

**EMERGENCY ORDER NO. 2  
OF THE SWAMPSCOTT SELECT BOARD  
AND THE SWAMPSCOTT BOARD OF HEALTH**

**EFFECTIVE THURSDAY, MARCH 26, 2020 AT 12:00 P.M.**

**DIRECTING ALL INDIVIDUALS LIVING IN THE TOWN  
OF SWAMPSCOTT TO STAY AT THEIR PLACE OF  
RESIDENCE EXCEPT THAT THEY MAY LEAVE TO  
PROVIDE OR RECEIVE CERTAIN ESSENTIAL SERVICES OR  
ENGAGE IN CERTAIN ESSENTIAL ACTIVITIES AND WORK  
FOR ESSENTIAL BUSINESSES AND GOVERNMENTAL  
SERVICES;; AND PROHIBITING ALL NON-ESSENTIAL  
GATHERINGS OF ANY NUMBER OF INDIVIDUALS**

**Please read this Order carefully. Violation of or failure to comply with this Order is punishable by a fine of up to One Thousand Dollars pursuant to Massachusetts General Laws Chapter 111, Section 122.**

UNDER THE AUTHORITY OF MASSACHUSETTS GENERAL LAWS  
CHAPTER 111, §§ 95 THROUGH 105, THE SWAMPSCOTT SELECT BOARD  
AND THE SWAMPSCOTT BOARD OF HEALTH ORDERS:

1. The intent of this Order is to ensure that the maximum number of people self-isolate in their places of residence to the maximum extent feasible, while enabling essential services to continue, to slow the spread of COVID-19 to the maximum extent possible. When people need to leave their places of residence, whether to obtain or perform vital services, or to otherwise facilitate authorized activities necessary for continuity of social and commercial life, they should at all times as reasonably possible comply with Social Distancing Requirements as defined in Section 6 below. 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 threat to public health.
2. All individuals currently living within the Town of Swampscott (“Town”) are ordered to stay at their place of residence. To the extent individuals are using shared or outdoor spaces, they must at all times as reasonably possible maintain social distancing of at least six feet from any other person when they are outside their residence. All persons may leave their residences only for Essential Activities, Essential Governmental Functions, or to operate Essential Businesses, all as defined in Section 6. For clarity, businesses may also continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home). To the greatest extent feasible, Essential Activities, Essential Governmental Functions and Essential Businesses shall comply with Social Distancing Requirements as defined in Section 6 below, including, but not limited to, when any customers are standing in line.
3. All public and private gatherings of any number of people occurring outside a

household or living unit are prohibited, except for the limited purposes as expressly permitted in Section 6. Nothing in this Order prohibits the gathering of members of a household or living unit.

4. This Order is issued based on evidence of increasing occurrence of COVID-19 within the Commonwealth of Massachusetts and elsewhere in the Country, reported instances of COVID-19 diagnoses in the Town and surrounding communities, scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, and evidence that the age, condition, and health of a significant portion of the population of the Town places it at risk for serious health complications, including death, from COVID-19. Due to the outbreak of the COVID-19 virus in the general public, which is now a pandemic according to the World Health Organization, there is a public health emergency throughout the Town. Making the problem worse, some individuals who contract the COVID-19 virus have no symptoms or have mild symptoms, which means they may not be aware that they carry the virus. Because even people without symptoms can transmit the disease, and because evidence shows the disease is easily spread, gatherings can result in preventable transmission of the virus. The scientific evidence shows that at this stage of the emergency, it is essential to slow virus transmission as much as possible to protect the most vulnerable and to prevent the health care system from being overwhelmed. One proven way to slow the transmission is to limit interactions among people to the greatest extent practicable. By reducing the spread of the COVID-19 virus, this Order helps preserve critical and limited healthcare capacity.

5. This Order incorporates by reference, the March 10, 2020 Declaration of Emergency issued by Governor Baker, the March 15, 2020 emergency actions ordered by Governor Baker, the Declaration of Emergency issued by the Swampscott Select Board and Swampscott Board of Health on March 21, 2020, and COVID-19 Order No. 13 issued by Governor Baker on March 23, 2020, an Order Assuring Continued Operation of Essential Services in the Commonwealth, Closing Certain Workplaces and Prohibiting Gatherings of More than 10 People. Further, this Order formally acknowledges that several states and municipalities have issued stay-at-home orders to address the rapid transmission of COVID-19 by those who do not yet show symptoms, but are carrying the virus, and those that have been identified as presumptive positive or confirmed positive for the virus.

