

**EMERGENCY ORDER
OF THE CHILMARK BOARD OF SELECTMEN
AND THE CHILMARK BOARD OF HEALTH**

**PERSONS LIVING IN TOWN TO STAY AT THEIR PLACE OF
RESIDENCE EXCEPT FOR ESSENTIAL ACTIVITIES**

Please read this Order carefully. Violation or failure to comply is punishable by a fine of up to \$1,000 under Massachusetts General Laws Chapter 111, Section 122.

WHEREAS, COVID-19 has been identified as a highly contagious virus by public health officials and has been declared a global pandemic by the World Health Organization; and the Governor of the Commonwealth has declared a state of emergency in response to COVID-19, and has issued a further Order entitled COVID-19 Order No. 13, which the Towns of Martha's Vineyard wish to supplement; and the number of confirmed cases of persons infected with COVID-19 in the Commonwealth of Massachusetts has been increasing rapidly over the past several days; and the number of persons being admitted to hospitals in Massachusetts on account of COVID-19 infection has also been increasing rapidly over the past several days; and

WHEREAS, Martha's Vineyard is an island community with only one hospital, with only 25 beds, and Martha's Vineyard has limited resources for the provision of medical care; and there has already been one confirmed case of COVID-19 on the island; and clinical experience has shown that some persons who contract the COVID-19 virus have no symptoms or only mild symptoms and therefore may not be aware they carry the virus, and even persons without symptoms can transmit the disease; and the Martha's Vineyard Hospital, on March 21, 2020, issued a joint statement with the Nantucket Cottage Hospital urging residents and visitors of Martha's Vineyard to consider the limitations of the hospital during the present pandemic and strongly advising them to stay at home, on account of the fact that the island health care system will not be able to handle the large number of infected patients from rapid community spread of COVID-19 which is expected, and specifically asking and recommending that persons stay at home, that island residents only travel for the absolute necessities, such as food or medication prescriptions, and that non-island residents remain at their home residence, all in order for their own safety and to ensure the safety of hospital medical personnel;

NOW, THEREFORE, UNDER THE AUTHORITY OF MASSACHUSETTS GENERAL LAWS CHAPTER 111, §§95 - 105, AND IN ORDER TO SLOW THE SPREAD OF COVID-19, THE BOARD OF HEALTH AND BOARD OF SELECTMEN OF CHILMARK:

1. Except as provided herein, all individuals currently living within the Town of Chilmark ("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, comply with Social Distancing Requirements.
2. Persons may leave their places of residence for the purpose of Essential Activities, as defined in Section 5. For clarity, businesses may continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home). To the greatest extent feasible, all businesses shall comply with Social Distancing Requirements as defined in Section 5 below.

3. All public and private gatherings of more than five (5) people occurring outside a household or living unit are prohibited, except for the limited purposes outlined in Section 5. This Order does not prohibit the gathering of members of a household or living unit.
4. All travel within the Town, except Essential Travel as permitted by Section 5, is prohibited. For clarity, this Order is not intended to interfere with the continued operation of COVID-19 Essential Services, including the right of free travel anywhere in the Commonwealth of any member of a COVID-19 Essential Workforce, as defined in Covid-19 Order No. 13, Order Assuring Continued Operation of Essential Services in the Commonwealth, Closing Certain Workplaces, and Prohibiting Gatherings of More Than 10 People, issued by the Governor on March 23, 2020, where such travel is in connection with the ongoing operation of COVID-19 Essential Services, as described below.
5. Definitions and Exemptions.

- a. "Essential Activities" are as follows:
 - i. activities to perform or receive Covid-19 Essential Services as described in the Covid-19 Order No. 13 ("Covid-19 Essential Services"), but with the following **exceptions**:

Healthcare services expressly excludes fitness and exercise gyms, yoga studios, and similar facilities.

Operation of hotels, motels and the leasing of residences is only permitted for the purpose of providing shelter and lodging to people in accord with contractual agreements already in effect for people in the Town as of the effective date of this Order, or, in the event that temporary residences are needed for persons in the Town whose residences are subject to quarantine, to house non-residents providing essential government operations or health care services, or as overflow from healthcare operations as may be needed.¹

For restaurants and other facilities that prepare and serve food, only those operations that were legally open for business as of the date of this Order may operate, and they shall be limited to providing take-out service by curbside pick-up only. For schools and other entities that typically provide free food services to students or members of the public, food shall be provided on a pick-up and take-away basis only, and food may not be consumed at the site where it is provided, or at any other gathering site.

