



LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT

Directed Health Measures 2020-02

WHEREAS, Pursuant to NEB. REV. STAT. § 71-501, Lincoln Municipal Code Chapter 8.18, and Lancaster County Resolution No. R-07-0035 the Lincoln-Lancaster County Health Department is tasked with promoting the health and welfare of its citizens by preventing and minimizing the spread and disease transmission potential of communicable, contagious, and infectious diseases; and,

WHEREAS, The Novel Coronavirus (COVID-19) has the potential to continue to dramatically impact the citizens of Lincoln and Lancaster County, Nebraska; and,

WHEREAS, Pat Lopez has been appointed the Interim Health Director of the Lincoln-Lancaster County Health Department; and,

WHEREAS, Pursuant to NEB. REV. STAT. § 71-501, the Lincoln-Lancaster County Health Department ("LLCHD") is authorized to promulgate rules and regulations concerning contagious, infectious, and malignant diseases in Lancaster County; and,

WHEREAS, Pursuant to Lincoln Municipal Code §8.18.140 and Lancaster County Resolution No. R-07-0035, the Health Director may order the closure of, or restrict access to, any business, office, healthcare facility, school, or government agency or department for the purpose of controlling the spread of disease or for any activity related to controlling the spread of disease, and the Health Director may adopt any other control measures which are consistent with applicable guidelines of a public sector partner, emergency management agency, and any other applicable laws and regulations; and,

WHEREAS, On March 16, 2020, the Centers for Disease Control and Prevention ("CDC") issued Interim Guidance for COVID-19, specifically warning against gatherings of more than ten (10) people; and,

WHEREAS, The LLCHD Health Director makes the following findings:

1. Information from the World Health Organization, the CDC, the LLCHD, and members of the Lincoln and Lancaster County medical community indicates that citizens of Lincoln and Lancaster County have been and will continue to be exposed to COVID-19.
2. COVID-19 presents a risk of death to any exposed person; COVID-19 exposure will be wide-spread and poses a significant risk of harm to people in the general population; and there exists a particular subset of the population more vulnerable to COVID-19 and thus at increased risk.

3. In assessing the nature of the risk presented, the threat is from a novel infectious agent.
4. Directed Health Measures exist to effectively prevent, limit, or slow the spread of COVID-19 amongst the citizens of Lincoln and Lancaster County.
5. A delay in the imposition of Directed Health Measures would significantly jeopardize the ability to prevent or limit the transmission of COVID-19 and pose unacceptable risks to the citizens of Lincoln and Lancaster County.
6. The manner in which the spread of COVID-19 cases in Lancaster County has occurred poses unacceptable risks to the health and welfare of the citizens of Lincoln and Lancaster County and requires extending the previous Directed Health Measure to continue to prevent or limit the transmission of COVID-19.

THEREFORE, the following Directed Health Measures supersedes previous Lincoln-Lancaster County Health Department Directed Health Measures 2020-01, and are hereby ordered for the City of Lincoln and Lancaster County effective on May 7, 2020 at 12:01a.m. and continuing until May 10, 2020 at 11:59 pm unless renewed, extended, or terminated by subsequent order, and all persons are ordered to comply:

- 1) Gatherings are hereby prohibited.

Gatherings are defined as any event or convening that brings together more than ten (10) patrons, customers, or other invitees, excluding staff, in a single room or single space at the same time, including but not limited to, a school, daycare facility (including in-home facilities), gymnasium, fitness center, auditorium, stadium, arena, large event conference room, meeting hall, theater, library, or any other confined indoor or confined outdoor space.

Gatherings include but are not limited to parades, fairs, festivals, and concerts; or any event or convening with fewer than ten (10) patrons, customers, or other invitees where a minimum distance of six (6) feet between all individuals cannot be maintained in the venue. This includes, but is not limited to, body art facilities, massage therapy, barber shops, and cosmetology establishments.

If a venue is subdivided into multiple spaces separated by either physical walls or sufficient airspace each subdivided area may contain up to ten (10) patrons, customers, or other invitees, excluding staff. Religious services, including weddings or funerals, are governed by paragraph 7 of the Nebraska Department of Health and Human Services Directed Health Measure Order 2020-LLHD-001 dated April 30, 2020.

2) Alcohol sales are restricted to carry-out sales and delivery only, to the extent permitted by law. No on-site consumption of alcohol is permitted. This includes bars, taverns, and private clubs, regardless of name or characterization.

3) Food and beverage sales at restaurants, bars, taverns, private clubs, and any dine-in establishments are restricted to drive-thru, carry out, and delivery only. This does not apply to and/or exempts food service in health care facilities.

Lines for drive-thru and carry out in the above-referenced establishments shall have an environment where patrons and staff can maintain six (6) feet of separation between all individuals.

4) Daycare and childcare facilities shall operate under the following conditions:

A. Childcare shall be carried out in groups of ten (10) or fewer children; and, to the extent possible, providers shall maintain the same ten (10) or fewer children daily in each group.

B. If more than one group of children is cared for at one facility, each group shall be in a separate room separated by either physical walls or sufficient airspace. Each subdivided area may contain up to ten (10) or fewer children. To the extent possible, groups shall not mix with each other.

C. To the extent possible, childcare providers shall remain solely with same group of children daily.

5) Door-to-door sales activities are prohibited within the City of Lincoln. Further, the City shall suspend accepting and processing any peddler permits, as described in Lincoln Municipal Code Chapter 5.36.

6) This Order shall not apply to courts of law, meetings or sessions of the Nebraska Legislature, or operations of any other political subdivision; medical providers or facilities, pharmacies; public utilities, essential federal, state, county, and city operations, continuity of business operations; logistics/distribution centers; congregate living settings; group homes and residential drug and/or mental health treatment facilities; shelters; public transportation; airport travel; necessary shopping at fuel stations, grocery stores, retail stores, or malls; election offices; polling places on an election day; or to dwelling units housing ten (10) or more related people. However, these excepted settings shall, to the extent possible, observe physical distancing practices by providing for the maintaining of at least six (6) feet of separation between individuals and all other applicable local, state, and federal guidelines for disease prevention and disinfection of surfaces.

In the event of noncompliance with the terms of these Directed Health Measures, staff from the LLCHD will aid the Health Director in inspection and enforcement. If compliance cannot be had in this manner, law enforcement will be required to aid the Health Director in enforcement.

Failure to comply with this Order will result in legal action for enforcement by civil and/or criminal remedies.

Pursuant to LMC § 8.18.170, any person who is found to have violated any provision of this Order within the City of Lincoln shall be guilty of a City Misdemeanor and subjected to a fine of no more than \$500.00, or imprisonment in the county jail for a period not to exceed six (6) months, or both such fine and imprisonment. Each day that a violation of this Order continues is punishable as a separate and distinct offense.

Pursuant to NEB. REV. STAT. § 23-174, any person who is found to have violated any provision of this Order outside the City of Lincoln shall be guilty of a Class III misdemeanor and subjected to three (3) months imprisonment or \$500.00 fine, or both. Each day such violation continues after notice of violation has been given to the offender may be considered a separate offense.

In addition to any penalty sought or obtained under this Order or other applicable law, the City or County Attorney may institute injunctive or other appropriate civil proceedings necessary to obtain compliance or to abate any nuisance resulting from violations of this Order. This order superseded Directed Health Measure

For the Lincoln-Lancaster County Health Department:


Pat Lopez, RN, MSN
Interim Director

5-4-2020
Date