

CASS COUNTY COMMISSIONERS

ORDINANCE NO. 2020-

AN ORDINANCE DECLARING A PUBLIC HEALTH EMERGENCY AND EXERCISING EMERGENCY POWERS

WHEREAS, the novel Coronavirus Disease 2019 (COVID-19) is a severe respiratory illness that has rapidly spread throughout the world, including the United States; and

WHEREAS, on January 30, 2020, the World Health Organization declared the COVID-19 outbreak to be a public health emergency of international concern; and

WHEREAS, on January 31, 2020, Health and Human Services Secretary, Alex M. Azar II, declared a public health emergency for the United States; and

WHEREAS, on March 6, 2020, Indiana Governor Eric Holcomb issued Executive Order 20-02, declaring a public health emergency for the coronavirus disease; and

WHEREAS, the Centers for Disease Control issued guidance recommending that no gatherings of more than 10 people take place;

WHEREAS, on March 16, 2020, the State of Indiana issued an order requiring bars, restaurants, and nightclubs to close to service in-person patrons and limit services to carry out and curbside pickups;

WHEREAS, on March 23, 2020, Indiana's Governor issued an Executive Order 20-08 directing Hoosiers to stay home, but allowing essential businesses to remain open and available to the public for essential purchases;

WHEREAS, since March 23, 2020, the Governor has issued additional Orders consistent with, but expanding Executive Order 20-08;

WHEREAS, in response to the outbreak, the Centers for Disease Control and Prevention (CDC) determined that COVID-19 presents a serious health threat and currently recommends community preparedness and everyday prevention measures be taken by all individuals and families in the United States, including, wearing mask that cover both the nose and mouth, voluntary home isolation when individuals are sick with respiratory symptoms, covering coughs and sneezes, washing hands often, use of alcohol-based hand sanitizers and routinely cleaning frequently touched services and objects in order to increase community resilience and readiness for responding to an outbreak; and

WHEREAS, guidance from the Centers for Disease Control, the World Health Organization, and other federal and international public-health authorities indicates that the prevention of public gatherings and other social-distancing measures are effective countermeasures to prevent continued exponential spread of COVID-19 and to mitigate the risk that COVID-19 will overwhelm the capacity of our health-care systems;

WHEREAS, the Governor’s Executive Order requires coordination across federal, state and local governments, first responders, private organizations and the entire healthcare structure in Indiana and activates the disaster response and recovery aspects of the state, local and interjurisdictional emergency plans of all counties in Indiana; and

WHEREAS, the Board of Commissioners of Cass County (the “Commissioners”), is the executive and legislative body of Cass County, Indiana (the “County”), and has the authority to declare and respond to public health emergencies and is doing so; and

WHEREAS, pursuant to Indiana Code § 10-14-3, the Commissioners have the authority to declare a public health emergency and the effect of doing so is to activate the response and recovery aspects of all applicable local or interjurisdictional disaster emergency plans and authorizes the furnishing of aid and assistance under the plans; and

WHEREAS, pursuant to Indiana Code § 10-14-3-22, the Commissioners may make, amend and rescind orders, rules and regulations necessary to emergency management purposes and to supplement the carrying out the emergency management law are not inconsistent with orders, rules or regulations adopted by the governor or by a state agency exercising a power delegated to it by the governor, the emergency management program and emergency operations plan of the County, and any such orders, rules and regulations have the full force and effect of law when filed in the office of the clerk of Cass County;

WHEREAS, the Board of Commissioners of Cass County, pursuant to Indiana Code § 36-8-2-4 and Indiana Code § 36-8-2-5, has the authority to regulate conduct that might endanger public health, safety or welfare and to impose restrictions to prevent the transmission of the disease;

WHEREAS, Indiana Code § 10-14-3-29 grants the Commissioners authority to declare a local disaster emergency for seven (7) days but may not renew such an emergency beyond seven (7) days without further consent of the governing board of the county;

WHEREAS, Indiana Code § 10-14-3-1 provides that an epidemic or other public-health emergency may constitute a disaster supporting the declaration of a disaster emergency;

WHEREAS, despite mitigation steps being taken in Indiana, this virus remains a serious threat to the health, safety, and welfare of the residents of Cass County, and further efforts are needed to address, control, and reduce the evolving threat posed by COVID-19;

WHEREAS, due to the potential severity of COVID-19 and the need to take urgent action, the following is effective as of 12:00 p.m. EST on Monday, April 27, 2020;

