



## **Billerica Board of Health**

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### **EMERGENCY ORDER REGARDING FACE COVERING IN ESSENTIAL RETAIL SERVICES, GROCERY STORES, RESTAURANTS, AND RESIDENTIAL AND COMMERCIAL BUILDINGS, AND ORDER REGARDING PROHIBITION ON ICE CREAM TRUCKS AND FOOD TRUCKS**

Pursuant to the declaration of a public health emergency on March 19, 2020, 310 CMR 11.05, 105 CMR 300.200 and all other authorizing statutes and regulations, acting by and through its agent authorized under MGL c. 111, § 30 and MGL 111, § 122, we, the Board of Health of the Town of Billerica, Massachusetts, hereby order the following in order to lessen the spread of COVID-19 and to minimize its further impact on members of the community:

1. All members of the public entering any essential business as defined by Governor Baker's COVID-19 Executive Orders, including but not limited to grocery stores, pharmacies, home improvement stores and the like must wear a cloth face covering, such as a fabric mask, scarf or bandana, over his or her nose and mouth. The cloth face coverings recommended are not surgical masks or N-95 respirators, which should be left for medical professionals and first responders.
  - See this link for information on making a cloth face covering:  
<https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cloth-face-cover.html>
2. All members of the public entering a restaurant for the purpose of picking up food for take-out must wear a face covering over their nose and mouth.
3. All employees of all essential businesses shall wear a face covering over their mouth and nose when interacting with the public, when they are in an area of public access or within six feet of a co-worker. Retail food store and restaurant employers and employees must use previously prescribed protocols and guidelines for personal protective equipment such as gloves.
4. Any resident or member of the general public entering or exiting a residential or commercial building complex of greater than one (1) unit must wear a face covering over their nose and mouth while in common areas and communal spaces and must exercise social distancing in these spaces in accordance with CDC guidelines.
  - See these guidelines at: <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/social-distancing.html>
5. A) 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 so that social distancing of six feet may be maintained. All retail establishments must

establish maximum 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>. Maximum occupancy shall be posted at each entrance to the establishment and shall be readily visible to members of the public.

B) An employee of the retailer shall be designated to ensure the maximum number of individuals inside of the store is not exceeded. Customers queued outside of the store must maintain a minimum of six feet distance.

6. Reusable shopping bags are prohibited. Single-use bags are permitted and shall be provided at no extra cost to customers.
7. All entry doors of such businesses must be posted with an advisory to members of the public that face covering and social distancing of 6 foot separation is required.
8. Every store, workplace, or other facility subject to this order is authorized to refuse service to any person who fails or refuses to wear a mask or facial covering.
9. Operation of Ice Cream Trucks and Food Trucks is prohibited. Ice cream trucks and food trucks will not be permitted to operate in the Town of Billerica until the Public Health Emergency declaration issued by the Billerica Board of Selectman and Billerica Board of Health has been lifted. Brick and mortar establishments serving ice cream will be allowed to operate in accordance with the Governor’s Directive if effective social distancing measures are implemented.

Important Exclusions: Nothing in this order shall be construed to require that a mask or face covering be worn by children under age six (6) years, or by persons who cannot wear a mask or face covering for underlying health reasons, 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 Commonwealth of Massachusetts. Persons with underlying health conditions who cannot wear a mask or face covering are encouraged to wear a face shield.

This Order may be enforced by any agent of the Board of Health, the Building Department or the Billerica Police Department through all lawful means, including by noncriminal disposition pursuant to G.L. c. 40, § 21D and Article XIV of the General By-Laws of the Town of Billerica. Any facility found to be in violation of this Emergency Order may receive the following: a warning for the first violation, a fine of \$100 for the second violation, a fine of \$200 for the third violation, and a fine of \$300 for the fourth violation. Any person found to be in violation of this Emergency Order may receive the following: a warning for the first violation, a fine of \$25 for the second violation, a fine of \$50 for the third violation, and a fine of \$100 for the fourth violation.

This emergency order goes into effect Thursday, April 30, 2020; a grace period of one week will be granted to allow the community to comply with this order, during which grace period no fines will be issued. This Order shall remain in effect until the state of emergency is lifted, or notice is given by the Board of Health that it is no longer necessary.

ORDERED, at Town Hall this 28<sup>th</sup> day of April 2020.



Kristel Bennett, MPA, REHS/RS, CP-FS  
Director of Public Health