



TOWN OF CHILMARK

CHILMARK, MASSACHUSETTS

Board of Health

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Hours: 9am to 2pm, M-F

EMERGENCY ORDER OF THE CHILMARK BOARD OF HEALTH ADOPTED July 21, 2020

Pursuant to the declaration of a public health emergency by the Governor of the Commonwealth of Massachusetts on March 10, 2020 (the “State”), and by the Town of Chilmark (the “Town”) on March 23, 2020 and, further, pursuant to the Governor’s COVID-19 Order #31 on May 6, 2020, which requires face coverings for anyone over the age of 2 years who is in a place open to the public and cannot maintain 6 ft. of physical distance from another person, we, the Chilmark Board of Health, Massachusetts (the “Board”), as authorized by M.G.L. c. 111, §§ 31 and 122, 310 CMR 11.05, and 105 CMR 300.200, hereby order (the “Order”) the following for the protection of the public health and safety and to mitigate the spread of COVID-19 within the Town:

- 1) All persons who are not exempt, as set forth below, shall wear a mask or cloth face covering (“mask”) over their mouth and nose when in public between the hours of 9:00 AM and 9:00 PM within the Chilmark COVID-19 Required Face Covering and Mask Area (the “Mask Area”). The Mask Area is defined as the roads, places, and docks listed below:
 - *North Road from the stop sign at North and Basin Roads to the western end of North Road;*
 - *the Home Port parking lot;*
 - *Boathouse Road past the Coast Guard Boat House;*
 - *the West Dock at the end of Boathouse Road;*
 - *Basin Road;*
 - *the parking lot at Menemsha Beach and Harbor;*
 - *all docks: commercial, Dutcher, transient, and west docks at Menemsha Harbor;*
 - *when transiting jetty to/from destination, and*
 - *when transiting Menemsha Beach to and from toweling area.*
- 1) When roads are identified, the Mask Area includes the area along the roads, such as shoulders and turnouts.

- 2) This Order shall apply to all places open to the public, whether indoors or outdoors. Use of medical grade N95 masks is discouraged in order to avoid interfering with the supply of masks for medical workers and first responders. See this link for information on making a cloth face covering: <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html>
- 3) Exception: Children under the age of 2 years should not wear masks. For children 2 years of age or older, a mask should be used if possible and at the discretion of the child's parent or guardian. Parents who elect to fit their children with masks should be certain it does not obstruct or impede a child's ability to breathe.
- 4) Exception: This Order shall not apply to persons for whom a mask 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 State, 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.
- 5) Businesses shall not allow a patron to enter their establishments who is not wearing a mask, unless the patron qualifies for an exemption. All businesses shall post a sign on their main entrance doors advising consumers or patrons that it is mandatory that the consumer or patron entering the business or establishment wear a mask. All businesses shall be responsible for requiring and overseeing that patrons waiting or queued to enter their place of business are wearing a mask while waiting.
- 6) This Order shall be effective beginning Friday, July 24, 2020 at 9:00 AM and remain in effect until notice is given, pursuant to the Board of Health's judgment that this Order is no longer necessary or the COVID-19 Massachusetts State of Emergency is suspended, whichever occurs first.
- 7) Pursuant to the authority identified in first the paragraph of this Order and M.G.L. c. 111, § 30, the Board's Health Agent, Board of Health members and other agents designated by the Board shall have the authority to enforce this order as necessary. The designated enforcing authorities may call on the support of the Town's Police Department if necessary.
- 8) Whoever violates any provision of this Order, including businesses, may be penalized by a non-criminal disposition ticketing process as provided in M.G.L. c. 40, § 21D, and Section III(1) of the Town of Chilmark Bylaws authorizing noncriminal disposition of offenses or violations of town regulations.
- 9) If an agent of the Town with authority to enforce this Order elects to employ the non-criminal disposition procedure, then a person who violates any provision of this Order 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) for a fourth or subsequent offense. Each day or portion thereof shall constitute a separate offense. If more than one violation is determined, then each condition violated may constitute a separate offense.

- 10) Notwithstanding the foregoing, agents, officers and town authorized ambassadors are encouraged to educate offenders and to exercise their judgment on a case-by-case basis, and have the discretion to issue verbal or written warnings as a measure before determining that a finable offense has occurred.
- 11) The Board may enforce this Order or enjoin violations thereof through any lawful process, and the election of one remedy by the Board, or other agents of the Town, shall not preclude enforcement through any other lawful means, including injunctive relief and/or civil fines under M.G.L. c. 111, § 122.

Ordered by the Chilmark Board of Health this 21st day of July, 2020.