



ROBERT F. SULLIVAN

Mayor

City of Brockton

Office of the Mayor

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

DATE OF ORDER: August 21, 2020

The Mayor of the City of Brockton and the City of Brockton Board of Health, acting through its duly appointed and authorized agent, Executive Health Officer Linda Cahill, in accordance with the authority conferred upon them pursuant to the City Charter and Ordinances of the City of Brockton pursuant to M.G.L. c. 111 §§ 2-6, 30, 31, 104, 122, M.G.L. c. 40, § 21D, M.G.L. c. 40, § 37A, 310 CMR 11.05, any other applicable law, and the Mayor's Declaration of a Public Health Emergency Relative to COVID-19 in the City of Brockton dated March 16, 2020, hereby enacts and declares, for the protection of public health, safety and welfare, the following:

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 and that emergency situation continues;

WHEREAS, on May 1, Governor Baker issued COVID-19 Order No. 31, which required that face coverings be worn in public when social distancing is not possible and at all times on public transportation and in retail settings;

WHEREAS, the Federal Centers for Disease Control and Prevention ("CDC") have advised that COVID-19 is spread mainly by person-to-person contact and that the best means of slowing the spread of the virus is through practicing social distancing and by minimizing personal contact with large groups and with environments where this potentially deadly virus may be transmitted including, in particular, spaces that present enhanced risks because of the large number of persons present or passing through the area who may spread the virus through respiratory activity or surface contacts;

"City of Champions"

WHEREAS, the CDC has issued guidance for large gatherings and community events, such as conferences, festivals, parades, concerts, sporting events, and other potentially super-spreading events, recognizing that gatherings can significantly contribute to the spread of COVID-19;

WHEREAS, clusters of COVID-19 infections have been traced to house parties in the Commonwealth and in other States experiencing increases in infection rates, suggesting that gatherings are contributing to the current rise in cases in the Commonwealth and that increased vigilance and enforcement of safety measures for gatherings is necessary;

WHEREAS, in response to a statewide increase in the rate of transmission, on August 7, Governor Baker issued COVID-19 Order No. 46, which reduced the permitted size of outdoor gatherings and required face coverings to be worn by those attending gatherings of more than 10 people. Specifically, the Order reduced the indoor and outdoor gathering limits to: 8 persons per 1,000 square feet of accessible, indoor floor space, and never more than 25 persons in a single enclosed, indoor space and 50 persons in a single outdoor; and outdoor gatherings are limited to 25% of the maximum permitted occupancy of the facility or space or 8 persons per 1,000 square feet where there is no occupancy limitation on record, and never more than 50 persons in a single outdoor space;

WHEREAS, the Commonwealth's ability to control the spread of COVID-19 depends on continued adherence to the requirements adopted in these Orders;

WHEREAS, gatherings that are subject to COVID-19 Order No. 46 include without limitation, community, civic, public leisure, sporting events, concerts, conferences, conventions, fundraisers, fairs, festivals, road races and other similar events or activities. With limited expectations, these restrictions apply to all public and private venues and locations in the Commonwealth, including private homes, backyards, parks, athletic fields, and parking lots;

WHEREAS, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise any and all authority over persons and property necessary or expedient for meeting a state of emergency, including but not limited to authority over assemblages in order to protect the health and safety of persons, transportation and travel by any means or mode, and policing, protection, and preservation of public and private property;

WHEREAS, in order to support and standardize municipal and State efforts to ensure compliance with these COVID-19 safety mandates, it is critical that local and State authorities have a clear and consistent process available to them to enforce these requirements, and that the

courts have clear instruction on how to process civil citations issued for violations of these requirements;

WHEREAS, on August 19, 2020, the Commonwealth's Department of Public Health reported the Brockton had 8.5 coronavirus cases per day per 100,000 residents over the prior two-week period and designated the City of Brockton as a "higher risk" community;

WHEREAS, the unique size and density of Brockton'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 number and concentration of businesses designated as Essential Businesses under the Governor's March 23, 2020 Order, as extended, are located in Brockton and additional measures are required to protect the large number of Essential Workers who work in Brockton; and,

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

1. The Mayor and the Executive Health Officer hereby order all residents of and visitors to the City of Brockton to stay at home between the hours of 11:00 p.m. and 5:00 a.m. See exceptions below.
2. Harold D. Bent aka Ash Street Park and James Edgar Playground will be closed to the public daily from the hours of 4:00 p.m. to 6:00 a.m. effective as defined herein and until further notice.
3. A City COVID-19 Enforcement Team, a cross-functional team of City administration, public health and public safety officials, is hereby established to combat the spread of COVID-19 and alert individuals as to the urgency of health and safety precautions. The Team will consist of the following members or designees: Mayor, Police Chief, Fire

Chief, BEMA Director, Board of Health, Law Department, and the City's Pandemic Consultant.

