

**HEALTH DEPARTMENT**

484 Broadway, Room 20

Everett, MA 02149

(617) 394-2255

**JERRY NAVARRA**

EXECUTIVE DIRECTOR OF  
HEALTH & HUMAN SERVICES

**CITY OF EVERETT**

MASSACHUSETTS



**BOARD OF HEALTH**

SEAN F. CONNOLLY, DPM  
CHAIR

MELISSA MASSUA  
MEMBER

JOAN LAVECCHIO  
MEMBER

**EMERGENCY ORDER  
TEMPORARY MORATORIUM ON  
CONSTRUCTION ACTIVITIES  
DURING STATE OF EMERGENCY DUE TO  
COVID-19**

In accordance with the authority conferred upon them pursuant to the Charter and Ordinances of the City of Everett, and the Massachusetts General Laws, including but not limited to Massachusetts General Laws, Chapter 111, Sections 30, 31, 122 and 310 CMR 11.05, and any other applicable law, the Honorable Mayor Carlo DeMaria and Executive Director of Health and Human Services, hereby issue the following temporary moratorium on non-essential construction activity in the City of Everett, so as to prevent the spread of a COVID-19 and for the protection of public health, safety and welfare.

**DECLARATION**

**WHEREAS**, the disease caused by the 2019 novel Coronavirus is a contagious, and at times fatal, respiratory disease. Symptoms of COVID-19 include fever, cough, and shortness of breath, and the disease can spread from person to person via respiratory droplets produced when an infected person coughs or sneezes.

**WHEREAS**, the worldwide outbreak of COVID-19 and the effects of its extreme risk of person-to-person transmission throughout the United States and the Commonwealth significantly affect the life and health of our people, as well as the economy, and is a disaster that impacts the health, security, and safety of the public. Therefore, it is critical to take additional steps to prepare for, respond to, and mitigate the spread of COVID-19 to protect the health and welfare of the people of the Commonwealth.

**WHEREAS**, because there is no known vaccine to immunize individuals from COVID-19, the only effective method from preventing the spread of the disease is to isolate known carriers until they are no longer contagious. It has been determined that a period of at least fourteen days is necessary to protect the public from an infected individual.

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**WHEREAS**, because it is so highly contagious and dangerous, on March 10, 2020, Governor Charles Baker declared a State of Emergency in the Commonwealth of Massachusetts. As a result of this declaration, numerous orders have been issued to limit the spread of the disease, including but not limited to the closure of non-essential businesses, the closure of schools and requirements for social distancing.

**WHEREAS**, the situation involving the COVID-19 crisis continues to evolve, with additional guidance being issued by the Federal and State governments.

**WHEREAS**, the City of Everett has only one hospital, Cambridge Health Alliance (“CHA”) Hospital. While the doctors, nurses and staff have done and continue to perform outstanding work in the face of this crisis, they have limited resources and cannot handle an influx of workers from other communities. In fact, CHA hospital is the only area hospital available to serve the more than 200,000 residents of Everett, Chelsea, Malden, Revere, Saugus and Winthrop. Although there may be other hospitals in the metro-Boston area relatively close to the City, those hospitals are also likely to experience difficulties in serving their current populations, let alone additional patients from other locations.

**WHEREAS**, given its size and geographic location and limited access to PPE and other emergency equipment, failure to limit exposure will necessarily result in the overburdening of the hospital’s resources and lead to a further health crisis emergency. Hospital leaders have further indicated that their ethics teams are now analyzing how the hospitals will make decisions as to who should receive treatment and who should not, or cannot. This is our reality today.

**WHEREAS**, during a state of emergency, Everett does not have sufficient resources to provide emergency police, fire and ambulance service above what it is providing to area residents during this unusual period.

**WHEREAS**, during a state of emergency, Everett does not have sufficient staffing to ensure that job sites are safe, insofar as it cannot commit emergency first-responders to performing construction detail work, it cannot monitor job sites to ensure that physical distancing requirements are met, and it cannot provide adequate support in the event of an emergency.

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**WHEREAS**, it is essential that visitors to the City be limited to only those who absolutely have to be here so that the City’s limited resources do not become overwhelmed and insufficient to protect the health and safety of its residents, first responders and essential workers.

