

City of LaPorte

INDIANA



OFFICE OF THE MAYOR
801 MICHIGAN AVENUE
LA PORTE, INDIANA 46350

CITY OF La PORTE, INDIANA

EXECUTIVE ORDER NO. 1-2020

WHEREAS, under IND. CODE § 36-4-5-2, I as the Mayor of the City of La Porte serve as the Executive of the City;

WHEREAS, a Centers for Disease Control risk assessment indicates that the novel Coronavirus Disease, known as “COVID-19,” is a serious public-health threat and that “sustained person-to-person spread will continue to occur, including throughout communities in the United States”;

WHEREAS, the Centers for Disease Control reports that COVID-19 may cause severe illness, including illness resulting in death, particularly among the elderly and those with severe underlying health conditions like heart disease, lung disease, and diabetes;

WHEREAS, the spread of COVID-19 throughout the United States and Indiana poses a severe and imminent threat to public health and requires aggressive response measures to slow the spread of the disease and mitigate its impact;

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 World Health Organization declared COVID-19 a Public Health Emergency of International Concern on January 30, 2020, and declared COVID-19 a pandemic on March 11, 2020;

WHEREAS, the United States Secretary of the Department of Health and Human Services declared COVID-19 a public-health emergency for the United States on January 31, 2020;

WHEREAS, the first confirmed death from COVID-19 occurred in La Porte County, Indiana on April 2, 2020;

WHEREAS, March 6, 2020, Indiana's Governor declared the COVID-19 outbreak a statewide disaster emergency;

WHEREAS, on March 15, 2020, the Centers for Disease Control issued guidance recommending that no gatherings of more than 50 people take place for at least eight weeks;

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 pick ups;

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, IND. CODE § 10-14-3-29 grants the Mayor authority to declare a local disaster emergency;

WHEREAS, City of La Porte Municipal Ordinance 26-1, *et seq.*, grants the Mayor, upon declaration of a local disaster emergency, authority to take such actions as are appropriate to assure the public safety and welfare of citizens by issuing orders as are imminently necessary for the protection of life and property; and

WHEREAS, IND. 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, it is in the interest of the public that all Essential Retail Establishments in the City of La Porte shall limit the number of customers in their establishment at one time. An Essential Retail Establishment in the City of La Porte shall not allow more than 2 customers per 1,000 square feet of retail space. Any Essential Retail Establishment with more than 62,000 square feet of retail space is capped at 125 customers at one time. Essential Retail Establishments with 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 the essential retail establishment. Essential Retail Establishments may round up to the nearest 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, I am ordering that customers are limited to one (1) person per family while shopping at Essential Retail Establishments in the City of La Porte.

WHEREAS, I am ordering the closure of Beechwood Golf Course, one of the finest municipal golf courses in Indiana, until May 1, 2020; and

WHEREAS, IND. CODE § 10-14-3-29 provides that I may declare a local disaster emergency for seven (7) days but may not renew such an emergency beyond seven (7) days without the consent of the City Council.

THEREFORE, under the authority vested in me as Mayor of the City of La Porte by state law and local ordinance, **IT IS HEREBY ORDERED THAT:**

1. The local disaster emergency in the City of La Porte shall be effective at 12:01 a.m. CST on Saturday, April 4, 2020. This emergency is attributable to the COVID-19 pandemic.
2. I have asked the City Council to consent to an extension of this renewal through May 1, 2020, and understand that the Council intends to schedule a meeting prior to the expiration of this Executive Order to consider that request. This declaration shall continue through May 1, 2020 unless the Council declines to consent to that extension. Should the Council decline to consent, this declaration will expire at 11:59 p.m. on Friday, April 10, 2020.

3. I hereby order in the interest of the public that all Essential Retail Establishments in the City of La Porte shall limit the number of customers in their establishment at one time. An Essential Retail Establishment in the City of La Porte shall not allow more than 2 customers per 1,000 square feet of retail space. Any Essential Retail Establishment with more than 62,000 square feet of retail space is capped at 125 customers at one time. Essential Retail Establishments with 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 the essential retail establishment. Essential Retail Establishments may round up to the nearest 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.

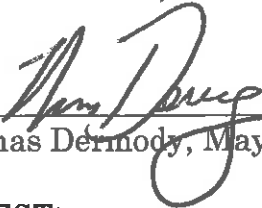
Example: An Essential Retail Establishment has 1,300 square feet of actual retail space. This essential retail establishment may allow up to five (5) customers at one time.

4. I hereby order that customers are limited to one (1) person per family while shopping at Essential Retail Establishments in the City of La Porte.

5. I hereby order the closure of Beechwood Golf Course, one of the finest municipal golf courses in Indiana, until May 1, 2020; and
6. Violations of this emergency order are punishable under IND. CODE § 10-14-3-24, and IND. CODE § 10-14-3-34.
7. Anyone engaging in activities permitted under this Executive Order or the Governor's Executive Order 20-08 should observe Centers for Disease Control guidance on appropriate social distancing (maintaining six feet 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).
8. All individuals in 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 and to minimize all travel to the maximum extent possible.
9. I have considered the scope of my authority under state law and City of La Porte Municipal Code Section 26-1, *et seq.*, social and economic impacts, anticipated effectiveness, and current epidemiology of this pandemic.
10. This order will be filed with the Clerk-Treasurer of the City of La Porte in conformity with IND. CODE § 10-14-3-29(a).


DATED this 3rd day of April, 2020

City of La Porte, Indiana



Thomas Dermody, Mayor

ATTEST:



Courtney Parthun, Clerk-Treasurer

