Amended Ordinance No. 2020-03

AN EMERGENCY ORDINANCE OF THE

DECATUR COUNTY BOARD OF COMMISSIONERS

WHEREAS, Decatur County believes its residents are immediately threatened by the Coronavirus/COVID-19 and believe it is imperative to take action at this time in an effort to protect citizens and contain the spread of the virus to the greatest extent possible, and

WHEREAS, Covid19 is a respiratory disease that can result in serious illness and death and is easily transmitted from person to person, and:

WHEREAS, on January 31, 2020 the United States Department of Health and Human Services Secretary declared a public emergency for the COVID-19, and:

WHEREAS, on March 6, 2020 Governor Eric J. Holcomb issued his Declaration of Public Health Emergency for the State of Indiana for COVID-19, and:

WHEREAS, The Board of Commissioners of Decatur County, pursuant to IC 36-8-2-4 and 5, is authorized to regulate conduct that might endanger the public health, safety or welfare and to impose restrictions to prevent the transmission of diseases, and:

WHEREAS, The Board of Commissioners of Decatur County, pursuant to IC 10-14-3-29 and 29.5, is authorized to issue local travel advisories as part of its emergency powers, and must designate the travel advisory as falling into "Advisory", "Watch", or "Warning" categories, and:

WHEREAS, as of March 31, 2020 Decatur County has the highest per capita rate of confirmed COVID-19 infection in the State of Indiana, and:

WHEREAS, Governor Holcomb's Executive Order 20-08 grants the Decatur County Board of Commissioners the power to impose further restrictions necessary to address the needs in Decatur County, and:

WHEREAS, due to the severity of COVID-19 and the need to take urgent action, the following is effective Thursday April 2, 2020 at 8:00 am, and:

WHEREAS, members of the community have raised questions as to what can and cannot be done under the original version of this ordinance:

NOW, THEREFORE, the Board of Commissioners of Decatur County, Indiana, do hereby declare:

1) That a **local disaster emergency** continues to exist in Decatur County due to COVID-19.

2) That we invoke all appropriate laws, statutes, ordinances and resolutions necessary to exercise emergency authority for the protection of the lives and property of the people of Decatur County, with special reference to Indiana Code 10-14-3.

3) This ordinance shall remain in effect for seven days after adoption, until April 9, 2020 at 8:00 am, and may be renewed by the Board of Commissioners.

4) That a **local travel WARNING advisory** is hereby issued under IC 10-14-3-29.5. For purposes of this advisory the term travel is not restricted to travel by automobile and extends to travel by any means. This means:
    a. Individuals must refrain from all travel unless it is for purposes specifically stated in this ordinance.
    b. Individuals must comply with all emergency measures currently in effect under Governor Holcomb's executive orders and Decatur County's emergency ordinances.
    c. Individuals must cooperate with public officials in the execution of emergency operations including, but not limited to:
        i. State and Local Health Departments,
        ii. State and Local Emergency Management Agencies,
        iii. Law enforcement, fire, and emergency medical service first responders,
        iv. Health care providers in matters related to medical advice and treatment regarding directions related to Covid-19;

5) Travel is RESTRICTED under IC 10-14-3-29.5(a)(3)(A) except by the following when traveling to, from and in the course of employment for these listed businesses and organizations with written authorization from the employer, and only when the work cannot be done remotely. This exemption is 24 hours a day, seven days a week.:
    a. Emergency Management Workers, as defined by Indiana law;
    b. All health care service providers, including doctor offices, hospitals, pharmacies, and therapy establishments, and those seeking emergency medical care;
    c. Essential City of Greensburg, Decatur County, State of Indiana and Federal governmental service offices;
    d. Veterinarian clinics (for emergencies only);
    e. Funeral homes;
    f. Media;
    g. Employees who work in public utilities infrastructure.
    h. Hotel, motel, and temporary lodging staff for the limited purposes of:
        i. Servicing existing guests;
        ii. Facilitating the departure of existing guests;
        iii. Hotel, motel, and temporary lodging may not take on new guests without the express consent of the Emergency Management Agency or Board of Health for the limited purpose of housing temporary health care and emergency workers;

i. Businesses that manufacture and distribute medical supplies necessary to treating Covid-19;

j. Childcare centers only for purposes of providing care to workers at organizations and businesses that are expressly allowed to operate under this ordinance;

