

**EXECUTIVE ORDER FROM THE MAYOR OF THE CITY OF LYNN AND PUBLIC
HEALTH DIRECTOR OF THE CITY OF LYNN REGULATING ALCOHOL
LICENSEES IN THE CITY OF LYNN
DATE OF ADVISORY: DECEMBER 14, 2020**

The Mayor of the City of Lynn and the City of Lynn Board of Public Health, acting through its duly appointed and authorized agent, Public Health Director Michele Desmarais, pursuant to M.G.L. c. 111, § 30, M.G.L. e. 111 App §§ 2-6, M.G.L. c. 111 §§ 31, 104, 122, and the Mayor and Board of Public Health's Declaration of a Public Health Emergency Relative to COVID-19 in the City of Lynn dated March 18, 2020 and March 17, 2020, respectfully, hereby enacts and declares as follows:

DECLARATION

WHEREAS, a Public Health Emergency due to the outbreak of the 2019 novel Coronavirus ("COVID-19") is in effect in the City of Lynn pursuant to declaration of the City of Lynn Board of Public Health dated March 17, 2020, and pursuant to an Executive Order from Mayor Thomas M. McGee dated March 18, 2020 in full force and effect until May 4, 2020, unless circumstances warrant an extension by the Mayor and Public Health Director;

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;

WHEREAS, the disease caused by the 2019 novel Coronavirus is a contagious, and at times fatal, respiratory disease. Symptoms of COVID-19 include fever, cough, and shortness of breath, and the disease can spread from person to person via respiratory droplets produced when an infected person coughs or sneezes.

WHEREAS, the worldwide outbreak of COVID-19 and the effects of its extreme risk of person-to-person transmission throughout the United States and the Commonwealth significantly affect the life and health of our people, as well as the economy, and is a disaster that impacts the health, security, and safety of the public. Therefore, it is critical to take additional steps to prepare for, respond to, and mitigate the spread of COVID-19 to protect the health and welfare of the people of the Commonwealth.

WHEREAS, the Mayor and the Public Health Director has determined that community-wide compliance with the practice of social distancing, including people remaining at least six feet apart, and eliminating all unnecessary physical interaction is reasonably believed to be necessary to prevent or reduce the immediate spread of COVID-19;

WHEREAS, the unique size and density of Lynn'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, it is essential that visitors to the City be limited to only those who absolutely have to be here so that the City's limited resources do not become overwhelmed and insufficient to protect the health and safety of its residents, first responders and essential workers.

WHEREAS, because it is so highly contagious and dangerous, on March 10, 2020, Governor Charles Baker declared a State of Emergency in the Commonwealth of Massachusetts, As a result of the declaration, numerous orders have been issued to limit the spread of the disease, including but not limited to the closure of non-essential businesses, closure of schools, and requirements for social distancing.

WHEREAS, the situation involving the COVID-19 crisis continues to evolve, with additional guidance being issued by the Federal and State governments.

WHEREAS, the City of Lynn has no full-service hospital and a population of over 90,000 people.

WHEREAS, a Public Health Emergency due to the outbreak of the 2020 novel Coronavirus ("COVID-19") in the City of Lynn pursuant to declaration of the Mayor of the City of Lynn and the Lynn Board of Health dated March 18 and March 17 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 Lynn and has resulted in the infection of over 9,503 Lynn residents and the deaths of over 144 Lynn residents;

WHEREAS, the Mayor and the Health Director has determined that further temporary restrictions are necessary to prevent the spread of COVID-19 in Lynn workplaces;

WHEREAS, between December 3 and December 10, multiple public health data indicate increasing prevalence and impact of COVID-19 in the City of Lynn: and there have been more than 2,000 new cases in Lynn during the past 3 weeks.

WHEREAS, the Mayor and the Public Health Director have determined that additional public health orders and social distancing requirements are necessary to reduce the transmission of COVID-19;

WHEREAS, the intent of this Executive Order is to ensure that residents and businesses in Lynn 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 Advisory should be interpreted to effectuate this intent. Failure to comply with any of the provisions of this Advisory constitutes an imminent threat and creates an immediate threat to public health.

WHEREAS, the continued spread of COVID-19 across the region is putting an increased strain on Boston-area hospitals; as of December 12, over 90% of non-surge adult intensive care unit beds in area hospitals are occupied;

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, it is essential to suppress virus transmission as much as possible in the immediate term to conserve limited local public health resources and protect Lynn residents, particularly the most vulnerable. Given the totality of the circumstances, one of the least restrictive means of disrupting transmission is to reduce the introduction of new cases through the reasonable restriction of the use of certain indoor facilities and businesses where COVID-19 may spread;

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.

