

Elkhart County Health Department
Public Health Order No. 03-2020

Requirements for Gatherings and Events

The outbreak of a new coronavirus continues to cause the disease called COVID-19. COVID-19 is having a direct impact on the health and safety of Elkhart County residents. Elkhart County is continuing its efforts to reduce its COVID-19 positivity rate and prevent an increased resurgence and spread of COVID-19. The State of Indiana, in Executive Order 20-39 (dated July 30, 2020), confirmed the importance of placing additional requirements for gatherings and events by extending Executive Order 20-36. In order to protect public health, restrictions must be established to help curb the spread of COVID-19 and protect our vulnerable populations.

With this understanding, I hereby Order the following, effective immediately. This Public Health Order No. 03-2020 is independent of the State of Indiana’s Executive Orders.

A. Gatherings and Meetings

All public and private meetings or gatherings (outside a single household or living unit or religious service), whether familial, social, governmental, philanthropic, or otherwise, may have up to 250 people provided social distancing requirements can be achieved and maintained, sanitation measures are implemented at the site where the meeting or gathering occurs, and the requirements of Public Health Order No. 01-2020 can be achieved and maintained. A host of the meeting or gathering is encouraged to ensure a health screening process for attendees is instituted.

A “social gathering” is an event, assembly, or convening that brings together multiple people, individually or from separate households, in a single space indoors or outdoors, at the same time and in a coordinated fashion where a significant purpose is to interact with others — such as a wedding, family reunion, party, barbecue, picnic, club, banquet, or conference.

All gatherings and meetings, including social gatherings, are limited to no more than 250 people.

The phrase “social distancing requirements” means maintaining at least 6 feet of distance between individuals outside a single household or, in the event 6 feet of distance is not possible, use of a physical barrier (i.e. plexiglass) to separate individuals or members of a single household from others. The phrase “sanitation measures” includes washing hands with soap and water for at least 20 seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high touch surfaces, and not shaking hands. All gatherings and meetings must take proactive measures to ensure compliance with the social distancing requirements and sanitation measures, including, where possible, the following: (1) designating with signage, tape or by other means, 6 feet of spacing for attendees to maintain

appropriate distance; (2) having hand washing stations or hand sanitizer readily available for attendees; and (3) having sanitizing products readily available and frequently cleaning and disinfecting high-touch areas.

B. Special or Seasonal Events

A special or seasonal event is an assembly or convening of multiple people from separate households in a single space, indoors or outdoors, at the same time but where the main purpose is not necessarily for individuals to interact with others outside of one's household but to attend a single event and/or events of limited duration — such as weekly summer concerts or movies-in-the-park, fairs, festivals, carnivals, parades, graduation ceremonies, community holiday celebrations, conventions, fundraisers, sport or racing competitions, shows, special or seasonal markets, or other entertainment events.

Special or seasonal events scheduled to occur on or after August 1, 2020, and where the total attendance is expected to exceed 250 people, must have a Special or Seasonal Event – COVID-19 Plan (“Plan”) approved by the Elkhart County Health Department before proceeding.

Every Plan submitted to the Elkhart County Health Department must be submitted by completing the Special or Seasonal Event – COVID-19 Plan Review Request (“Review Request”) form located at www.elkhartcountyhealth.org, as amended from time to time. Every Plan must be organized in the format set forth in the Review Request and contain all of the information identified in the Review Request, including compliance with social distancing requirements and sanitation measures.

Special or seasonal events of 250 or less must also comply with all requirements for gatherings and meetings set forth in Section A above.

C. Plan Submission Timeline

For special or seasonal events scheduled to occur between August 1 – 20, 2020, that have already submitted a Plan to the Elkhart County Health Department, the person(s) in charge of the event will need to complete a Review Request and provide any additional information to supplement the Plan required by the Elkhart County Health Department as soon practicable, but at least 72 hours in advance of the event, when possible.

For special or seasonal events scheduled to occur between August 1 – 20, 2020, that have not already submitted a Plan to the Elkhart County Health Department, a Review Request and final approvable Plan must be submitted as soon as practicable but at least 7 days in advance of the event.

For special or seasonal events scheduled to occur on or after August 21, 2020, a Review Request and Plan must be submitted at least 14 days in advance of the event. If the Elkhart County

Health Department requires modification to the Plan, then the final Review Request and final approvable Plan, incorporating all modifications required by the Elkhart County Health Department, must be submitted at least 7 days in advance of the event.

D. Violations of this Public Health Order 03-2020

Each of the following constitutes a violation of this Public Health Order 03-2020:

1. hosting a gathering or meeting in excess of 250 people;
2. engaging in a gathering or meeting or special or seasonal event that does not meet the social distancing requirements, sanitation measures, or Public Health Order No. 01-2020 requirements;
3. hosting or otherwise operating a special or seasonal event without submitting a Review Request and Plan to the Elkhart County Health Department;
4. hosting or otherwise operating a special or seasonal event after the Elkhart County Health Department has denied your Plan; or
5. hosting or otherwise operating a special or seasonal event that does not comply with the steps and procedures outlined in a Plan approved by the Elkhart County Health Department.

Each separate improper or noncompliant action will constitute a separate and distinct violation. For example, each instance where (1) a step or procedure of an approved Plan is not complied with or (2) a social distancing requirement, sanitation measure, or Public Health Order No. 01-2020 requirement is not complied with will constitute a separate violation.

E. Penalties for Violating this Public Health Order 03-2020

The Elkhart County Health Department or its designated agents may perform random visits at gatherings and events to ensure compliance with this Public Health Order 03-2020. Upon identifying a violation, a Notice of Violation may be issued confirming the circumstances surrounding the violation. Also, upon identifying a violation, the prior approval of a Plan may be immediately revoked requiring a gathering or event to immediately stop. Following issuance of a Notice of Violation, the local board of health or local health officer may further enforce this Public Health Order 03-2020 by an action in the circuit or superior court under Indiana Code § 16-20-1-26, with such penalties including, but not be limited to, suspension or revocation of a license; appropriate remedial actions; vacation of a property; inspections; penalties up to \$2,500.00 per violation, with each improper or noncompliant action constituting a separate and distinct violation; entering a judgment; and imposing court costs and fees.

F. Scope and Duration

This Order goes into effect on August 1, 2020. This Order will remain in effect until rescinded by the Elkhart County Local Health Officer. Prior to rescinding this Order, the Health

Officer intends to examine the applicable COVID-19 data impacting Elkhart County and the surrounding areas and the status of alternative efforts to combat the spread of COVID-19. This Order is independent of and may continue beyond the current Indiana State Executive Orders addressing similar matters.

Signed and issued July 31, 2020, in Elkhart County, Indiana.

Lydia Mertz MD

Dr. Lydia Mertz, Elkhart County
Local Health Officer