



TOWN OF TISBURY BOARD OF HEALTH

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EMERGENCY ORDER OF THE TISBURY BOARD OF HEALTH

Pursuant to the declaration of a public health emergency on March 10, 2020, G.L. c. 111, §122, 310 CMR 11.05, 105 CMR 300.200 and all other authorizing statutes and regulations, we, the Board of Health of the Town of Tisbury, Massachusetts, hereby order the following for the protection of public health and safety and to protect against the further spread of COVID-19 in Tisbury and on the Island of Martha's Vineyard.

1. All persons who are not exempt, as set forth below, shall wear a face covering over their mouth and nose when in public at all times within the boundaries of the Downtown Vineyard Haven Mask Area (Mask Area). A map illustrating the Downtown Vineyard Haven Mask Area is attached as appendix A. The Mask Area is described as follows:

- Downtown Vineyard Haven, including all public ways, public parks, public buildings and all other outdoor spaces within the following area:
 - Main Street from State Road to Owen Park Way
 - Owen Park Way from Main Street to the harbor, including Owen Park Dock
 - Beach Street from Main Street to the harbor at the end of Beach Street Extension
 - Beach Road from Five Corners to, and including, Tisbury Marketplace
 - Water Street from five corners to Union Street, including the VTA bus loop and Town parking lots.
 - Union Street from Water Street to Main Street

- Parking area and dock at Lake Street Landing
- Parking area and entrances to Tashmoo Beach
- Parking area and entrance to Owen Little Way Beach

2. This Order shall apply to all places open to the public, whether indoors or outdoors. Use of medical grade masks is discouraged, in order to avoid interfering with the supply of masks for medical workers and first responders. See this link for information on making a cloth face covering:

<https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-to-make-cloth-face-covering.html>

- 3) Exception: Children under the age of 2 years should not wear face coverings or masks. For Children 2 years of age and older, a mask or face covering should be used, if possible. Mask use by children 2 years of age and up to age of five is encouraged but should be at the discretion of the child's parent or guardian at this time. Parents and guardians should ensure that the mask fits snugly and does not obstruct a child's ability to breathe.
- 4) Exception: This Order shall not apply to persons for whom a face covering would cause impairment due to an existing health condition, 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, including: those who cannot breathe safely; those who, due to a behavioral health diagnosis, are unable to do so; those communicating with people who rely upon lip-reading; and those who require supplemental oxygen to breathe.
- 5) Businesses shall not allow patrons to enter their establishment without a mask, unless they qualify for an exemption, and all businesses shall post a sign on their main entrance doors advising consumers that it is mandatory that the consumer entering the business wear a face covering.
- 6) All places open to the public or employees shall comply with Massachusetts Sector Specific Workplace Safety Standards issued pursuant to the Governor's Phased Re-Opening Plan, and all other executive orders, state laws and/or local rules, regulations and orders applicable to the business or entity, as may be amended or superseded from time-to-time. An up-to-date list of sector-specific standards issued to date may be found at: <https://www.mass.gov/resource/reopening-sector-specific-protocols-and-best-practices>
- 7) This emergency order shall be effective beginning July 30, 2020 at 12:00 AM and remain in effect until notice is given, pursuant to the Board of Health's judgement that the Public Health Emergency no longer exists.
- 8) To the extent necessary, this Order shall be enforced by Board of Health officials, Tisbury Police Officers, Natural Resource Officers – including the Harbormaster and the Shellfish Constable, Building Inspectors, and all other agents for the Board of Health.
- 9) Agents and officers are encouraged to educate offenders and to exercise their judgment on a case-by-case basis, and they may issue verbal or written warning prior to determining that an offense has occurred.
- 10) In the event education efforts do not lead to compliance, whoever violates any provision of this Order may be penalized by a noncriminal disposition process as provided in Massachusetts General Laws, Chapter 40, section 21D and the Board of Health's non-criminal disposition Regulation, set forth in General Regulations and Policies, section 09.0.6.
- 11) If an agent of the Town with authority to enforce this Order elects to employ the non-criminal disposition procedure, then any person who violates any provision of this Order shall be subject to a penalty in the amount of fifty dollars (\$50) for a first offense; one hundred dollars (\$100) for a second offense; two hundred dollars (\$200) for a third offense; and three hundred dollars (\$300.00) for a fourth or subsequent violation. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.
- 12) The Tisbury Board of Health may enforce this Order or enjoin violations thereof through any lawful process, and the election of one remedy by the Board of Health shall not preclude enforcement through any other lawful means.