



## FISHERS HEALTH DEPARTMENT

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 (317)567.5045

### **CITY OF FISHERS HEALTH DEPARTMENT PUBLIC HEALTH ORDER 02-2021**

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 March 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 March 3, 2021, based upon the Department’s own data, Fishers’ individual percent positivity rate was 8.7%, case incident rate was 16.22, and reported 122 new positive cases in the past 14 days;

WHEREAS, in accordance with the City Assessment, the current rating is “Level 3-Orange, Significant” signifying substantial and controlled 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 “Blue” (but continues under “Yellow” restrictions), signifying the community spread of COVID-19 throughout Hamilton County is low;

WHEREAS, on or around November 13, 2020, Governor Holcomb issued Executive Order 20-48 (“EO 20-48”) which rescinded the measures and restrictions set forth in Executive Order 20-46 (Stage 5), provided special measures or restrictions for counties based on their color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



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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 gathering limitations, additional directives to retail food establishments, and limitations on K-12 extracurricular and co-curricular activities and recreational leagues, 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;

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



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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;

WHEREAS, on or around February 5, 2020, the Health Officer issued Public Health Order 01-2021 (“Order 01-2021”) 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 in Order 01-2021;

WHEREAS on or around February 25, 2021, Governor Holcomb issued (i) Executive Order 21-05 (“EO 21-05”) which further extended the Governor’s declaration of a public health disaster emergency through March 31, 2021, and (ii) Executive Order 21-06 (“EO 21-06”) which further extended the State’s county-based restrictions through March 31, 2021; and

WHEREAS, the Health Officer now desires to issue Public Health Order 02-2021 (“Order 02-2021” or this “Order”) to (i) further extend the face covering mandate, and (ii) provide additional directives 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 March 8, 2021 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 April 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 – Submit Plans Over 50 People:**

*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



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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. 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 Fifty (50) or fewer people.
- ii. For any social gathering or event where the total number of invited or requested individuals is expected to exceed Fifty (50) 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.

## Section 3. Additional Requirements for K-12 Educational Institutions & Recreational Sports Leagues/ Tournaments

### A. *K-12 Educational Institutions*

All K-12 educational institutions (public or private) shall conduct the extra-curricular or co-curricular activity in accordance with the attendance limits on social gatherings and events outlined in Section 2 above, and, if required, a safety plan must be submitted to the Department.



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### B. *Recreational/ Community Sports Leagues & Tournaments*

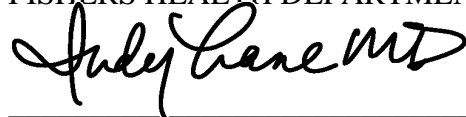
All recreational/ community sports leagues and tournaments shall conduct activity in accordance with the attendance limits on social gatherings and events outlined in Section 2 above, and, if required, a safety plan must be submitted to the Department.

**Section 4.** 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 5.** 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 April 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 March, 2021.

FISHERS HEALTH DEPARTMENT,



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Indy Lane, MD  
Chief Medical Director

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