



ROBERT F. SULLIVAN

Mayor

City of Brockton

Office of the Mayor

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ORDER ESTABLISHING SUPPLEMENTAL COVID-19 RESTRICTIONS IN THE CITY OF BROCKTON

DATE OF ORDER: December 14, 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, Eno Mondesir, 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, a Public Health Emergency due to the outbreak of the 2019 novel Coronavirus ("COVID-19") in the City of Brockton pursuant to declaration of the Mayor and Board of Health dated March 16, 2020 remains in full force and effect;

Whereas, there is clear evidence that COVID-19 continues to cause serious harm to the public health of the City of Brockton and has resulted in the deaths of over 325 Brockton residents;

Whereas, the Mayor and Executive Health Officer have determined that further temporary restrictions are necessary to prevent the spread of COVID-19 in Brockton workplaces;

Whereas, between November 25 and December 8, public health data indicates increasing prevalence and impact of COVID-19 in the City of Brockton: the 14-day average daily incidence of COVID-19 has increased to 63 per 100,000; the 7-day average of percentage of positive molecular tests has increased to 9.44%;

Whereas, the continued spread of COVID-19 across the region is putting an increased strain on Brockton hospitals;

Whereas, in order to allow for essential services and other vital functions of society to continue, it is necessary to temporarily restrict certain recreational and leisure activities, including many categories of activities that have been operating in Phase III, Step I under COVID-19 Order No. 58, Order Returning All Municipalities to Phase III, Step I COVID-19 Safety Rules and preceding Orders;

Whereas, the intent of this Order is to prevent 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 Order constitutes an imminent and immediate threat to public health.

"City of Champions"

THEREFORE, THE FOLLOWING PUBLIC HEALTH ORDER SHALL BE IN EFFECT FOR THE CITY OF BROCKTON, AS FOLLOWS:

In addition to complying with all applicable COVID-19 Orders issued by Governor Baker relative to reopening businesses in the Commonwealth, including, COVID-19 Order No. 58, Order Returning All Municipalities to Phase III, Step I COVID-19 Safety Rules, and any applicable subsequent rules, guidance, and orders, businesses and other entities located in Brockton shall be subject to the additional temporary restrictions set forth in the attached Appendix A.

All indoor gatherings in private or public places shall be limited to ten (10) or fewer people. All outdoor gatherings in public or private places shall be limited to twenty-five (25) or fewer people. This restriction shall not apply to gatherings for religious activities or outdoor gatherings for political expression, provided that gatherings for religious activities will remain subject to the Places of Worship sector-specific rules established by the Commonwealth.

The following industries in the City of Brockton are required to close starting Wednesday, December 16 for at least three weeks:

- Indoor fitness centers and health clubs, including gyms using alternative spaces
 - One-on-one personal training sessions are allowed
- Movie theaters
- Museums
- Aquariums
- Indoor recreational and athletic facilities (except for youth 18 and under)
 - This does not apply to collegiate or professional sports. Collegiate sports teams in the City of Brockton may continue to use indoor recreational facilities and fitness centers.
 - Indoor pools may remain open for all ages under pre-registration format structure limited to one person per swim lane.
- Indoor recreational venues with potential for low-contact (batting cages, driving ranges, bowling alleys, rock-climbing)
- Sightseeing and other organized tours (bus tours, duck tours, harbor cruises, whale watching)
- Indoor historical spaces & sites
- Indoor event spaces (meeting rooms, ballrooms, private party rooms, social clubs)
- Private social clubs may continue to operate, if they serve food, consistent with restaurant guidance.
- Indoor and outdoor gaming arcades associated with gaming devices

The following industries in the City of Brockton may remain in operation with the following restrictions in place starting Wednesday, December 16 for at least three weeks:

- Office spaces may remain open at 40 percent capacity. Employers are strongly encouraged to allow employees to work from home as much as possible.
- Indoor dining in restaurants may remain in operation with restricted bar seating. The 90 minute limit on seatings to reduce crowding and prevent the spread of COVID-19 will be

strictly enforced. No member of any dining party may remain in a restaurant for more than 90 minutes on any calendar day. Ancillary activities such as pool tables, darts, trivia, etc. are prohibited.