**NOW THEREFORE**, based on the conditions cited above, and other well-known adverse effects of the COVID-19 crisis, Honorable Mayor Carlo DeMaria and Executive Director of Health and Human Services, upon the recommendation of Emergency Management and Public Health Officials, and the need to protect the health of the inhabitants of the City of Everett, issues the following Emergency Order imposing a temporary moratorium on all non-essential construction work until such time as the State of Emergency declared due to the outbreak of COVID-19 is lifted:

**EMERGENCY ORDER**

As of the date of this Order, all non-essential construction and landscaping shall be prohibited in the City of Everett and must immediately cease until further order, except as provided herein. This Order applies to all work sites, including but not limited to all work authorized by building permits and street opening permits previously issued. This Order also prohibits work by commercial landscaping and other similar businesses performing work that is not essential as defined below.

This Order shall apply as follows:

Existing and newly permitted projects which comprise essential construction may be undertaken in a manner that is consistent with this Order and any further orders of the Commonwealth, the Board of Health the Director of Inspectional Services and/or Director of Public Works, to the extent that such orders are more restrictive than what is set forth herein.

For purposes of this Order, essential construction includes only the following work:

- Work to build or repair roads, bridges, transit facilities, utilities excluding trench work and/or work that may result in or require property entry or jeopardizes the continued use of water by the public for health and safety to fight COVID-19, hospitals or health care facilities, or homeless shelters.

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- Emergency Utility work, such as to repair water or sewer leaks and sinkholes, for purposes of repair only.
- Site-specific building or utility work that is required by order of a Governmental entity where necessary to protect public health and safety.
- Work related to the construction of health care facilities, shelters, including temporary shelters and other facilities that support vulnerable populations or that provide emergency services.
- Work which ensures the reliability of the transportation network.
- Other work necessary to render occupied residential buildings fully habitable, such as to make repairs to cure defects affecting the habitability or structural integrity of the structure.

Notwithstanding to foregoing, no work will be permitted if it jeopardizes the availability of resources needed by the City to respond to the COVID-19 state of emergency or any other threat to public health, safety or welfare.

Under no circumstance will the term emergency work include construction on unoccupied residential or commercial structures unless it is within a category of work described above.

Nothing herein shall be construed as relieving operators of the requirements of law relative to building projects, including the requirements for obtaining all required permits and approvals, and applying with OSHA and other safety standards, and in the case any such requirements conflict with the terms of this Order, the more restrictive will apply.

The City reserves the right to enforce all laws with respect to the conduct of construction within its jurisdiction and to issue any such further orders as are deemed necessary to protect public health, safety and welfare.

Upon issuance of this Order, all active construction sites shall be secured to prevent unauthorized entry, damage to equipment and/or work-in-progress and to protect public safety. Operators shall employ the necessary crews and labor to complete the work

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necessary to secure their sites by 5:00 p.m. on Thursday April 2, 2020, unless additional time is granted by the Director of Inspectional Services or Director of Public Works. After that time, only skeleton crews, consisting of five (5) individuals will be permitted to enter construction sites for the remainder of the moratorium and such entry shall be limited to what is necessary to ensure safety and security.

At every site where construction activity continues, operators shall ensure that all activity is undertaken in a manner consistent with the Commonwealth of Massachusetts COVID-19 Guidelines and Procedures for all Construction Sites and Workers at all Public Work as issued by the Governor on March 25, 2020 and attached to this Order (the "Guidelines"), as may be amended from time-to-time. The Operator shall ensure that the work site and activities undertaken therein are and shall remain in compliance with the Guidelines. All permissive language (e.g. phrases with "please" or "should" are hereby deemed mandatory obligations.

At every site where construction activity continues, one or more a site-specific COVID-19 officer(s) shall be designated who shall maintain a daily compliance log and shall certify that the contractor, subcontractors and all workers are in full compliance with this Order and the Guidelines

For purposes of this Order construction work does not include a single worker, who is the sole employee/worker on an outdoor job site and work done by individuals on their own property.

**SO ORDERED THIS 31<sup>st</sup> DAY OF MARCH, 2020:**

DocuSigned by:  
  
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**Mayor Carlo DeMaria**

DocuSigned by:  
  
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**Executive Director of Health and Human  
Services Jerry Navarra**

**Ratified by the Board of Health:**

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**Dated:** \_\_\_\_\_