



COVID-19 MITIGATION MEASURES REGULATION
Board of Health Regulation # 108

§ 108.1 Authority.

These Regulations are promulgated under the authority granted to the Board of Health under Massachusetts General Law, Chapter 111, Section 31.

§ 108.2 Definitions.

- A. **Music Performers** - Individuals singing and/or playing woodwind or brass instruments in a Public Indoor Space.
- B. **Public Indoor Spaces** - The term “public indoor spaces” shall include all places in the Town of West Springfield 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, including but not limited to restaurants, bars, indoor performance and event venues, hotels and motels, gyms, fitness clubs, salons, places of worship, common hallways in residential dwellings or commercial settings.

§ 108.3 Mitigation Measures.

- A. Except as specified in Section 108.4, face coverings are required in all indoor public places as well as private places open to the public, regardless of vaccination status for those over the age of two (2) years old.
- B. All face coverings worn in accordance with these Regulations shall conform to the following:
 - a. Fit snugly but comfortably against the side of the face;
 - b. Allow for breathing without restriction;
 - c. May be removed for eating and/or drinking where allowed; and
 - d. Disposable surgical/procedural masks are permitted.

§ 108.4 Exemptions.

- A. Nothing in these Regulations is intended to encourage any individual or business to act as an enforcement authority for the Town of West Springfield. Individuals should not take it upon themselves to approach other individuals in violation of these Regulations. Individuals are urged to focus solely on their personal compliance with this order.
- B. Nothing in this order shall be construed to require a mask to be worn by children under age two (2) or children who compromise mask integrity with frequent manipulations or removals, anyone who has trouble breathing, or is unconscious, incapacitated, or otherwise unable to

remove the mask without assistance or anyone who cannot wear a mask for other underlying health and safety reasons.

- C. Office spaces that are open to the public but are an enclosed space with a barrier between the public and employees may be exempt from wearing a mask or face covering when not interacting with the public and the barrier is closed.
- D. 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 ten (10) feet from any member of the public when performing indoors.

§ 108.5 Enforcement.

- A. The Health Department shall be the enforcement authority for these Regulations.
- B. Except for the Additional Recommendations in Section 108.6, the provisions of these Regulations may also be enforced through any lawful means by the Board of Health or its duly authorized agents, and by any available means in law or equity, including but not limited to enforcement by non-criminal disposition and Section 7-100 of the Code (Ordinances) of the Town of West Springfield. Each day a violation exists shall constitute separate violation. When enforced through non-criminal disposition, the penalties shall be as follows:
 - i. Twenty-Five Dollars (\$25.00) for the first offense;
 - ii. One Hundred Dollars (\$100.00) for the second offense;
 - iii. Three Hundred Dollars (\$300.00) for the third and all subsequent offenses.
 - iv. Only offenses which have occurred within the two (2) years preceding the date of violation shall be used in calculating the number of offenses for purposes of this section.

§ 108.6 Additional Recommendations.

- A. Every person who is eligible should get a COVID-19 vaccination as soon as possible, if they have not already done so.
- B. Every person should endeavor to maintain social distancing whenever and wherever possible.
- C. Every person should frequently wash their hands or use hand sanitizer.
- D. Every household and business should frequently clean and disinfect high touch surfaces.
- E. Every household and business should increase ventilation to the extent possible and where allowable by law.
- F. Every person should actively, honestly and completely participate in contact tracing when asked by a representative of the West Springfield Health Department who is performing this activity. Business owners and operators should also cooperate with contact tracers from other state or local entities performing this activity.
- G. Every person who develops symptoms that are consistent with COVID-19 should get tested for COVID-19. The best test method for this is the “PCR” method.
- H. The provisions of this Section 108.6 are recommendations only and shall not be subject to the Enforcement provisions of Section 108.5.

§ 108.7 Effective Date.

These regulations shall take effect as of 12:01 a.m. September 17, 2021 and shall continue in full force and effect until the Board of Health determines otherwise.

[Signatures on Following Page]

Per Order of the West Springfield Board of Health on September 15, 2021 by a vote of _____ in favor and _____ opposed.

Heather Z. Sankey, M.D.
Chair

Date

Approved as to Form:

Kate R. O'Brien, Town Attorney

Date

Pursuant to Executive Order #104, I hereby approve/disapprove the Board of Health's adoption of the above.

Mayor William C. Reichelt

Date