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

The Mayor and Health Director of the City of Lynn issue this Order (the "Order") regarding additional mandatory operational requirements applicable to all alcohol licensees in the City of Lynn. Effective 12:01am on Saturday, December 19, 2021, due to incoming public health metrics, the following applies to all licensees:

1. Bar seating is prohibited unless express written approval is issued by the Public Health Director pursuant to this Advisory. Approved plans shall include those that adhere to the following criteria:
 - a. Installation of plexiglass or other non-porous surface around the bar separating patrons seated at the bar from the bartender and separating parties seated at the bar; or
 - b. Ensuring the designated active work/service bar area is separated by more than six (6) feet from any patrons.
 - c. Without the installation of plexiglass between the patrons seated at the bar and the bartender, a licensee may propose to pull up a table to the bar, increasing the space between the patrons and the bartender, and seat patrons at the far end of the table not adjacent to the bar;
2. Face coverings are mandatory at all times unless the patron is eating or drinking even if maintaining six (6) feet of social distance from the server, bartender, or other parties or patrons;
3. Permissible entertainment is limited to approved televisions and background music; no live entertainment or performances are permitted;
4. All uses ancillary to dining are prohibited including, but not limited to, the use of pool tables, darts, billiards, and bowling;
5. No patron or party may remain at the licensed premise longer than ninety (90) minutes in a calendar day. Consecutive reservations and readmittance are prohibited; and

6. The Mayor and the Health Director strongly encourage licensees to focus on take-out and to-go orders as these limits the amount of time a patron is in the licensed premise.

Any use of bar seating requires an application to and the written approval by the Health Director Michele Desmarais at mdesmarais@lynnma.gov. A submission of a Plan does not constitute approval. Plans must be submitted and approved prior to the close of business (12:30 p.m.) Friday, December 18, 2020 for bar service at dining establishments to be permitted and lawful.

This plan must include the following information and you must answer all of the following questions:

- Photograph of the bar area in the proposed set-up (without patrons);
- Diagram of the bar area (may be hand drawn) identifying the dimensions of the bar, each seat, active work/service area, and any installed plexiglass including location and height;
- Number of seats at the bar pre Covid-19;
- Number of seats at the bar proposed under this bar seating plan;
- Acknowledgement that bartenders must work from a designated active work/service area that must be separated from patrons by a minimum of six (6) feet or enclosed by plexiglass or other non-porous materials and an explanation of how the proposal adheres to this requirement.
- Will the licensee be pulling up a table to extend the bar and seating patrons at the end of the table (not adjacent to the bar)?;
- Is there a plexiglass separation between the patrons and active work/service area? If so, provide height and dimensions?;
- Is there a plexiglass separation between parties sitting at the bar? If so, provide height and dimension.

An active work/service area is that area in which bartenders are actively mixing drinks, cutting fruit, inputting orders, or standing when not interacting with patrons.

Any approval of a Plan issued by the Health Director must be printed and kept at the licensed premise available for inspection.

Any licensee found not to be in compliance with this Order will be subject to a violation hearing before the License Commission at its next scheduled emergency hearing. The License Commission has scheduled a standing emergency violation hearing on Tuesdays at 3:00 p.m. to address any egregious violations from the preceding weekend including COVID-19 related violations. These emergency hearings allow the Commission to act swiftly to ensure the safety of patrons, restaurant staff, and the general public. If the Licensed Premise Unit encounters any violations that rise to the level of requiring immediate action the notice of the emergency hearing will be issued with the licensed premise inspection report.

The Order is issued in response to the ongoing public health crisis related to the spread of COVID-19 (coronavirus) and will be strictly enforced by the License Commission, the Board of Health and the Lynn Police Department and its agents or deputies. Failure to adhere to any of the foregoing will result in disciplinary action including, but not limited to, the suspension of any license issued by the Commission.

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

This Order shall take effect on 12:01 a.m. on the Saturday, December, 19, 2020 following its issuance and remain in effect until rescinded by the Mayor and the Public Health Director, following a determination the resumption of activities temporarily suspended by this activity no longer constitute an immediate risk to the public health. The Mayor and Public Health Director shall reexamine the necessity of these Orders on or before January 6, 2021 based on the number of cases of COVID-19 and trends following the up-coming holidays.

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. The Health Director may seek the assistance of other City of Lynn agencies in ensuring compliance with this order,

Employees of the Department of Inspectional Services, including Building and Health Inspectors, the Lynn Police Department and the Lynn Fire Department shall possess the power to enforce the provisions of this Order

The Health Director shall also be authorized to deputize persons to assist in the enforcement of this Order.

ANY ISSUE OF NON-COMPLIANCE WITH THESE GUIDELINES SHALL BE A BASIS FOR THE SUSPENSION/REVOCATION OF ANY AND ALL CITY OF LYNN LICENSES AND PERMITS.

NOTICE

The City of Lynn must promptly provide copies of this Order by posting on the City of Lynn website (www.lynnma.gov) and providing a copy to any member of the public requesting one.

IT IS SO ORDERED: Monday, December 14, 2020



THOMAS M. MCGEE
MAYOR



MICHELE DESMARAIS,
PUBLIC HEALTH DIRECTOR