



LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT Directed Health Measures 2021-22

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 (“LLCHD”); and,

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

WHEREAS, Pursuant to NEB. REV. STAT. § 71-1630(4)(d)(iii), the Health Director 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 LLCHD; and having considered directives and guidelines issued by the CDC and other public health authorities, the 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 (“DHMs”) 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 DHMs 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 Lincoln and Lancaster County has occurred poses unacceptable risks to the health and welfare of the citizens of Lincoln and Lancaster County and continued DHMs are necessary to continue to prevent or limit the transmission of COVID-19.
6. Not having effective DHMs 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 Lincoln and Lancaster County community.
7. Maintaining practices to mitigate the spread of COVID-19 including, but not limited to, reducing occupancy, and wearing face coverings which cover the mouth and nose, are necessary to continue slowing the spread of COVID-19.
8. 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 COVID-19.
9. Nebraska’s Chief Medical Officer, Dr. Gary Anthonie, had previously indicated the State of Nebraska had increases in hospitalizations related to COVID-19 which had the potential of stressing the state’s healthcare workforce and facilities.

10. Notwithstanding the current COVID-19 emergency hospital capacity, as defined by both available inpatient beds and adequate staffing, within Lincoln and Lancaster County remains finite.
11. The CDC has identified multiple mutations in the COVID-19 virus (“Variants”) which cause the virus to act in different ways that are significant to public health including, but not limited to, more severe disease, easier transmission amongst individuals, requiring different treatments, and reduced efficacy of currently available vaccines.
12. Four different COVID-19 Variants of Concern have been confirmed in Lancaster County, Nebraska.
13. The CDC considers people to be fully vaccinated for COVID-19 ≥ 2 weeks after they have received the second dose in a 2-dose series (Pfizer-BioNTech or Moderna), or ≥ 2 weeks after they have received a single-dose vaccine (Johnson and Johnson (J&J)/Janssen), and those vaccines are effective at protecting people from getting sick as a result of COVID-19.
14. In Lancaster County over 57% of the total eligible population and over 85% of individuals aged 65 and older (those most at risk of death due to COVID-19) have been fully vaccinated against COVID-19.
15. The CDC has indicated that fully vaccinated people no longer need to wear a face covering or physically distance in any setting, except where required by federal, state, local, tribal, or territorial laws, rules, and regulations, including local business and workplace guidance.
16. The following DHMs 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 (“DHMs”) supersedes previous Lincoln-Lancaster County Health Department Directed Health Measures 2021-21, and are hereby ordered for the City of Lincoln and Lancaster County, Nebraska, effective on May 21, 2021, at 12:01 a.m. and continuing until June 18, 2021, 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, except as otherwise set forth herein, is defined as any event or convening that brings together the greater of: more than ten (10) patrons, customers, attendees, participants, or other invitees (“Patrons”), excluding staff; or, more individuals than 100% of the rated occupancy allowed, 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 100% of the rated occupancy allowed by the City of Lincoln Building and Safety Department in any confined outdoor space.

The prohibitions on Gatherings does not apply to normal operations at private and public educational institutions or school districts during any in-person education, airports, bus and train stations, health care facilities and services (as defined in the Health Care Facility Licensure Act NEB. REV. STAT. §§ 71-401 to 71-475), other mental health and/or substance use treatment day programs which are not required to be licensed (such as Day Rehabilitation or Day Treatment), shopping malls and centers, or other spaces where ten (10) or more persons may be in transit. It also does not include typical office environments, factories, or retail or grocery stores where large numbers of people are present, but it is typically unusual for them to be within six (6) feet of one another. It also does not include events at which members of the media may need to be present, courts of law, public utilities, state, county, and city operations, election offices and polling places on election day, logistics/distribution centers, family residences, or religious services. It also does not include businesses that are subject to capacity restrictions as described in paragraphs (2) – (6).

Any indoor venue with a rated occupancy of five hundred (500) individuals or more, as determined by the City of Lincoln Building and Safety Department, holding any convening of Patrons, regardless of the actual number, in the venue (“Event”) shall submit an Event Application Plan to the LLCHD. No Event shall take place until the LLCHD has approved the Event Application Plan.

