that disease

The Board of Health voted to adopt as a public health mandate, the following indoor face-covering regulations in the Town of Marblehead.

1. Effective at 12:01am December 28, 2021 face coverings that cover the nose and face are required for all individuals, regardless of vaccination status, aged two years and above in all indoor public spaces, including but not limited to restaurants, retail establishments, restaurants, bars, performance venues, social clubs, event spaces, places of religious worship and municipal buildings, or private spaces open to the public.
2. Notwithstanding any provision in this Order, face coverings should not be placed on young children under 2-years-old, anyone who has trouble breathing, anyone who is unconscious, incapacitated or otherwise unable to remove the face covering without assistance, or anyone who due to disability is unable to wear a face covering.
3. Food service establishment customers may only remove face coverings when seated and consuming food and beverages.
4. Indoor performance venue customers may only remove face coverings in the actual act of eating and drinking, if permitted in the venue.
5. Lodging guests and workers are required to wear face coverings when inside hallways and common areas.
6. Residents and employees of multi-family dwelling units are required to wear face coverings inside hallways and other common areas. Notice of this requirement shall be posted at all entry doors to the building and common areas.
7. Fitness Center/Health Club workers, customers, and visitors are required to wear face coverings during fitness activity, including strenuous activity and group activity.
8. At Personal Services establishments, including, but not limited to, barber shops, hair and nail salons, massage, all customers and workers are required to wear face coverings, except for skin or beard care that occurs on the face, where the customer may temporarily remove the face covering but must immediately put the face covering back on for the remainder of the visit.
9. Face Coverings remain mandatory for all individuals on public and private transportation systems (including rideshares, livery, taxi, ferries, and buses), in healthcare facilities and in other settings hosting vulnerable populations, such as congregate care settings, as directed by the Governor and the Massachusetts Department of Public Health.
10. Nothing in this regulation shall affect the state and federal orders already in effect in Massachusetts and mandates established by the Commissioner of the Department of Elementary and Secondary Education

regarding the wearing of facial coverings in school.

11. All entry doors of businesses open to the public must post notice advising customers that face coverings must be worn inside the establishment. Establishment staff must supervise and enforce this requirement. If a customer refuses to wear a face covering for non-medical reasons, a business may decline entry to the individual.
12. The Board of Health and authorized agents pursuant to MGL chapter 111, § 30, are authorized to enforce this regulation and if necessary, may do so with the assistance of the Police Department, in the sole discretion of the Chief of Police.
13. 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. If non-criminal disposition is elected, then any person who violates any provision of this Regulation shall be subject to: for a first offense, a written warning; for a second offense, a penalty in the amount of one hundred dollars (\$100), for a third offense, a penalty of two hundred dollars (\$200); and for a fourth or subsequent offense, a penalty in the amount of three hundred dollars (\$300.00). Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.
14. 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.

This Regulation shall remain in effect until March 8, 2022 unless rescinded earlier by the Board of Health.

Todd Belfbecker, D.M.D.
Board of Health Chair