

CITY OF FRAMINGHAM, MASSACHUSETTS
ORDER of MAYOR CHARLES J. SISITSKY REQUIRING MANDATORY MASKS IN CITY
BUILDINGS AND ALL PUBLIC PREMISES WITHIN THE CITY OF FRAMINGHAM

EXECUTIVE ORDER #EO2022-001

WHEREAS, the Mayor of the City of Framingham has determined that the threat of SARS-CoV-2, the virus that causes COVID-19, poses a real and present danger to public health, safety, and general welfare of the people of Framingham; and

WHEREAS, the Centers for Disease Control and Prevention (“CDC”) have advised that the spread of the Delta and Omicron variants of COVID-19 from person to person is caused in part by breathing in air when close to an infected person who is exhaling small droplets and particles that contain the virus, and that people can spread the disease even before they experience symptoms; and

WHEREAS, the incidence of and deaths, hospitalizations and serious illness related to the COVID-19 virus continues in Framingham and throughout the Commonwealth; and

WHEREAS, it is essential that the spread of the COVID-19 virus be slowed to protect the ability of public and private healthcare providers to handle the influx of new patients and safeguard public health and safety;

WHEREAS, the CDC, the United States Surgeon General, and the National Institute of Allergy and Infectious Diseases, among other federal and state medical authorities, have recommended that individuals wear masks or other suitable facial covering to prevent individuals from infecting others; and

WHEREAS, these recommendations observe that covering an individual’s nose and mouth can reduce the chance of spreading the virus; and

WHEREAS, the CDC advised on July 27, 2021 that fully vaccinated people wear a mask in public indoor settings in areas of substantial or high transmission and that fully vaccinated people might choose to wear a mask regardless of the level of transmission, particularly if they are immunocompromised or at increased risk for severe disease from COVID-19, or if they have someone in their household who is immunocompromised, at increased risk of severe disease or not fully vaccinated; and

WHEREAS, on December 21, 2021, in response to the spread of the Delta variant and the emerging Omicron variant, the Massachusetts Department of Public Health (“MDPH”) now advises that all residents, regardless of vaccination status, wear a mask or face covering when indoors (and not in their own homes); and

WHEREAS, according to the CDC COVID Data Tracker, the level of community transmission in Middlesex County as of January 14, 2022 was categorized as “high” with a 19.49% positivity rate; and

WHEREAS, the current rates of COVID-19 in the City of Framingham have increased in 2022, with 1,947 new cases reported between January 5, 2022 and January 12, 2022; and

WHEREAS, the MDPH particularly urges implementation of this recommendation for individuals with weakened immune systems or those who are at increased risk for severe disease because of age or underlying medical condition; if someone in a household has a weakened immune system, is at increased risk for severe disease, or is unvaccinated; and

WHEREAS, the Mayor and Health Department Director have reviewed this Order and confirm that its issuance is necessary for the protection of public health during the current COVID-19 pandemic;


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

1. Pursuant to the authority vested in the Mayor under Article III, Section 2 of the Framingham Home Rule Charter and the general municipal police power and power to protect public health incorporated therein, effective at 12:01 a.m. on Wednesday, January 19, 2022, all persons (including visitors and employees) over the age of two (2) years entering City of Framingham municipal buildings, including but not limited to the Memorial Building and the Callahan Senior Center, shall wear a clean, well-fitted face covering or mask over their mouth and nose, such as a fabric or surgical mask, and exercise social distancing in accordance with CDC guidelines.
2. Pursuant to the authority vested in the Mayor under Article III, Section 2 of the Framingham Home Rule Charter and the general municipal police power and power to protect public health incorporated therein, effective at 12:01 a.m. on Wednesday, January 19, 2022, all persons entering any indoor public location in the City of Framingham shall wear a clean, well-fitted mask or face covering that covers their nose and mouth, such as a fabric or surgical mask. For purposes of this Executive Order, “public location” is defined as any place open to the public, including but not limited to grocery stores, pharmacies, all other retail stores, public transportation, taxis, livery, and other ride sharing vehicles, and any other business open to the public, including hotels, motels, event venues, and private clubs that host indoor events or performances. If a customer, patron, or attendee refuses to wear a mask or cloth face covering for non-medical reasons, the operator of a facility, business or event may decline entry to the individual.
3. All businesses, healthcare facilities and any other establishment open to the public must post a notice at entry requiring those entering to wear a face covering or mask, as described in Sections 1 or 2 above.
4. Restaurant, indoor bar, and dance venue customers may only remove face coverings when they are actively eating or drinking. Patrons standing or ordering at the bar must be masked. Guests must be masked on indoor dance floors.
5. This Order shall not apply to performers, while performing, provided that they are at least six feet away from any customers.
6. This Order shall not apply to informal gatherings at private residences in which no compensation for use of the property is paid to the owner.
7. This Order shall not apply to private residences, private workplaces not visited by the public or facilities licensed by the Department of Early Education and Care (EEC), which are required to follow current EEC Guidance, and the Framingham Public Schools, who are subject to Department of Elementary and Secondary Education (DESE) guidance.
8. Pursuant to guidance issued by the CDC, face coverings are not required for children under two (2) years of age or for persons for whom a face mask or covering creates a health risk, or is not safe for the following reasons, as more fully described by Massachusetts Department of Public Health guidance as follows: the face mask or covering affects the person’s ability to breathe safely; the person has a mental

health or other medical diagnosis that advises against wearing a face mask or covering; the person is unconscious, incapacitated or otherwise unable to remove the mask without assistance; the person has a disability that prevents them from wearing a face mask or covering; or the person depends on supplemental oxygen to breathe.

9. Additional guidance may be issued by the Mayor's Office and/or Framingham Board of Health to clarify and implement this Order.
10. This Order shall take effect at 12:01 a.m. on Wednesday, January 19, 2022 and shall remain in effect until rescinded.
11. While all reasonable efforts will be made to secure voluntary compliance with this Order, failure to comply with any of the provisions of this Order shall constitute an imminent and immediate threat to public health for which the City may seek enforcement through an order of a court of competent jurisdiction.

MAYOR OF CITY OF FRAMINGHAM


By: Charles J. Sisitsky
Its: Mayor
Date:

FRAMINGHAM BOARD OF HEALTH

Pursuant to the authority granted the Board of Health in M.G.L. c. 111 generally and M.G.L. c. 111 §§ 6, 7, 95-105 and 104 in particular; 310 CMR 11.05; 105 CMR 300.200 and all other authorizing statutes and regulations, acting by and through its agent as authorized under M.G.L. c. 111, § 30, the Board of Health hereby votes to ratify and adopt the mandatory mask order set forth herein in Executive Order #EO2022-001 as a Joint Order of the Mayor and Board of Health and that all of the provisions set forth above shall be fully enforceable to the fullest extent permitted by law for powers exercised by Boards of Health pursuant to statute and regulations.

Pursuant to vote at the duly posted Board of Health public meeting on January 14, 2022

By: David Moore, M.D.
Member, Board of Health
Date: January __, 2022

By: Alexandra Rubin, Esq.
Member, Board of Health
Date: January __, 2022

cc: City Council; School Committee; City Division and Department Heads; Boards and Commissions; Chief Operating Officer; City Solicitor; Dr. Robert Tremblay; Media Outlets