



**TOWN OF AMHERST
BOARD OF HEALTH**

*MANDATORY WEARING OF MASKS OR FACE COVERING IN PUBLIC INDOOR SPACES -
INCLUDING PRIVATE INDOOR SPACES OPEN TO THE PUBLIC -
FOR THE TOWN OF AMHERST*

To protect public health and to mitigate the spread of COVID-19 particularly the Delta variant within the Town of Amherst, the Amherst Board of Health hereby orders the following:

1. The Order

All persons over the age of five must wear a face mask or covering in public indoor spaces, and private indoor spaces open to the public, regardless of vaccination status.

Nothing in this order shall be construed to reduce or eliminate other factors to mitigate the spread of the COVID-19 virus such as vaccination, testing, and general non-pharmaceutical interventions such as personal spacing and hand hygiene.

2. Definitions

Public Indoor Spaces: The term “public indoor spaces” shall include all places in the Town of Amherst into which members of the public are invited or otherwise allowed to enter a building or structure to interact with any persons in order to or transact any public or private business. These spaces include, but are not limited to, restaurants, bars, hotels and motels, gym and fitness clubs during all activities including strenuous activity, salons and barber shops, places of worship, and performance and event venues.

Masks: The term “mask” will include a mask or face covering that covers an individual’s nose and mouth and shall conform to the following:

- Fit snugly but comfortably against the side of the face; and
- Be secured with ties or ear loops; and
- Include multiple layers of fabric; and
- Allow for breathing without restriction; and
- Be able to be laundered and machine dried without damage or change to shape;
- Alternatively, a disposable surgical/procedure mask may be used

3. The area in which the Order applies:

The required Face Mask Area will be the complete geographic area of the Town of Amherst in all public indoor spaces and private indoor spaces open to the public.

4. Exceptions:

This order shall not apply to:

- Persons at a restaurant, bar or venue, when seated and eating or drinking.
- Guests must be masked on public indoor dance floors.
- Persons for whom a mask would not be safe because of any of the following conditions or circumstances:
 1. The use of face masks or coverings by children between the ages of two years and five years is the discretion of the child's parent or guardian, children under the age of two should not wear face masks due to the potential risk of suffocation; or
 2. The face mask over covering affects the person's ability to breathe safely; or
 3. The person has a disability that prevents them from wearing a face mask or covering; or
 4. The person depends on supplemental oxygen to breathe.
- Music performers who are singing and/or playing brass or wind instruments are not required to wear face coverings but must adhere to social distancing of at least 10 feet from any member of the public when performing indoors.

5. Initiation and rescinding of the Order:

This Order shall be effective beginning on Wednesday, August 18, 2021 at 8:00 AM. It shall remain in effect until the Amherst Health Director determines through local and regional metrics that the risk of COVID-19 spread is significantly diminished. Data will be reviewed continuously and the decisions on continuation or rescinding the Order will be done using two week data trends.

6. Enforcement:

The Board's Health Agent and other agents designated by the Board shall have the authority to enforce this Order as necessary. The designated enforcing authority may call on the support of the Amherst Police Department if necessary.

Whoever violates any provision of this Order may be penalized by a non-criminal disposition ticketing process as provided in M.G.L. c. 40 § 21D and the Town Bylaw authorizing non-criminal disposition of violations of town regulations.

Nothing in this Order is intended to encourage residents to act as an enforcement authority for the Town of Amherst. Residents should focus on their personal compliance and not take it upon themselves to approach people who may appear not to be complying.

Any person who is not wearing a proper face covering and who refuses to leave a public place at the direction of a person in lawful control of the premises may be subject to removal from the premises pursuant to Massachusetts General Laws, Chapter 266, Section 120.

The Amherst Board of Health may enforce this Order or enjoin violations thereof through any lawful process, and the election of one remedy by Board of Health shall not preclude enforcement through any other lawful means.

7. Penalties

A 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; and two hundred dollars (\$200) for a third or subsequent offense. Each day or part thereof shall constitute a separate offense.

Notwithstanding the foregoing, agents and Town officials are encouraged to educate offenders and to exercise their judgment on a case-by-case basis, including using their discretion to issue verbal or written warnings before determining that a finable offense has occurred.

Adopted: August 12, 2021 **Amended:** August 18, 2021
Amended: September, 9, 2021