



## FISHERS HEALTH DEPARTMENT

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 (317)567.5045

### **CITY OF FISHERS HEALTH DEPARTMENT PUBLIC HEALTH ORDER 09-2020**

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 January 7, 2021, based upon the Department’s own data, Fishers’ individual percent positivity rate was 23.5%, case incident rate was 87.60, and reported 991 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 “Red”, signifying very high positivity and community spread of COVID-19 throughout Hamilton County;

WHEREAS, on or around November 13, 2020, Governor Holcomb issued Executive Order 20-48 (“EO 20-48”) which rescinded the measures and restrictions set forth in Executive Order 20-46 (Stage 5), provided special measures or restrictions for counties based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 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, 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 December 22, 2020, the Health Officer issued Public Health Order 08-2020 (“Health Order 8”), requiring all restaurants, bars, taverns, nightclubs, retail food establishments, and other establishments providing in-person food and/or drink service to be closed to indoor dining and drink service and cleared of customers between the hours of 10:00pm and 5:00am;



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WHEREAS, on December 31, 2020, Governor Holcomb issued (i) Executive Order 20-52 (“EO 20-52”) which further extended the public health disaster emergency through January 30, 2021, and (ii) Executive Order 20-53 (“EO 20-53”) which extended the directives found in EO 20-50 through January 24, 2021, subject only to a modification directed at hospitals;

WHEREAS, on or around January 6, 2021, Hamilton County was designated as “Red” under the State Assessment; and

WHEREAS, the Health Officer now desires to issue Public Health Order 09-2020 (“Health Order 9” or this “Order”) to further extend (i) the additional and more restrictive directives found in Health Order 6 and (ii) the face covering mandate through February 8, 2021, all in an attempt 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 January 9, 2020 at 12:00 AM:

- Section 1. **Continuation of Health Order 6.** Every individual in Fishers will continue to adhere to the directives of Health Order 6 until 11:59 p.m. on February 8, 2021. For purposes of clarification, the additional directives found in Health Order 8 will not be further extended at this time.
- Section 2. **Continuation of Face Covering Mandate.** Every individual in Fishers will continue to adhere to the directives of Health Order 1 until 11:59 p.m. on February 8, 2021. Face shields are not considered adequate face covering for prevention of the spread of COVID-19 infection. They can be used with a face covering for added protection. Otherwise they should be reserved for circumstances in which visual communication is critical.
- Section 3. 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



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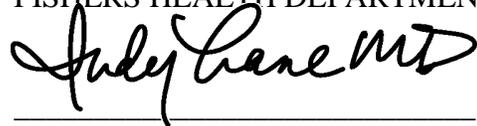
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each provision hereof shall be valid and shall be enforced to the fullest extent permitted by law.

Section 4. 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 February 8, 2021, unless otherwise rescinded or 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 8th day of January, 2021.

FISHERS HEALTH DEPARTMENT,



Indy Lane, MD  
Chief Medical Director

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