

**CITY OF NEWTON
DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**EMERGENCY ORDER ESTABLISHING SUPPLEMENTAL COVID-19
RESTRICTIONS IN THE CITY OF NEWTON**

DATE OF ORDER: December 14, 2020

WHEREAS, on March 10, 2020, the Governor of the Commonwealth of Massachusetts has declared a State of Emergency in the Commonwealth of Massachusetts due to Coronavirus (COVID-19); and

WHEREAS, on March 17, 2020, the Mayor and Commissioner of Health and Human Services, have determined that COVID-19 poses a significant, immediate threat to the public health, safety, and welfare of people residing both within and outside the City of Newton and, as such, declared a Local State of Emergency; and

WHEREAS, there is clear evidence that COVID-19 continues to cause serious harm to public health and welfare of the residents of the City of Newton and has resulted in 1845 known cases of COVID-19 and 157 COVID-19 related deaths of Newton residents;

WHEREAS, the Commissioner of Health and Human Services for the City of Newton has determined that, in addition to the restrictions contained in any Executive Orders issued by the Governor of the Commonwealth, supplemental restrictions are necessary to help prevent the spread of disease within the community;

WHEREAS, multiple public health data released between November 27, 2020 and December 10, 2020 indicate the increasing impact of COVID-19 in the City of Newton, including the 14 day average incidence rate of COVID-19 has increased 54% from 15.3 per 100,000 to 23.6 per 100,000, and the positivity rate has increased 77% from 0.75% to 1.33%;

WHEREAS, the continued spread of COVID-19 within Newton, throughout Middlesex County, and in the Greater Boston Metro region is putting an increased strain on area hospitals;

WHEREAS, in order to allow for essential services and other vital functions of society to continue, it is necessary to temporarily restrict certain activities, including categories of activities that have been operating in Phase III, Step I under an Order Returning All Municipalities to Phase III, Step I COVID-19 Safety Rules (COVID-19 Order No. 58) issued by the Governor of the Commonwealth, and other preceding orders, as may be amended;

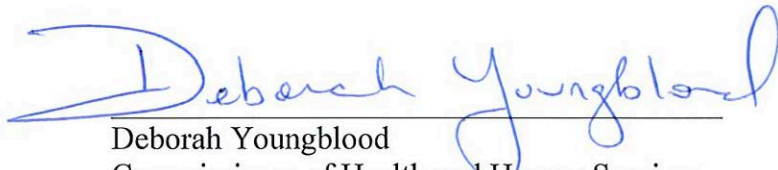
WHEREAS, the intent of this Order is to prevent the spread of COVID-19, all provisions of this Order should be interpreted to effectuate this intent. Failure to comply with any of the provisions of this Order constitutes an imminent and immediate threat to public health.

NOW, THEREFORE, by authority granted to me as Commissioner of the Health and Human Services of the City of Newton, pursuant to M.G.L. c. 111 § 30, the City of Newton Declaration

of Emergency dated March 17, 2020, and M.G.L. c. 111 §§ 6, 7, 31, 95, 104 and 122, I hereby order and establish the following supplemental restrictions and enact and declare as follows:

1. In addition to complying with all applicable COVID-19 Orders issued by Governor Baker relative to reopening businesses in the Commonwealth, including COVID-19 Order No. 58, and any applicable subsequent rules, guidance, and orders, businesses and other entities located in Newton shall be subject to the additional temporary restrictions set forth in the Appendix A, attached hereto.
2. The City's Health and Human Services Department and any other affected City Department, Board or Commission may issue further guidance to clarify and implement this Order.
3. 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 Commissioner may seek the assistance of other City of Newton agencies to ensure compliance with this Order.

This Order shall take effect on 12:01 a.m. on Friday, December 18, 2020 and will remain in effect until rescinded by the Commissioner of the Health and Human Services Department of the City of Newton.



Deborah Youngblood
Commissioner of Health and Human Services
City of Newton

Date: December 14, 2020

APPENDIX A:

**CITY OF NEWTON
ADDITIONAL BUSINESS CATEGORIES SUBJECT TO
TEMPORARY CLOSURE OR FURTHER RESTRICTION
December 14, 2020**

Business or Organization Category Subject to Temporary Closure or Further Restriction	Restriction
Restaurants providing indoor table service	Restaurants providing seated food service prepared on-site and under retail food permits issued by municipal authorities pursuant to 105 CMR 590.000 may operate only under the following requirements: <ul style="list-style-type: none">➤ Continued compliance with all relevant state workplace standards, including the six persons per table limitation.➤ Bar seating is prohibited, unless a waiver is received from the Board of License Commissioners.➤ Strict enforcement of all standards including the 90-minute limit to reduce crowding and prevent the spread of COVID-19. No member of any dining party may remain in a restaurant for more than 90 minutes in a calendar day.➤ No live entertainment; permissible entertainment is limited to approved televisions and background music.➤ All activities ancillary to dining are prohibited, including but not limited to billiards, bowling, and darts.
Indoor recreational and athletic facilities for general use	Closed to customers and the public, with the following exceptions: <ul style="list-style-type: none">➤ Indoor recreational and athletic facility use for youth 18 and under only is allowed, as permitted in Phase II of the State’s guidance.➤ Indoor pools may operate if limited to swimmers who register for use in advance and are limited to one person per swim lane.

<p>Fitness centers and health clubs</p>	<p>Indoor fitness centers and health clubs are not allowed to operate, including those using alternative indoor spaces, with the following exceptions:</p> <ul style="list-style-type: none"> ➤ Appointment-only training with only one customer (or two from the same household) is allowed in a facility at a time. ➤ Outdoor fitness instruction is allowed to operate with 25 or fewer people. ➤ Indoor operation of fitness centers and health clubs for youth 18 and under only is allowed, as permitted in Phase II of the State’s guidance.
<p>Museums</p>	<p>Closed to customers and the public.</p>
<p>Indoor historic spaces/sites</p>	<p>Closed to customers and the public.</p>
<p>Outdoor theatres and other outdoor performance venues not designated as Phase IV enterprises</p>	<p>Allowed to operate only if 25 or fewer people are present.</p>
<p>Movie theatres</p>	<p>Closed to customers and the public.</p>
<p>Sight-seeing and other organized tours</p>	<p>Not allowed to operate.</p>
<p>Outdoor event spaces used for gatherings and celebrations, including parks, reservations and other outdoor spaces not designated in Phase IV</p>	<p>Allowed to operate only if 25 or fewer people are present.</p>
<p>Indoor event spaces (meeting rooms, ballrooms, private party rooms, social clubs)</p>	<p>Not allowed to operate, with the following exceptions:</p> <ul style="list-style-type: none"> ➤ Private social clubs may operate if they serve food and comply with all regulations and guidance applicable to restaurants. ➤ Institutions of Higher Education may utilize indoor event spaces as classroom spaces.
<p>Indoor non-athletic instructional classes in arts/education/life skills for persons 18 years and over.</p>	<p>Allowed to operate only if 10 or fewer people are present.</p>

Indoor recreational venues with potential for low-contact (batting cages, driving ranges, bowling alleys, rock-climbing)	Closed to customers and the public.
Indoor and outdoor gaming arcades associated with gaming devices	Closed to customers and the public.