



FISHERS HEALTH DEPARTMENT

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 (317)567.5045

CITY OF FISHERS HEALTH DEPARTMENT PUBLIC HEALTH ORDER 08-2020

WHEREAS, due to recent increases in COVID-19 both locally and nationally, as well as in the collective interest of keeping our community as open as possible during the COVID-19 pandemic, on or around July 20, 2020, the Health Officer for the City of Fishers, Hamilton County, Indiana (“Fishers”) issued Public Health Order 01-2020 (“Health Order 1”), generally requiring all people in Fishers who are 5 years of age or older, to wear a face covering to prevent the spread of COVID-19, which has been extended by subsequent public health orders through January 8, 2021;

WHEREAS, on or around August 7, 2020, the Fishers Health Department (“Department”) established a color-coded community assessment that measures positivity rate, number of cases, and other lagging indicators for COVID-19 in Fishers (“City Assessment”);

WHEREAS, as of December 14, 2020, based upon the Department’s own data, Fishers’ individual percent positivity rate was 21.4%, case incident rate was 97.24, and reported 1,363 new positive cases in the past 14 days;

WHEREAS, in accordance with the City Assessment, the current rating is “Level 4-Red, Severe Risk” signifying substantial and uncontrolled community transmission of COVID-19 throughout Fishers;

WHEREAS, on or around August 27, 2020, the Indiana State Department of Health established a color-coded map that measures weekly cases per 100,000 residents and the 7-day positivity rate for all tests completed per county and assigns a color based on the average scores of the two metrics (“State Assessment”);

WHEREAS, pursuant to the State Assessment, Hamilton County is rated “Orange”, signifying community spread of COVID-19 throughout Hamilton County is approaching high levels;

WHEREAS, on or around November 13, 2020, Governor Holcomb issued Executive Order 20-48 (“EO 20-48”) which rescinded the measures and restrictions set forth in Executive Order 20-46 (Stage 5), provided special measures or restrictions for counties based



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on their color designation, provided general requirements for all Hoosiers and individuals within the State, reinstated a facemask mandate, provided general requirements for all Hoosier businesses and entities in Indiana, and provided specific directives to (i) restaurants, bars, taverns, nightclubs and other establishments providing in-person food and drink service, (ii) gathering or events, and (iii) K-12 educational institutions;

WHEREAS, on or around November 16, 2020, the Health Officer issued Public Health Order 06-2020 (“Health Order 6”), which provided additional and more restrictive directives than those found in EO 20-48, including the following: (i) limiting indoor social gatherings to 10 or fewer people; (ii) limiting outdoor social gatherings to 25 or fewer people; (iii) limiting events to 25 or fewer people; (iv) providing additional directives to restaurants, bars, and retail food establishments, including without limitation, (a) masks shall be worn at all times while indoors except when eating or drinking, (b) party size must be limited to eight people or fewer at each table, (c) table service is required for indoor dining or drink service. No bar-top seating is permitted, and (d) no more than two persons may wait in the lobby for a table unless social distancing can be accommodated; (v) limiting attendance at winter indoor K-12 extracurricular and co-curricular activities, including IHSAA sport events, to participants, support personnel and parents/guardians/siblings; and (vi) limiting attendance at recreational/ community sports leagues and tournaments to participants, support personnel and parents/guardians/siblings, all as more particularly defined in Health Order 6;

WHEREAS, on December 1, 2020, Governor Holcomb issued Executive Order 20-49 (“EO 20-49”) which extended the Governor’s declaration of a public health disaster emergency through December 31, 2020;

WHEREAS, on or around December 10, 2020, Governor Holcomb issued Executive Order 20-50 (“EO 20-50”) which, in part, placed further limitations on social gatherings and directed hospitals to postpone or reschedule all non-emergent procedures;

WHEREAS, on or around December 9, 2020, the Health Officer issued Public Health Order 07-2020 (“Health Order 7”) to (i) further extend the additional and more restrictive directives found in Health Order 6 and (ii) to further extend the face covering mandate through January 8, 2021;

WHEREAS, since the implementation of Health Order 6, Fishers has continued to experience exponential growth in COVID-19 cases where November, 2020 (i) recorded the highest monthly total for new positive cases with 2,311 new cases, and (ii) recorded the second-highest monthly total of deaths due to COVID-19 since the beginning of the pandemic;



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WHEREAS, as of December 14, 2020, new positive cases for the first 14 days of December (1,363 new cases) are approximately 40% higher than new cases identified during the first 14 days of November (982 cases), and trends in positive cases indicate Fishers is likely to experience a continued period of growth in new positive cases through January 2021; and

WHEREAS, in addition to the directives provided in Health Order 6, the Health Officer now desires to issue Public Health Order 08-2020 (“Health Order 8” or this “Order”) to provide further restrictions, in addition to those found in Health Order 6, in order to mitigate the spread of COVID-19 throughout Fishers and to protect the public health, welfare, and safety of our community.

NOW, THEREFORE, under the authority vested in me as Health Officer for the City of Fishers, Hamilton County, Indiana, I HEREBY ORDER the following, effective December 25, 2020 at 10:00PM:

Section 1. Special Requirements for Restaurants, Bars, and Retail Food Establishments

A. In addition to the directives found in Health Order 6, all restaurants, bars, taverns, nightclubs, retail food establishments, and other establishments providing in-person food and/or drink service shall be closed to indoor dining and drink service and cleared of customers between the hours of 10:00pm and 5:00am. During these times, carry-out dining is permissible.

Section 2. The invalidity, illegality, or unenforceability of any one or more of the terms and conditions of this Order shall not affect the validity, legality, or enforceability of the remaining terms and conditions hereof. If any provision of this Order or application to any person or circumstances shall be determined by any court of competent jurisdiction to be invalid and unenforceable to any extent, the remainder of this Order or the application of such provision to such person or circumstances, other than those as to which it is so determined invalid or unenforceable, shall not be affected thereby, and each provision hereof shall be valid and shall be enforced to the fullest extent permitted by law.

Section 3. This Order is issued pursuant to Ind. Code §§ 16-20-1 *et seq.*, 16-20-4 *et seq.*, 16-41-9 *et seq.*, and §173 of the City of Fishers Code of Ordinances, and remains in effect until January 8, 2021, unless otherwise rescinded or



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extended by a subsequent public health order. This Order is supplemental to and should be construed in conjunction with all Executive Orders issued by Governor Holcomb.

SO ORDERED, this 22nd day of December, 2020.

FISHERS HEALTH DEPARTMENT,



Indy Lane, MD
Chief Medical Director

This instrument prepared by Christopher P. Greisl, City Attorney, One Municipal Drive, Fishers, IN 46038.