Ordinance No. 2020-04

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, COVID-19 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, as of March 31, 2020 Decatur County has the highest per capita rate of confirmed COVID-19 infection in the State of Indiana, and both the number of infections and deaths from Covid-19 have continued to increase since that date, and:

WHEREAS, The Board of Commissioners of Decatur County, pursuant to Indiana Code 10-14-3-17(j)(1): Each political subdivision may provide for the health and safety of persons and property, and:

WHEREAS, The Board of Commissioners of Decatur County, pursuant to Indiana Code 10-14-3-22 may make, amend, and rescind orders, rules, and regulations as necessary to prevent, minimize, and repair injury and damage resulting from a local disaster emergency, and:

WHEREAS, The Board of Commissioners of Decatur County has, pursuant to Indiana Code 36-1-3-2, been granted all the powers needed for the effective operation of government within Decatur County, and:

WHEREAS, The Board of Commissioners of Decatur County, pursuant to Indiana Code 36-1-3-4, has all powers necessary to conduct the affairs of Decatur County, and:

WHEREAS, The Board of Commissioners of Decatur County, pursuant to Indiana Code 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, Governor Holcomb's Executive Order 20-18 grants the Decatur County Board of Commissioners the power to impose further restrictions necessary to address the needs in Decatur County, and:

WHEREAS, Governor Holcomb's Executive Order 20-18 is intended to ensure the maximum number of people self-isolate in their homes or residences to the maximum extent feasible, and:

WHEREAS, Governor Holcomb's Executive Order 20-18 may be enforced by State and local law enforcement to the extent set forth in Indiana law, including the Emergency Disaster Law, and:

WHEREAS, due to the severity of COVID-19 and the need to take urgent action, the following is effective Thursday April 9, 2020 at 8:00 am:

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 the maximum seven days allowed by Indiana Code and may be renewed by the Board of Commissioners by separate order to continue in effect for the same duration as Governor Holcomb's Executive Order 20-18 which continues until 11:59 pm on April 20, 2020.
4. Any person who is diagnosed with COVID-19 who is not being treated at a healthcare facility shall self-quarantine for at least 14 days in a portion of their own home that limits, as much as possible, their contact with any other member of their residence. If possible, any person diagnosed with COVID-19 who is under self-quarantine should use his or her own bathroom. Any person living in the same household as a diagnosed person or who has had known contact with a diagnosed person shall contact the Decatur County Health Department hotline at 812-560-5450 for further instruction.
5. That a **local travel WATCH advisory** is hereby issued under Indiana Code 10-14-3-29.5. For purposes of this advisory the term travel WATCH advisory means conditions are threatening to the general public. During a travel WATCH advisory only essential travel such as to and from work or in emergency situations, is recommended. Travel is not restricted to travel by automobile and extends to travel by any means.
    a. However, 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 prohibited.
6. That under Governor Holcomb's Executive Order 20-18 all individuals currently living in the State of Indiana are ordered to stay at home or their place of residence, except as allowed under Governor Holcomb's Executive Order 20-18.
7. Travel that is not exempted under Governor Holcomb's Executive Order 20-18 **will be PROHIBITED between the hours of 10:00 PM and 5:00 AM.**
8. When travelling for authorized purposes, individuals must maintain social distancing, including proper hygiene and a minimum distance of six feet from individuals.
9. Persons who are travelling for authorized purposes must do so as the sole occupant of their vehicle unless:
    a. the vehicle being operated requires more than one person to operate, or is occupied by members of the same household.
    b. the driver is transporting one passenger to the location of or in the course of employment in a business exempted by Governor Holcomb's Executive Order 20-18, or
    c. the driver is travelling with minor children who cannot be left at home alone.
10. Businesses that choose to remain open to the public shall comply with Governor Holcomb's Executive Order 20-18 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.
    a. The business shall keep track of the number of people who enter and leave the store on a one-in, one-out basis once capacity is reached and shall designate by signage or tape a six foot space where customers must wait outside before being permitted entry, creating one-way aisles or other restrictions to limit close contact with other people, and encouraging people to place orders ahead, where feasible,

that will allow them to pick up and pay without entering the business. Only 1 adult per household may enter a business at any time. Minors and dependents are to be accompanied by only one adult.

11. In addition, all businesses conducting retail purchases of goods or services shall do so in the following manner:
    a. All individuals in the County should postpone making in-person purchases of goods and services unless and until such items are needed for sustenance, health, education, or employment
    b. All individuals in the County should use online or call-in ordering of goods and services with either delivery or curbside pickup to the greatest extent practicable
    c. In instances where an individual must visit a retail business) an individual should limit the number and frequency of retail businesses visited to purchase goods and services
    d. All individuals in the County should limit the number of household members who travel to and enter stores for the purpose of making necessary purchases to the minimum necessary, and
    e. Shall comply with the Social Distancing Requirements section 17 of Governor Holcomb's Executive Order 20-18, including by maintaining six-foot social distancing for both employees and members of the general public at all times even when customers are standing in line.
12. Pursuant to Indiana Code 10-14-3-33 neither the state nor a political subdivision may prohibit or restrict the lawful possession, transfer, sale, transportation, storage, display or use of firearms or ammunition during a disaster emergency; however firearms and ammunition dealers must comply with all CDC social distancing and sanitation measures.
13. Pursuant to Governor Holcomb's Executive Order 20-18 and Indiana Code 10-14-3-24 all law enforcement agencies within Decatur County shall enforce the orders issued by Governor Holcomb, the Decatur County Commissioners, and the Mayor of Greensburg.
14. **Pursuant to Indiana Code 10-14-3-34, knowing, intentional, or reckless violation of this Emergency Order and Governor Holcomb's Executive Order 20-18, 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 Indiana Code 16-20-1-19 and Indiana Code 16-20-1-21.

Read and adopted this 8th day of April, 2020.

Decatur County Board of Commissioners

Rick J. Nobbe

Jerome Buening

Mark Koors