- Bar seating is allowed, but there shall be no service to patrons from behind the bar.
- Indoor non-athletic instructional classes in arts, education & life sciences for persons 18 years and older may continue to operate within the 10-person capacity limit.
- Outdoor event spaces used for gatherings and celebrations within the 25-person capacity limit, including those in parks, reservations, and other outdoor spaces not designated in Phase Four.
- Outdoor theaters and outdoor performance venues may continue to operate within the 25-person capacity limit.
- Motion picture, television and streaming production may continue to operate.

As a reminder, the following State orders remain in effect to reduce the transmission of the virus:

- Face coverings order: face masks or cloth face coverings are required in all public places, whether indoors or outdoors, even where people are able to maintain 6 feet of distance from others.
- Travel order: all visitors entering Massachusetts, including returning residents are required to:
 - Complete the Massachusetts Travel Form prior to arrival, unless visiting from a lower-risk state designated by the Department of Public Health.
 - Quarantine for 14 days or produce a negative COVID-19 test result that has been administered up to 72-hours prior to arrival in Massachusetts.
- Stay-at-Home Advisory: residents of Massachusetts are advised to stay home between the hours of 10 p.m. and 5 a.m.

Additional guidance may be issued by the Brockton Board of Health or any other designee agency to clarify and implement this Order.

ENFORCEMENT

All reasonable efforts will be made to secure voluntary compliance with this Order. In addition to any applicable fine that may be issued for any activity that would also constitute a violation of any COVID-19 order issued by the Governor, this Order may be enforced through an order of a court of competent jurisdiction.

EFFECTIVE DATE: This Emergency Order shall begin at 12:01 a.m. on December 16, 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 Orders, 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 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.

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.

IT IS SO ORDERED:


 ROBERT F. SULLIVAN
 Mayor

12-14-2020
 DATE


 Eno Mondesir
 Executive Health Officer
 Board of Health

Dec 14, 2020
 DATE

APPENDIX A:

ADDITIONAL BUSINESS CATEGORIES SUBJECT TO TEMPORARY CLOSURE OR FURTHER RESTRICTION

Business or Organization Category Subject to Temporary Closure or Further Restriction	Restriction
Restaurants providing indoor table service	<p>Restaurants providing seated food service prepared on-site and under retail food permits issued by municipal authorities pursuant to 105 CMR 590.000 may operate only under the following requirements:</p> <p>Continued compliance with all relevant state workplace standards, including the six persons per table limitation.</p> <p>Bar seating is allowed, but there shall be no service to patrons from behind the bar.</p> <p>Strict enforcement of all standards including the 90 minute limit to reduce crowding and prevent the spread of COVID-19. No member of any dining party may remain in a restaurant for more than 90 minutes on a calendar day.</p> <p>No live entertainment; permissible entertainment is limited to approved televisions and background music.</p> <p>All activities ancillary to dining are prohibited, including but not limited to billiards, bowling, and darts.</p>

Indoor recreational and athletic facilities for general use	<p>Closed to customers and the public, provided that:</p> <p>Indoor recreational and athletic facility use for youth 18 and under only is allowed, as permitted in Phase II of the State's guidance.</p> <p>Indoor pools may operate if limited to swimmers who register for use in advance and are limited to one person per swim lane.</p>
Fitness centers and health clubs	<p>Indoor fitness centers and health clubs are not allowed to operate, including those using alternative indoor spaces, with the exception that one-on-one personal training sessions are allowed and gift cards may be sold.</p> <p>Outdoor fitness instruction is allowed to operate with 25 or fewer people.</p>
Museums	Closed to customers and the public.
Indoor historic spaces/sites	Closed to customers and the public.
Aquariums	Closed to customers and the public.
Outdoor theatres and other outdoor performance venues not designated as Phase IV enterprises	Allowed to operate only if 25 or fewer people are present.
Movie theatres	Closed to customers and the public.

Sight-seeing and other organized tours	Not allowed to operate.
Outdoor event spaces used for gatherings and celebrations, including parks, reservations and other outdoor spaces not designated in Phase IV.	Allowed to operate only if 25 or fewer people are present.
Indoor event spaces (meeting rooms, ballrooms, private party rooms, social clubs)	Not allowed to operate, provided that: Private social clubs may operate if they serve food and comply with all regulations and guidance applicable to restaurants.
Indoor non-athletic instructional classes in arts/education/life skills for persons 18 years and over.	Allowed to operate only if 10 or fewer people are present.
Indoor recreational venues with potential for low-contact (batting cages, driving ranges, bowling alleys, rock-climbing)	Closed to customers and the public.
Indoor and outdoor gaming arcades associated with gaming devices	Closed to customers and the public.