



LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
Directed Health Measures 2020-09

WHEREAS, pursuant to NEB. REV. STAT. § 71-501, NEB. REV. STAT. § 71-1630(4)(d)(iii), 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, Patricia D. Lopez has been appointed and confirmed as the 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 NEB. REV. STAT. § 71-1630(4)(d)(iii) the Health Director of the LLCHD is authorized to investigate the existence of any contagious or infectious disease and adopt measures to arrest the progress of the disease; 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 throughout Nebraska, 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. 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. 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. Not having effective Directed Health Measures 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. Maintaining practices to mitigate the spread of COVID-19 including, but not limited to, maintaining six (6) feet of physical distancing between individuals and/or parties of eight (8) or fewer, and wearing face covering which cover the mouth and nose, are necessary to continue slowing the spread of COVID-19.
8. Director Dr. Robert R. Redfield of the CDC, as well as the Lancaster County Medical Society Board, have concluded the wearing of face coverings by every individual while in public is one of the best methods to slow and stop the spread of COVID-19.
9. The American Academy of Pediatrics has determined education is fundamental to child and adolescent development and well-being and strongly advocates that all policy considerations for the school year should start with a goal of having students physically present in school, and to be able to open schools safely, it is vitally important that communities take all necessary measures to limit the spread of the

SARS-CoV-2.

10. 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 2020-08, and are hereby ordered for the City of Lincoln and Lancaster County effective on September 14, 2020, at 12:00 a.m. and continuing until October 31, 2020, at 11:59 p.m. 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 the greater of: more than fifty (50) patrons, customers, or other invitees (“Patrons”), excluding staff; or, more individuals than 50% of the rated occupancy allowed (not to exceed 10,000 people), as determined by the City of Lincoln Building and Safety Department, in a single room or single space at the same time, including but not limited to, auditoriums, stadiums, arenas, large event conference rooms, meeting halls, theaters, libraries, or any other confined indoor space; or 75% of the rated occupancy allowed (not to exceed 30,000 people) by the City of Lincoln Building and Safety Department in any confined outdoor space.

Private and public educational institutions or school districts are excepted from the prohibition on gatherings during any in-person education.

For any indoor or outdoor gathering which expects 500 or more individuals in attendance at one time (“Event”), an Event Application Plan shall be submitted by the Event organizer to the LLCHD. No Event shall take place until the LLCHD has approved the Event Application Plan.

Any other convening with fewer individuals than fifty (50) people, or 50% of the rated occupancy of an indoor setting, or 75% occupancy of a confined outdoor setting shall ensure that there will be a minimum distance of six (6) feet between all individuals (or between groups of eight (8) or fewer individuals), and in no case shall there be any group larger than eight (8) individuals allowed at any time.

- 2) 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 the rated maximum occupancy as established by the City of Lincoln Building and Safety Department while maintaining six (6) feet of separation between groups of Patrons. In addition, if the Establishment has outdoor dining, the outdoor space shall be restricted to no more Patrons than the rated maximum occupancy for the outdoor dining area while maintaining six (6) feet of separation between groups of patrons. Outdoor dining shall be in addition to indoor dining. In lieu of six (6) feet of separation, a solid barrier that will sufficiently prevent droplet spread between groups of Patrons may be utilized.

Owners of Establishments shall ensure in all indoor and outdoor areas:

- a. Patrons/parties are seated at individual tables or the bar (if so equipped with one); and, that patrons/parties are a minimum of six (6) feet apart from other patrons/parties, with no more than eight (8) individuals per party; and,
- b. Patrons remain seated in their seats unless ordering food and/or beverages, are engaged in the play of arcade games, billiards, or other entertainment devices, or are utilizing restrooms; and,
- c. Any Establishment with arcade games, billiards, or other entertainment devices (“Game”) shall ensure there will be no more than eight (8) Patrons congregating at any one time around a single Game, and shall perform heightened cleaning and disinfection of the high touch surfaces, such as: controllers; buttons; pool sticks, cues, and balls, at regular intervals.
- d. 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.
- e. Dancing is permitted at private events (events with set invitee lists including but not limited to wedding receptions, dance recitals, or private dances.)

Carryout, drive-through, and delivery are permitted. 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.

Operators of any state licensed company which allows the consumption of alcohol while on city streets, county roads, or state highways, including but not limited to limousines, party buses, or pedal pubs, shall limit party sizes to no more than fifty percent (50%) occupancy or eight (8) individuals, whichever is greater, excluding the operator.