6) Travel is further RESTRICTED under IC 10-14-3-29.5(a)(3)(A) except by the following for employees of the businesses and organizations listed below traveling to, from and in the course of employment for these listed businesses and organizations with written authorization from the employer, only when the work cannot be done remotely, and **only between the hours of 5:00 am and 10:00 pm**:

~~a.~~ Grocery Stores or other retailers and manufacturers/suppliers/processors of food, and liquor stores (not to include restaurants);

b. Gas stations for purposes of getting fuel and groceries;

c. Organizations providing essential services such as community food assistance.

d. Social Service agencies, e.g. Red Cross, Salvation Army, etc.;

e. Utility and Trash Services;

f. Postal and delivery Services including delivery of groceries and essential supplies (not to include restaurant deliver services);

g. Public Transportation providers for medical purposes only;

h. Agricultural Operations;

i. Legal Services;

j. Laundromats;

k. Auto Repair Businesses for emergencies only;

l. Those required by law enforcement or court order;

m. Banks and other financial institutions (only drive-thru service for customers);

n. Home Based Healthcare Services;

o. Critical trades where the work is necessary to maintain the safety, sanitation, and essential operation of residences, government agencies, and businesses engaged in essential activities and business operations:

i. Plumbers;

ii. Electricians;

iii. Operating Engineers;

iv. Janitorial Staff;

p. Clergy;

q. Work related to servicing public roads;

r. Employees who perform minimum basic operation for a closed business, which is limited to:

   i. Minimum necessary activities to maintain perishable inventory;

   ii. Preserve the physical condition of industrial equipment;

   iii. Ensuring security;

   iv. Processing payroll and employee benefits;

   v. Activity necessary to allow remote work;

7) Travel by any means for purposes other than employment is prohibited under IC 10-14-3-29.5(a)(3)(A), except for the purposes listed below, only between the hours of 5:00 am and 10:00 pm and only if done by one person (or with minor children who cannot be left home alone):

   a. To and from retail food stores to purchase food and essential home supplies;

   b. To and from pharmacies to purchase medicine and health supplies;

   c. To and from health care providers for emergency medical needs (driver and patient only);

   d. To and from veterinarians for emergencies;

   e. To and from laundromats for purposes of laundering clothes;

   f. To and from banks and financial institutions for purposes of depositing or withdrawing funds when these activities cannot be done online or by phone;

   g. To provide food, essential home and health supplies, and medicine to persons who are homebound or lack their own means of transportation;

   h. For purposes of complying with court orders, including relating to custody and visitation;

   i. Directly to and from the county line for purposes of employment outside the county;

   j. To gas stations only for purposes of obtaining fuel and groceries;

   k. To auto repair shops only for purposes of emergency repair;

   l. Pursuant to guidance from the Indiana and Decatur County Departments of Health, exercise outside such as walking, biking, or jogging is NOT considered prohibited travel, on the condition that it is performed alone or with another member of your household. All existing limitations such as curfews and park hours remain in effect. All playgrounds are closed.

8) When travelling for authorized purposes individuals must maintain social distancing, including proper hygiene and a minimum distance of six feet from individuals.

9) Businesses that must remain open to the public shall comply with Governor Holcomb's Executive Order 20-08 § 17 by designating by signage or tape and enforcing six foot distances at places where lines of customers occur; making hand sanitizer readily available to employees and customer; operating separate hours for vulnerable populations; and displaying signage directing customers to do business by telephone or online means as the preferred mode of business.

10) In addition, all businesses open to the public must limit the number of customers in the business to a number that enforces social distancing and shall designate by signage or tape a six-foot space where customers must wait outside before being permitted entry.

11) Pursuant to Indiana Code 10-14-3-34, knowing, intentional, or reckless violation of this Emergency Order is a Class B misdemeanor, punishable by 0-180 days in the Decatur County Jail, and a fine of up to $1,000.00.

The Board of Commissioners acknowledge the hardship and sacrifice that is being imposed on the businesses and citizens of Decatur County by these closures. These restrictions will be revisited as the COVID-19 circumstances change and are subject to revision as deemed appropriate for the health and well-being of Decatur County Citizens.

This is an ongoing and evolving public health crisis. In addition to the criminal and civil sanctions in Paragraphs 11, refusal to comply may result in suspension of permits as well as fines by order of the Decatur County Health Department and the Health Officer under IC 16-20-1-19 and IC16-20-1-21.

Read and adopted this 31st day of March, 2020.

Decatur County Board of Commissioners

Rick J. Nobbe

Jerome Buening

4-2-20

Mark Koors

ATTEST:

Janet Chadwell
Decatur County Auditor