



## FISHERS HEALTH DEPARTMENT

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 (317)567.5045

### **CITY OF FISHERS HEALTH DEPARTMENT PUBLIC HEALTH ORDER 01-2021**

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 February 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 February 5, 2021, based upon the Department’s own data, Fishers’ individual percent positivity rate was 12.4%, case incident rate was 41.93, and reported 368 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WHEREAS, on or around November 13, 2020, Governor Holcomb issued Executive Order 20-48 (“EO 20-48”) which rescinded the measures and restrictions set forth in Executive Order 20-46 (Stage 5), provided special measures or restrictions for counties based



## FISHERS HEALTH DEPARTMENT

 [fishers.in.us/HealthDepartment](https://fishers.in.us/HealthDepartment)

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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;



## FISHERS HEALTH DEPARTMENT

 [fishers.in.us/HealthDepartment](https://fishers.in.us/HealthDepartment)

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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 8, 2021, the Health Officer issued Public Health Order 09-2020 (“Health Order 9”) 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;

WHEREAS, on or around January 28, 2021, Governor Holcomb issued (i) Executive Order 21-02 (“EO 21-02”) which further extended the State’s county-based restrictions through February 28, 2021, subject only to modifications made to social gathering and event sizes, and (ii) Executive Order 21-03 (“EO 21-03”) which further extended the Governor’s declaration of a public health disaster emergency through March 1, 2021; and

WHEREAS, the Health Officer now desires to issue Public Health Order 01-2021 (this “Order”) to (i) further extend the face covering mandate, and (ii) further extend the directives found in Health Order 6 through March 8, 2021, subject to various modifications as further defined herein, 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 February 8, 2020 at 12:00 AM:

**Section 1. 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 March 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 2. Additional Requirements for Gatherings and Events:**


*A. Social Gatherings and Events Defined*

- i. A social gathering is defined as an event, assembly, or convening (outside a single household or living unit or religious service), that brings together



## FISHERS HEALTH DEPARTMENT

 [fishers.in.us/HealthDepartment](https://fishers.in.us/HealthDepartment)

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multiple people, individually or from separate households, in a single space, indoors or outdoors, at the same time and in a coordinated fashion where a significant purpose is to interact with others.

- ii. An “event” is an assembly or convening of multiple people from separate households in a single space, indoors or outdoors, at the same time but where the main purpose is not necessarily for individuals to interact with others outside of one’s household but to engage in or attend a business/commercial function, single event and/or events of limited duration – such as conferences, conventions, sport or racing competition, extracurricular school events, concerts, shows, fairs, festivals, carnivals, parades, graduation ceremonies, community holiday celebrations, fundraisers, 5Ks, or other entertainment events.

### *B. Capacity Limits for Social Gatherings & Events*

- i. It is recommended that social gatherings and events be cancelled or postponed. However, if a social gathering or event cannot be cancelled or postponed, the host of a social gathering or event must ensure social distancing requirements can be achieved and maintained, face masks are worn, and other sanitation measures are implemented at the site where the gathering occurs.

The size of a social gathering or event, without any approval required is limited to Twenty-Five (25) or fewer people.

- ii. For any social gathering or event where the total number of invited or requested individuals is expected to exceed Twenty-Five (25) people, the host of the gathering or event must submit a safety plan to the Department and receive approval from the Department before proceeding. The safety plan must be submitted to the Department at least ten (10) days before the planned gathering/event.

Subject to the Department’s review of a submitted safety plan, the overall attendance of any gathering or event shall not exceed 25% of the facility’s capacity.



**Section 3. Additional Requirements for Restaurants, Bars, and Retail Food Establishments.**

- A. In addition to the directives found in EO 21-02, all restaurants, bars, taverns, nightclubs, retail food establishments and other establishments providing in-person food and/or drink service must adhere to the following directives:
- i. Masks shall be worn at all times while indoors except when eating or drinking.
  - iii. Party size must be limited to Eight (8) people or fewer at each table.

**Section 4. Additional Requirements for K-12 Educational Institutions & Recreational Sports Leagues/ Tournaments**

A. *K-12 Educational Institutions*

It is recommended that all extracurricular and co-curricular activities be cancelled, postponed, or held virtually. However, if an extracurricular or co-curricular activity cannot be cancelled or postponed, all K-12 educational institutions (public or private) shall conduct the extra-curricular or co-curricular activity in accordance with the following:

- i. Attendance. Attendance at winter indoor K-12 extracurricular and co-curricular activities, including IHSAA sport events, is limited to participants, support personnel and parents/guardians/siblings. All non-competing and non-performing participants, support personnel and attendees are required to wear face coverings at all times.
- iv. Safety Plan. The host of any extra-curricular or co-curricular activity must submit a safety plan to the Department and receive approval from the Department before proceeding. The safety plan must be submitted to the Department at least ten (10) days before the planned event.

B. *Recreational/ Community Sports Leagues & Tournaments*

- i. Attendance. Attendance at recreational/ community sports leagues and tournaments is limited to participants, support personnel and parents/guardians/siblings. All non-competing and non-performing participants, support personnel and attendees are required to wear face



## FISHERS HEALTH DEPARTMENT

 [fishers.in.us/HealthDepartment](https://fishers.in.us/HealthDepartment)

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coverings at all times.

- v. Safety Plan. The host of any recreational/ community sports league or tournament must submit a safety plan to the Department and receive approval from the Department before proceeding. The safety plan must be submitted to the Department at least ten (10) days before the planned event.

**Section 5.** 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 6.** 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 March 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 5th day of February, 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.