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# CITY OF EASTHAMPTON

## BOARD OF HEALTH

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**Public Health**  
Prevent. Promote. Protect.

## Official Order of the Board of Health: Regarding Construction Projects in Easthampton

### Preamble

On March 10, 2020, Governor Charlie Baker declared a state of emergency in the Commonwealth of Massachusetts. On March 13, 2020, Mayor Nicole LaChapelle (“Mayor”) declared a State of Emergency for the City of Easthampton, effective upon issue and which shall remain in effect until notice is given, pursuant to the judgment of the Mayor and Board of Health that the State of Emergency no longer exists.

The Mayor determined that this Declaration of Emergency was necessary after review and due consideration of the numerous orders, findings and actions made at the State and Federal level, and after consultation with the Director of Public Health, Police Chief, the City Solicitor, other Division Heads, the City Council leadership, and other Mayors across the Commonwealth.

### Emergency Order as it Relates to Public Construction

Whereas, on April 2, 2020, the Baker-Polito Administration issued guidance related to the enforcement of COVID-19 safety guidelines and procedures for construction sites (“Guidance”); and

Whereas, the Mayor and the Easthampton Board of Health have added additional requirements related to construction and development of projects within the City; and

Whereas, it is imperative that business owners and managers follow these requirements due to the continuing high risk of COVID-19 exposure and its effects, particularly including the risk to those who may be elderly, immunocompromised, and/or otherwise high-risk; and

Whereas, in light of increased reports of COVID-19 diagnosis the Guidance and other safety precautions implemented by the Commonwealth and the City as they relate to construction sites appear to be insufficient to protect the health, welfare, and safety of the Citizens of Easthampton or the property;

Now Therefore, The Mayor, pursuant to the authority vested in her by the Easthampton Home Rule Charter (“Charter”), including, but not limited to, Charter Sections 1-4 and 3-2 and her general implied powers as Mayor and chief executive to manage and deploy City personnel and resources to protect and help Easthampton residents during a state of emergency, and the Easthampton Board of Health, pursuant to its local, statutory and other powers; and the Mayor and Board of Health having determined that the COVID-19 Pandemic poses a clear and present danger to public health, safety and the general welfare of the people of Easthampton; as it relates to construction sites in the City, it is hereby **ORDERED**:

Effective Wednesday, April 8, 2020 (“Effective Date”), all construction projects for which (a) permits of any nature or kind have been issued by the City of Easthampton, and (b) are funded or otherwise utilize public funds or financing of any nature or kind, and (c) are actively engaged in on-site “construction” (“Public Construction Projects”) are hereby **ORDERED** to suspend on-site work at any Public Construction Project beginning on the Effective Date and continuing until otherwise rescinded by the Board of Health or the Mayor’s Office.

All Public Construction Projects shall be secured by the general or prime contractor on such Public Construction Project so as to prevent danger to the health, safety or welfare of the citizens of Easthampton or their property by end of business Wednesday, April 8, 2020.

In the interest of public health and safety of the citizens of Easthampton, construction projects that are not Public Construction Projects are strongly advised to voluntarily abide by this Order.

**Standing Exemptions:** Work deemed essential to the safety and well-being of the residents of Easthampton or their property, particularly work related to this public health crisis (“Essential Work”), or work where public health risk is minimized due to the limited size of the construction project and or limited number of workers on site is exempt from this Order. Essential Work includes that work deemed by the Mayor after consultation with the Board of Health to be:

- Emergency utility, road or building work, such as gas leaks, water leaks and sinkholes;
- New utility connections to occupied buildings;
- Mandated building or utility work;
- Work at public health facilities, healthcare facilities, shelters, including temporary shelters and other facilities that support vulnerable populations;
- Emergency work necessary to render occupied residential buildings safe and healthy;
- Work immediately necessary related to life safety systems;
- Work which ensures the reliability of the transportation network;
- Small residential construction projects in dwellings of 3 units or less (e.g. kitchen or bathroom remodeling);
- Work necessary to render occupied residential buildings fully habitable;
- Work necessary to protect the health, safety, and welfare of the City Of Easthampton.

**Request for Exemption from this Order:** In addition to the Essential Work, the City may, on a case-by-case basis, review requests for additional exemptions to this Order (“Additional Exemptions”). Requests for an Additional Exemption shall be submitted to the Office of the Mayor for review via email [mayor@easthamptonma.gov](mailto:mayor@easthamptonma.gov). Such request shall include all information necessary for the Mayor and her advisors to determine if the criteria detailed in this Order are applicable and shall be submitted using the form utilized for the submission of a building permit application <https://easthamptonma.gov/government/forms-documents/building-inspector.html> with such additional pages or information deemed necessary by the Applicant. An additional Exemption may be granted if, taking into account the facts and circumstances of the request, the Mayor, after consulting with the Board of Health and such other Departments or Department Heads she deems necessary, or proper determines that granting such Additional Exemption (a) is in the best interest of the citizens of Easthampton, (b) will not endanger the health, safety or welfare of the citizens of Easthampton, and (c) the Applicant has demonstrated that adequate public health and safety and precautions are being taken to mitigate the risk of exposure to COVID-19 among workers at the worksite and among the citizens of Easthampton who may come into contact with same.

The Decision to issue or deny an Additional Exemption shall be made in writing signed by the Mayor and filed with the Clerk of the City with a copy of the Decision provided by email to party seeking such Additional Exemption.

**New Constructing Projects:** New construction projects are prohibited and shall not be issued building or other permits by Easthampton unless the proposed project meets the requirements for an Exemption or Additional Exemption as detailed above.

**Enforcement and Penalties:** Failure to comply with this Order shall result in permit suspension, fine or both.

- 1<sup>st</sup> offense: verbal warning
- 2<sup>nd</sup> offense: \$150 civil fine
- 3<sup>rd</sup> and subsequent offenses: \$300 civil fine

Each day a violation occurs or continues shall be considered a separate offense for purposes of imposing any fines, suspensions or other penalties under this Order.

In order to ensure the continuing necessity of this Emergency Order, the Mayor for the City of Easthampton shall review and, as necessary, continue, amend, supersede or revoke this Order.

We ask for your continued patience as the City navigates this unprecedented public health emergency. Over the next few months, information will change quickly with little notice.

Ordered this \_\_3<sup>rd</sup>\_\_ day of April, 2020



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Margaret Hebert, Chair, Board of Health