- 3) Barber Shops, Barbers, Cosmetology Establishments, Cosmetologists and Estheticians, Body Art Facilities, and Massage Therapists shall abide by the restriction against gatherings and ensure a minimum distance of six (6) feet shall be maintained between all workstations or areas occupied by 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.
- 4) Childcare (whether in-home or facilities) shall operate under the following conditions:
 - A. Childcare shall be carried out in groups of:
 - i) fifteen (15) or fewer children age 2 and under;
 - ii) twenty (20) or fewer children age 3;
 - iii) twenty-four (24) or fewer children between ages 4-5;
 - iv) thirty (30) or fewer children ages 6 and above;per room / space. To the extent possible, providers shall maintain the same groups of children daily.
 - 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 a group of 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. If childcare providers always wear facial coverings, they may work with different groups of children.
 - D. Childcare Facilities shall abide by all other Requirements contained in Appendix 3 - Requirements and Guidance for Child Care Facilities.
- 5) Gyms, fitness centers/clubs, health clubs, health spas, martial arts studios, and gymnastics gyms will be limited to the greater of fifty (50) people (excluding staff) or 75% of rated occupancy as established by the City of Lincoln Building and Safety Department. Businesses and organizations that provide any sports training and that sell memberships to provide such training are allowed to offer sports training as long as they follow the guideline contained in this paragraph. Any facility or business referred to in this paragraph shall ensure a minimum distance of six (6) feet be maintained between all patrons at all times.
- 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 neither supersedes nor takes place of the State of Nebraska Department of Health and Human Services Directed Health Measure 2020—LLHD-009 as it relates to exempting religious services, including weddings and funerals, from the requirements otherwise in place for gatherings. Therefore, religious services, including weddings or funerals, are governed by the Nebraska Department of Health and Human Services Directed Health Measure Order 2020—LLHD-009.
- 8) Self-service food “Buffets” is allowed; Operators of Buffets shall provide hand sanitizer for patrons to use prior to using utensils; and the changing of utensils at least every 30-minutes.
- 9) All individuals shall wear face coverings over the mouth and nose while present in any areas open to the public while in the Hall of Justice located at 575 South 10th Street, Lincoln, Nebraska, except nothing in this Order shall require the use of a face covering by any person for whom doing so would be contrary to their health because of a medical condition.
- 10) Any individual or entity which maintains premises open to the general public, including but not limited to private and public educational institutions or school districts, shall require all individuals age five (5) and older to wear a face covering over their mouth and nose while indoors unless the individual is able to and maintains at least six (6) feet of separation at all times from anyone else who is not their household member, except face coverings will not be required if the individual:
 - Is engaged in federal, state, or county government services in the location those services are provided;
 - Is seated at a bar or restaurant to eat or drink, or while immediately consuming food or beverages;
 - Is engaged in exercise and six (6) feet of separation cannot be maintained;
 - Is engaged in an occupation preventing the wearing of a face covering;
 - Is obtaining a service or purchasing goods or services that requires the temporary removal of the face covering during the service or the purchase;
 - Is giving a speech, lecture, or broadcast to an audience so long as six (6) feet of distancing from other individuals is maintained and only while said speech, lecture, or broadcast is being delivered; or,
 - Cannot otherwise wear a face covering because of a medical condition, a mental health condition, or a disability that prevents the wearing of a face covering.
- 11) Any individual who has been confirmed as having COVID-19 by a laboratory test, or who is determined to be exposed to an individual diagnosed with having COVID-19 by a laboratory test, shall cooperate with the LLCHD Communicable Disease Division contact tracing and abide by all instructions provided, including but not limited to isolation or quarantine as contemplated by Lincoln Municipal Code 8.18 and Lancaster County Resolution No. R-07-0035.

12) This Order shall not apply to courts of law, meetings or sessions of the Nebraska Legislature; medical providers, facilities, or pharmacies; public utilities or 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; election offices; polling places on an election day; or to dwelling units. 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 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 may be subjected to a fine of no more than \$500, 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 may be subjected to up to three (3) months imprisonment, up to a \$500 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. Any one subject to these Directed Health Measures may consult Nebraska Revised Statute, Lancaster County Resolution, or Lincoln Municipal Code to determine their right to seek administrative and/or judicial review.

For the Lincoln-Lancaster County Health Department:


Patricia D. Lopez, RN, MSN
Director

9-11-2020
Date