4. Individuals should limit outdoor recreation activities to non-contact and to those allowed under the Commonwealth's reopening guidelines while avoiding activities that cause individuals to come into close contact with each other.
5. Non-essential gatherings of individuals of any size for any reason (e.g. parties, celebrations or other social events) shall be strictly limited to the restrictions of COVID-19 Order No. 46. See Order at: <https://www.mass.gov/doc/revised-gatherings-order-august-7-2020/download>.
6. Sick individuals should not leave their home unless to receive medical care.
7. When in public, individuals must practice social distancing of at least six (6) feet from others in accordance with CDC guidelines. See these guidelines at: <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html>.
8. All members of the public over the age of two (2) years old must wear a face covering or mask when in any indoor or outdoor space that is open to the public. For gatherings of more than ten (10) people, all persons over the age of two (2) years old must wear a face covering when they attend indoor and outdoor gatherings where participants other than those in the same household will be in attendance, unless they are prevented from wearing a face covering by a medical or disabling condition. This restriction applies to all public and private venues and locations in the Commonwealth, including private homes, backyards, parks, athletic fields, and parking lots.
9. Any resident or member of the general public entering or exiting a residential or commercial building complex of greater than one (1) unit should wear a face covering over their nose and mouth while in common areas and communal spaces and should practice social distancing in these spaces.
10. This Executive Order shall not apply to any of the businesses, organizations, workplaces, or facilities outlined in COVID-19 Order No. 46 (see paragraph 3 above).

EFFECTIVE DATE: This Emergency Order shall begin at 4:00 p.m. on August 22, 2020. This Emergency Order shall remain in effect until notice is given, pursuant to the judgment of the Mayor and the Board of Health.

PENALTY and ENFORCEMENT: Pursuant to M.G.L. c. 111 §30, and M.G.L. c. 40 §21D, a violation of this Executive Order, which also includes any violation of Governor Baker's COVID-19 Order No. 46, shall be punishable by: (1) a fine of \$200 for the first offense; (2) \$350 for the second offense; and (3) \$500 for the third and any subsequent offenses. Continued non-compliance may result in the City seeking a criminal complaint or other court remedy. Non-compliance with this order shall also be a basis for suspension and/or revocation of any and all City of Brockton licences and permits.

All reasonable efforts will be made to secure compliance with this Order. The Board of Health and its authorized agents pursuant to M.G.L. c. 111 §30 are authorized to enforce this Order. Further, the City's COVID-19 Enforcement Team members or their designees are enforcing persons for the purposes of M.G.L. c. 40 §21D. The Executive Health Officer may seek the assistance of other City of Brockton agencies in securing compliance with this Order.

Fines will be issued for violations of the above outlined Mayoral Executive Orders and the following COVID-19 Orders and their applicable guidance shall be administered in the manner provided for the non-criminal disposition of violations of municipal by-law, ordinance, rule, or regulation pursuant to G. L. c. 40, §21D:

- Order Requiring Face Coverings in Public Places Where Social Distancing Is Not Possible (Governor's COVID-19 Order No. 31)
- Order Implementing a Phased Reopening of Workplaces and Imposing Workplace Safety Measures to Address COVID-19 (Governor's COVID-19 Order No. 33)
- Order Authorizing the Re-Opening of Phase II Enterprises (Governor's COVID-19 Order No. 37)
- Order Further Advancing the Re-Opening of Phase II Enterprises (Governor's COVID-19 Order No. 40)
- Order Authorizing the Re-Opening of Phase III Enterprises (Governor's COVID-19 Order No. 43)
- Order Instituting a Mandatory 14-Day Quarantine Requirement for Travelers Arriving in Massachusetts (Governor's COVID-19 Order No. 45)
- Third Revised Order Regulating Gatherings Throughout the Commonwealth (Governor's COVID-19 Order No. 46)
- Mayor Sullivan Executive Order dated August 21, 2020

As provided in G. L. c. 40, §21D, a duly-authorized person or entity may apply for the issuance of a complaint for the violation of the applicable COVID-19 Order if any person fails to pay a fine issued pursuant to such Order within the time specified or, having appeared, does not


confess the offense before the clerk or pay the sum of money fixed as a penalty after a hearing and finding.

The adoption of this uniform method for processing violations shall not modify the maximum fines, limit any other method of enforcement, or modify any other term specified in the above Orders.

NOTICE: The City of Brockton will promptly provide copies of this Order as follows: (1) by posting on the City of Brockton website (<https://brockton.ma.us>) and the Brockton Board of Health website (<https://brockton.ma.us/city-departments/health>); (2) by providing to any member of the public requesting a copy; and (3) by sending a reverse 911 call to City residents.


EXCEPTIONS: This order shall not apply to those exceptions as outlined in Governor Baker's COVID-19 Order No. 46. It shall not be a violation of this Executive Order if an individual is traveling to or from an Essential Business, as defined by COVID-19 Order No. 13 (as amended), or if an individual is traveling to or from certain business and other organizations as defined by COVID-19 Orders No. 33, 37, and 43. 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.

IT IS SO ORDERED:



ROBERT F. SULLIVAN
Mayor

8-21-2020
DATE



Linda Cahill
Executive Health Officer
Board of Health

8-21-2020
DATE