Any organization (public or private) conducting any extracurricular activities for school aged children in grades K-12 (“K-12 children”), including but not limited to rehearsals, recitals, activities, practices, games, or competitions, (“Activity”) shall submit a LLCHD approved K-12 Activity Plan prior to any Activity taking place. The Activity Plan shall include the organization specifying an adult

Organizer (or Organizers), including but not limited to a coach, leader, or sponsor, to account for compliance by K-12 children and spectators with these DHMs during any Activity.

Every Organizer of an Activity shall:

- A. Require all individuals to abide by any requirements set forth in the approved K-12 Activity Plan;
- B. Require all Activity participants to immediately inform the Organizer if the participant has received a lab confirmed diagnosis of COVID-19; and,

Any Organizer of an Activity that becomes aware of two (2) or more positive cases of COVID-19 within the last seven (7) days amongst its participants shall immediately notify and cooperate with the LLCHD.

Any owner of a venue hosting a K-12 child Activity, including but not limited to school and club sponsored events, shall:

- A. Name a specific individual who will be present during and account for compliance with these DHMs during an Activity;
- B. Limit spectator capacity to 100% of the rated occupancy of the venue; and,
- C. Require all individuals to abide by any requirements set forth in the approved K-12 Activity Plan.

- 2) Food, liquor, beer, and wine sales at licensed restaurants, bars, taverns, private clubs, or other type of business regardless of name or characterization (“Establishments”) are restricted to no more than 100% of the rated maximum occupancy as established by the City of Lincoln Building and Safety Department. 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. Outdoor dining shall be in addition to indoor dining.

Owners of Establishments shall abide by any requirements contained in Appendix 1 – Requirements and Guidance for Restaurant In-Room Dining. This section does not apply to food service in health care facilities.

Operators of any type of vehicle or conveyance which is permitted by Nebraska law to otherwise allow consumption of alcohol while on city streets, county roads, or state highways, including but not limited to limousines, special party buses, or pedal-pub vehicles, may operate at 100% of normal capacity. Operators shall maintain a list of all

passengers for twenty-one (21) days after passage and provide that list to the LLCHD immediately upon request.

- 3) Barber Shops, Barbers, Cosmetology Establishments, Cosmetologists and Estheticians, Body Art Facilities, and Massage Therapists shall abide by all requirements contained in Appendix 2 - Requirements and Guidance for Barber Shops, Cosmetology Establishments, Body Art Facilities, and Massage Therapists.
- 4) Childcare Facilities (whether in-home or facilities) shall abide by all 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 no more than 100% of rated occupancy as established by the City of Lincoln Building and Safety Department.
- 6) Individuals conducting door-to-door sales shall have a current Peddler Permit as described in Lincoln Municipal Code Chapter 5.36 and abide by any notice posted at an individual's residence that solicitations are not allowed.
- 7) 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.
- 8) These DHMs shall not apply to courts of law; meetings or sessions of the Nebraska Legislature; public utilities or essential federal, state, county, and city operations; congregate living settings; group homes and residential drug and/or mental health treatment facilities; shelters; airport travel; election offices; polling places on an election day; or to residences and 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 DHMs, 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 inspection and enforcement.

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

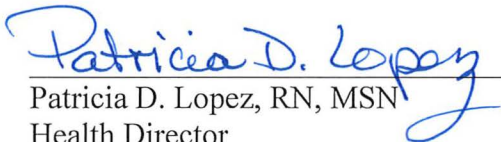
Pursuant to LMC § 8.18.170, any person who is found to have violated any provision of these DHMs within the City of Lincoln shall be guilty of a City Misdemeanor and may be subjected to a fine of no more than five hundred dollars (\$500), or imprisonment in the county jail for a period

not to exceed six (6) months, or both such fine and imprisonment. Each day that a violation of these DHMs continues is punishable as a separate and distinct offense.

Any person who is found to have violated any provision of NEB. REV. STAT. § 23-174 and/or NEB. REV. STAT. § 71-506 in Lancaster County except within the limits of any incorporated city or village, and except within the unincorporated area where a city or village has been granted zoning jurisdiction and is exercising such jurisdiction, may be guilty of a Class III misdemeanor and may be subjected to up to three (3) months imprisonment, up to a five hundred dollar (\$500) fine, or both, and/or may be guilty of a Class V misdemeanor and subject to up to a one hundred dollar (\$100) fine. 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 these DHMs 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 these DHMs. Anyone subject to these DHMs shall consult the Nebraska Revised Statutes, Lancaster County Resolution No. R-07-0035, or the 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
Health Director

5-19-2021
Date