## 6. Definitions and Exemptions

- a. For purposes of this Order, individuals may leave their residence only to perform any of the following “Essential Activities.” People at high risk of severe illness from COVID-19 according to the U.S. Centers for Disease Control and Prevention (“CDC”) and people who are sick are requested to stay in their residence to the extent possible except as necessary to seek medical care.
  - i. To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members (including, but not limited to, pets), such as, by way of example only and without limitation, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies they need to work from home.
  - ii. To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation, canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences.
  - iii. To engage in outdoor activity, provided the individuals comply with Social Distancing Requirements as defined in this Section, such as, by way of example and without limitation, walking, hiking, bicycling, surfing, or running.
  - iv. To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Order or the Governor’s Orders, including Minimum Basic Operations.
  - v. To care for a family member, pet, elderly, minor, dependent, person with disabilities, or other vulnerable persons in another household.
- b. For the purposes of this Order, covered businesses include any for-profit, non-profit, or educational entities, regardless of the nature of the service, the function they perform, or its corporate or entity structure.
- c. For the purposes of this Order, “Essential Businesses” shall include those businesses listed in ‘Exhibit A’ to the COVID-19 Order No. 13 issued by Governor Baker on March 23, 2020, and any amendments thereto. For any business currently not included in Exhibit A that is subsequently deemed to be an “Essential Business”, said business shall carry out its services or work in compliance with Social Distancing Requirements as defined this Section, to the extent possible.
- d. For the purposes of this Order, “Non-Essential Businesses” include any businesses not listed under the “Essential Businesses” section or ‘Exhibit A’ from the COVID-19 Order No. 13 issued by Governor Baker on March 23, 2020.
- e. For purposes of this Order, all first responders, emergency management personnel,

emergency dispatchers, court personnel, and law enforcement personnel, and others who need to perform Essential Services are categorically exempt from this Order in connection with the provision of such services. Further, nothing in this Order shall prohibit any individual from performing or accessing “Essential Governmental Functions,” as determined by the governmental entity performing those functions. Each governmental unit in the Town shall identify and designate appropriate employees or contractors to continue providing and carrying out any Essential Governmental Functions. All Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements as defined in this Section, to the extent possible.

- f. For the purposes of this Order, “Minimum Basic Operations” include the following, provided, however, that employees shall comply with Social Distancing Requirements as defined in this Section, to the maximum extent possible, while carrying out such operations:
  - a. The minimum necessary activities to maintain the value of the business’ inventory, ensure security, process payroll and employee benefits, or for related functions.
  - b. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.
- g. For purposes of this Order, “Social Distancing Requirements” includes maintaining at least six-foot social distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands or hugging.

7. The Select Board and the Board of Health request that the Chief of Police ensure compliance with and enforcement of this Order, and, further, that if the Chief in his discretion deems it necessary to do so, the Chief may seek the assistance of the Governor, State Representative and State Senator, and Attorney General to assist with enforcement, including the State Police or National Guard. The violation of any provision of this Order constitutes an imminent threat to public health.

8. The Select Board and the Board of Health hereby order that the Commonwealth’s COVID-19 Guidelines and Procedures for All Construction Sites and Workers, a copy of which is attached hereto, shall apply to all construction sites and projects in the Town of Swampscott, including all construction work undertaken by private owners. Accordingly, all construction contractors performing work in the Town of Swampscott are required to implement and comply with said Guidelines and Procedures.

9. This Order shall become effective at 12:00 p.m. on Thursday, March 26, 2020 and will continue to be in effect through Sunday, May 3, 2020, or the remainder of the period when schools are closed pursuant to the Governor’s Order, whichever shall occur later, with an expectation that unless there are significant factual changes concerning the spread of COVID-19 and the treatment thereof, this Order may be extended or modified by vote of the Select Board and Board of Health to allow for planning by, and sufficient notice to, all residents and voters of the Town, of any

possible extension, the Select Board and Board of Health shall discuss any developments and the then-applicable facts at its April 22 2020 scheduled joint public meeting, and at any meeting thereafter as such Boards deem appropriate. Notice of any approved extension shall be communicated to the public as provided in Section 9. Residents are encouraged to access the Town website frequently for updates.

10. Copies of this Order and any other notices required by this Order shall promptly be: (1) made available at the Town Administration Building; (2) posted on the Town Website; and (3) provided to any member of the public requesting a copy of this Order; further, shall, as soon as reasonably possible following adoption of the same, be provided to the Swampscott Reporter, Salem News, and the Lynn Daily Item.

11. If any provision of this Order or the application thereof to any person or circumstance is held to be invalid, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

**ORDERED THIS 25<sup>TH</sup> DAY OF MARCH, 2020**

**SWAMPSCOTT BOARD OF SELECTMEN**

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Peter A. Spellios, Chair

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Naomi Dreeben, Vice Chair

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Donald Hause

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Laura Spathanas

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Mary (Polly) Titcomb

**SWAMPSCOTT BOARD OF HEALTH**

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Marianne Hartmann, RN, MPH, Chair

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Emily Cilley, RN

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Stephanie Goodman

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