WHEREAS, it is in the interest of the public that all Essential Retail Establishments in the city of Logansport shall limit the number of customers in their establishment at one time. An Essential Retail Establishment in Cass County shall not allow more than two (2) customers per one thousand (1,000) square feet of retail space. Any Essential Retail Establishment with more than sixty two thousand (62,000) square feet of retail space is capped at one hundred twenty-five (125) customers at one time. Essential Retail Establishments with two thousand (2,000) square

feet of retail space or less may allow up to five (5) customers at one time. For purposes of calculating square feet an Essential Retail Establishment may only include the square footage of actual retail space in essential retail establishment. Essential Retail Establishments may round up to the nearest one thousand (1,000) square foot for purpose of calculating their square footage. Essential Retail Establishments shall actively monitor and enforce these limits. Essential Retail Establishment for this Executive Order shall have the same definition as the Executive Order 20-08 issued by the Indiana Governor on March 23, 2020.

WHEREAS, It is ordered that customers are limited to one (1) person per family and no one under the age of sixteen (16), while shopping at Essential Retail Establishments in Cass County;

THEREFORE, under the authority vested by Commissioners of Cass County by State Law, IT IS HEREBY ORDERED THAT:

1. The Commissioners hereby declare a local disaster emergency pursuant to Indiana Code § 10-14-3-29. The local disaster emergency in Cass County shall be effective at 12:00 p.m. EST on Monday, April 27, 2020. This emergency is attributable to the COVID-19 pandemic;
2. it is in the interest of the public that all Essential Retail Establishments in the city of Logansport shall limit the number of customers in their establishment at one time. An Essential Retail Establishment in Cass County shall not allow more than two (2) customers per one thousand (1,000) square feet of retail space. Any Essential Retail Establishment with more than sixty two thousand (62,000) square feet of retail space is capped at one hundred twenty-five (125) customers at one time. Essential Retail Establishments with two thousand (2,000) square feet of retail space or less may allow up to five (5) customers at one time. For purposes of calculating square feet an Essential Retail Establishment may only include the square footage of actual retail space in essential retail establishment. Essential Retail Establishments may round up to the nearest one thousand (1,000) square foot for purpose of calculating their square footage. Essential Retail Establishments shall actively monitor and enforce these limits. Essential Retail Establishment for this Executive Order shall have the same definition as the Executive Order 20-08 issued by the Indiana Governor on March 23, 2020.

Example: An Essential Retail Establishment has 2,350 square feet of actual retail space. This retailer may round up to 3,000 square feet for purposes of calculating their square footage. Thus, this Essential Retail Establishment may have six (6) customers at one time.

Example: An Essential Retail Establishment has 60,000 square feet of actual retail space. This Essential Retail Establishment may have up to 120 customers at one time.

Example: An Essential Retail Establishment has 80,000 square feet of actual retail space. Even though the square footage allows up to 160 customers, this Executive Order caps customers at one time at 125 customers.

Example: An Essential Retail Establishment has 1,300 square feet of actual retail space. This essential retail establishment may allow up to five (5) customers at one time.

3. It is ordered that customers are limited to one (1) person per family and no one under the age of sixteen (16), while shopping at Essential Retail Establishments in Cass County. Further, it is required that all patrons shall wear masks covering the nose and mouth while in the Essential Retail Establishment. Further, anyone engaging in activities permitted under this Ordinance or the Governor's Executive Orders should observe Centers for Disease Control guidance on appropriate social distancing (maintaining six (6) of separation from others) and observe responsible practices to help limit the spread of disease (frequent hand washing for at least 20 seconds, covering all coughs and sneezes, and disinfecting frequently used surfaces). All high-risk populations, including the elderly and those with chronic medical conditions like heart disease, diabetes, or lung disease are strongly encouraged to avoid all public gatherings to minimize all travel to maximum extent possible;
4. Violations of this emergency order are punishable under Indiana Code § 10-14-3-24 and Indiana Code § 10-14-3-34. A knowing violation of the Governor's Executive Orders issued pursuant to Indiana's Emergency Disaster Law is a class B misdemeanor;

The Board of Commissioners acknowledge the hardship and sacrifice that is being imposed on the businesses and citizens of Cass County by these closures. These restrictions will be revisited at the COVID-19 pandemic evolves and changes, and are subject to revision as deemed appropriate for the health and safety of the citizens of Cass County.