



LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT

Directed Health Measures 2020-04

WHEREAS, pursuant to Neb. Rev. Stat. §§ 71-501 and 71-1630(4) and Chapter 8.18 of the Lincoln Municipal Code, and Lancaster County Resolution No. R-07-0035, the Director of the Lincoln-Lancaster County Health Department (“Director”) may exercise her authority to order Directed Health Measures necessary to prevent or minimize the spread of communicable disease. The objectives of this order are to reduce morbidity and mortality; minimize disease transmission; protect health care personnel, and preserve health care system functioning; and

WHEREAS, The Novel Coronavirus (COVID-19) has impacted and continues 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, having reviewed information from the U.S. Department of Health and Human Services Centers for Disease Control and Prevention (“CDC”), local public health departments, treating health care providers and health care facilities, and other public health, security, and law enforcement authorities; having consulted with medical and communicable disease control personnel of the Department; and having considered directives and guidelines issued by the CDC and other public health authorities, the LLCHD Health Director finds as follows:

1. Information from the World Health Organization, the CDC, the LLCHD, local public health departments, 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 due to community transmission of COVID-19.

2. That exposure to COVID-19 presents a risk of death or serious long-term disabilities; the exposure is wide-spread and poses a significant risk of harm (including death) to people in the general population; there is a particular subset of the population that is more vulnerable to the threat and thus at increased risk; and the threat is from a novel infectious disease.
3. Directed Health Measures exist to effectively prevent, limit, and slow the spread of COVID-19 amongst the citizens of Lincoln and Lancaster County and implementation will continue to curtail unnecessary in-person interaction, which is the main means of transmission of COVID-19.
4. That the continued enforcement of Directed Health Measures is necessary due to the threat posed to members of the public if people gather in large numbers, in close proximity to each other, and in enclosed spaces, thereby increasing the danger to public health.
5. 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 continued Directed Health Measures are necessary to continue to prevent or limit the transmission of COVID-19.
6. That allowing the current DHM to expire without the imposition of an effective Directed Health Measure targeted at current circumstances would significantly jeopardize the ability to prevent or limit the transmission of COVID-19 or pose unacceptable risks to members of the community.
7. That the following Directed Health Measures have been identified as effective against public health threats by the CDC and other similar public health authorities to effectively prevent, limit, or slow the spread of COVID-19.

THEREFORE, the following Directed Health Measures (DHM) supersedes previous Lincoln-Lancaster County Health Department Directed Health Measures 2020-01 and Directed Health Measures 2020-02, and are hereby ordered for the City of Lincoln and Lancaster County effective on May 11, 2020, at 12:01 a.m. and continuing until June 30, 2020, at 11:59 pm unless renewed, extended, or terminated by subsequent order; however, this Order will remain in effect no longer than necessary to ensure that COVID-19 no longer poses a public health threat, and all persons are ordered to comply:

- 1) Gatherings are hereby prohibited.

A Gathering is defined as any event or convening that brings together more than ten (10) patrons, customers, or other invitees

(“Patrons”), excluding staff, in a single room or single space at the same time, including but not limited to, a school, gymnasium, fitness centers, 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, or other invitees where a minimum distance of six (6) feet between all individuals cannot be maintained in the venue.

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, excluding staff. In addition to the aforementioned restrictions on Gatherings, venues such as fitness centers/clubs, gymnasiums, gyms, health clubs, and health spas, shall ensure a minimum of six (6) feet be maintained by all Patrons.

- 2) Liquor, beer, and wine sales are restricted, unless served with a meal (see food and beverage sales below), to carry-out sales and delivery only, to the extent permitted by law. This includes restaurants, bars, taverns, private clubs, or other type of business regardless of name or characterization.
- 3) Food and beverage sales at restaurants, bars, taverns, private clubs, or other type of business regardless of name or characterization (“Establishments”) are allowed but are restricted to no more Patrons than 50% of rated maximum occupancy at a time. In addition, if the Establishment has outdoor dining, the outdoor space shall be restricted to no more Patrons than 50% of the rated maximum occupancy for the outdoor dining area. Outdoor dining shall be in addition to indoor dining.

Patrons/parties must be seated at individual tables (counter or bar seating is prohibited). Dining parties must be a minimum of 6 feet apart from other dining Patrons/parties, with no more than 6 individuals per dining party. Establishment Employees shall wear face protection that covers the mouth and nose and shall abide by all other Requirements contained in Appendix 1 - Requirements and Guidance for Restaurant In-Room Dining.

Carry-out, drive-through, and delivery are permitted. The sale and consumption of liquor, beer, and wine is permitted on premise when sold and consumed with a meal. Lines for drive-through 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.

This does not apply to and/or exempt food service in health care facilities.

- 4) Barber Shops, Cosmetology Establishments, Body Art Facilities, and Massage Therapists shall abide by the restriction against allowing more than ten (10) Patrons in a room or space simultaneously. In addition, a minimum distance of six (6) feet shall be maintained between all workstations occupied by a Patrons. Employees and Patrons shall wear face protection that covers the mouth and nose at any time when Patrons are present in the establishment and shall abide by all other Requirements contained in Appendix 2 - Requirements and Guidance for Barber Shops, Cosmetology Establishments, Body Art Facilities, and Massage Therapists.
- 5) Daycare and childcare facilities shall operate under the following conditions:
 - A. Childcare shall be carried out in groups of fifteen (15) or fewer children; and, to the extent possible, providers shall maintain the same fifteen (15) 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 which is separated by either physical walls or sufficient airspace. Each subdivided area may contain up to fifteen (15) 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.
 - D. Daycare and Childcare Facilities shall abide by all other Requirements contained in Appendix 3 - Requirements and Guidance for Child Care Facilities.
- 6) 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.
- 7) This Order acknowledges and does not supersede or take the place of State of Nebraska Department of Health and Human Services Directed Health Measure 2020-LLHD-002, dated May 7, 2020, as it relates to exempting religious services, including weddings and funerals, from the requirements otherwise in place for gatherings of more than ten (10) people. Therefore, 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-002 dated May 7, 2020.
- 8) 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.

For the Lincoln-Lancaster County Health Department:


Pat Lopez, RN, MSN
Interim Director

5-18-2020
Date