



# PITTSFIELD BOARD OF HEALTH

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May 4, 2020

## EMERGENCY ORDER REQUIRING FOOD ESTABLISHMENTS TO ESTABLISH PROCEDURES FOR ENSURING MAXIMUM OCCUPANCY LEVELS, SOCIAL DISTANCING, AND FACIAL COVERINGS

Pursuant to MGL 111 ss 95-105, 310 CMR 1.05 and 105 CMR 300.200, the Board of Health deems the following action necessary to protect the public health.

*Whereas COVID-19 is a highly contagious and potentially fatal disease, and*

*Whereas evidence indicates that workers in Essential Services, as defined by Governor Baker's COVID-19 Executive Orders, such as supermarkets, grocery stores, convenience stores, restaurants offering take-out foods, and other facilities where the public has general access are especially susceptible to the transmission disease; and*

*Whereas the Centers for Disease Control and the Massachusetts Department of Public Health, among other federal and state authorities, have recommended social distancing to reduce transmission of disease, and*

*Whereas Governor Charles Baker, on May 1, 2020, in COVID-19 Order #31, has ordered face coverings in public places where social distancing is not possible,*

**NOW**, therefore, the Pittsfield Board of Health hereby **ORDERS** as follows, effective immediately:

- All establishment staff must wear protective face covering during all service in the establishment
- All entry doors must be posted – advising customers that face covering is required and social distancing (6 foot separation) must be maintained inside and outside the establishment. Establishment staff must supervise and enforce this requirement.
- Establishments must increase employee illness surveillance by 1). Continuing to ask if staff have been exposed to COVID-19. 2) Ensuring employees don't come to work while ill.
- Every store, workplace, or other facility providing essential services and open to the public is required to place a sign no smaller than 8.5 x 11 inches and clearly visible on all

doors and any point of entry into the facility stating that the use of a mask or other facial covering is required of every person upon entry into the facility and at all times while in the facility. A facility may impose stricter guidelines as it sees fit.

**GROCERY STORE CAPACITY LIMITS:**

- Essential retail establishments as defined by Governor Baker’s COVID-19 Executive Orders must limit the number of customers and staff inside the establishment at any given time to 40% of its maximum permitted occupancy level so that social distancing of six feet may be maintained.
- Occupancy loads in accordance with the “Guidance for Grocery Stores” issued by the Massachusetts Commissioner of Public Health on April 7, 2020. See this order at: <https://www.mass.gov/doc/order-grocery-stores-40-percent/download>. The maximum occupancy, 40 percent of its maximum permitted occupancy level as documented in its occupancy permit of record established by the Pittsfield Building Department, shall be posted at each entrance to the establishment and shall be readily visible to members of the public.
- Establishments with a maximum occupancy of 25 or less are exempt from this requirement. These establishments must take measures to ensure compliance with social distancing requirements.
- Any portions of the store requiring extra staffing solely dedicated to services that are deemed nonessential pursuant to Governor Baker’s COVID-19 Executive Orders shall be closed.
- An employee of the retailer shall be designated to ensure that the number of customers entering and exiting the store maintains compliance with the maximum occupancy.
- An employee of the retailer shall be designated to monitor lines at the register and outside the store to ensure customers are maintaining a minimum of six feet distance from each other.
- If other physical security concerns arise, local law enforcement should be notified and consulted.

**TAKE OUT SERVICE and FOOD DELIVERY:**

- Every employee of a business or workplace that delivers food to the public from outside the business or workplace must wear a face covering and gloves during such deliveries.
- Brick and mortar establishments offering takeout service, serving ice cream, etc, must maintain effective social distancing measures both inside and outside the establishment.

Any person inside any business or workplace who declines or refuses to wear a facial covering as required by this Order shall be deemed in violation of this order and may be subject to civil fines and/or criminal prosecution.

To the extent necessary, this Order shall be enforced by Pittsfield Health Department staff and Pittsfield Police Officers.

Tickets may be issued to the employer for violating this Order as follows: Warning for the first offense, \$100 for the second offense, \$200 for the third offense, and \$300 for the fourth and subsequent offenses. Each day on which the violation exists shall be deemed to be a separate offense.

This Emergency Order shall be effective beginning May 4, 2020 and remain in effect until notice is given by the Pittsfield Board of Health.