- ii. Obtaining necessary services or supplies for one's self and one's family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation: food, household

¹ **This section shall take effect on Wednesday, March 25, 2020 at 5:00 p.m.**, or such later date determined by the Board of Selectmen as it deems appropriate in consideration of the circumstances. Until the effective date of this provision, it shall have the force of a strong recommendation.

consumer products, and products necessary to maintain the safe and sanitary operation of residences.

- iii. Caring for a family member or pet in another household.
 - iv. Engaging in activities or performing tasks essential to one's health and safety, or to the health and safety of one's 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.
 - v. Engaging in outdoor activity, provided the individual complies with Social Distancing Requirements as defined in this Section, such as, by way of example and without limitation, walking, hiking, bicycling, surfing, or running.
 - vi. Performing work to provide essential products and services for an Essential Activity or otherwise carrying out activities specifically permitted in this Order.
- b. For Government Operations (see Exhibit A to the Covid-19 Order No. 13 – COVID-19 Essential Services), each governmental unit in the Town shall identify and designate appropriate employees or contractors to continue providing and carrying out Covid-19 Essential Services.
- c. For the purposes of this Order, "Essential Travel" includes travel necessary in order to perform or receive Covid-19 Essential Services. It specifically includes:
- i. Travel to care for elderly persons, minors, dependents, persons with disabilities, or other vulnerable persons.
 - ii. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services.
 - iii. Travel required for non-Town residents to return to their place of full-time residence outside the Town. Non-residents in the Town as of the date of this Order are encouraged to consider returning to their full time residences.
 - iv. Travel to return from outside the Town to a place of already-established full-time residence in the Town. This shall include travel by: a person on the Town's street or voters' lists; and a person who has listed their Town address as their primary address for purposes of taxation.
 - v. Provided, that during the pendency of this Order the following additional requirements shall apply:
 - 1. No person shall knowingly travel to the Town during the period of this Order after testing positive for COVID-19 unless they are also able to demonstrate that they have recovered therefrom through proof of two negative tests or otherwise in a manner meeting then-current CDC requirements;

2. No person shall knowingly travel to the Town after being exposed to a person with COVID-19 unless they have been in quarantine for no less than 14 days since the knowing exposure and can provide evidence thereof;
 3. Any person traveling to the Town to provide healthcare services shall exercise due care in accord with applicable CDC protocols.
 - d. For purposes of this Order, “Social Distancing Requirements” includes:
maintaining a distance of at least six feet from other individuals; washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer; covering coughs and sneezes (into the sleeve or elbow, not hands); regularly cleaning high-touch surfaces; and not shaking hands.
4. As a supplement to any local construction ban presently in place, all construction activity, work, and maintenance, whether interior or exterior, of any kind, all landscape activity, work, and maintenance of any kind, and all work involving workers in all trades and fields who enter buildings and residences to perform their functions (including, without limitation, housecleaners) are banned until further order, with the exception of emergencies.
 5. The Board of Selectmen and the Board of Health request that the Police Department and the Health Agent enforce this Order. The violation of any provision of this Order is considered to constitute an imminent threat to public health.
 6. Except as provided in Section 8, below, this Order shall become effective at 5:00 p.m. on March 24, 2020 and will continue to be in effect through 12:00 noon on Monday, April 7, 2020, with an expectation that unless there are significant factual changes concerning the spread of COVID-19 and the treatment thereof in general, and the facts specifically applicable to medical care and treatment capacity in the Town and on the island of Martha’s Vineyard, the Order may be extended by vote of the Board of Selectmen and Board of Health. Notice of any approved extension will be communicated to the public. Residents are encouraged to access the Town website frequently for updates.
 7. The provisions of Section 5(a)(i) relative to hotels, motels and leasing of residences shall take effect at 5:00 p.m., March 25, 2020, or at such later time as the Board of Selectmen deems appropriate in consideration of the circumstances. If the effective date is delayed, notice of the revised effective date will be communicated to the public; provided, however, that until the provisions of Section 5(a)(i) take effect, they shall be treated as a strong recommendation.
 8. This Order shall not be construed, and shall not be administered, so as to interfere with the continued operation of COVID-19 Essential Services, including the right of free travel anywhere in the Commonwealth of any member of a COVID-19 Essential Workforce, as defined in the Covid-19 Order No. 13, where such travel is in connection with the ongoing operation of COVID-19 Essential Services. 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.

IT IS SO ORDERED:

Warren M. Doty, Chairman *William N. Rossi*, Vice-Chair *James M. Malkin*, Clerk
Chilmark Board of Selectmen,

Katherine Lees Carroll, Chairman *Janet L. Burhman* *Matthew Poole*
Chilmark Board of Health

March 24, 2020 @ 1:30 PM