

ORDINANCE \_\_\_\_\_

**AN ORDINANCE AFFIRMING THE DECLARATION OF A PUBLIC HEALTH  
EMERGENCY AND  
ENACTING REGULATIONS TO LIMIT THE SPREAD  
OF COMMUNICABLE DISEASE**

WHEREAS, on March 6, 2020, the Governor of Indiana declared a public health emergency, pursuant to Indiana Code § 10-14-3-12, as a result of the outbreak of the COVID-19 virus; and,

WHEREAS, Indiana Code § 36-8-2-4 and 36-8-2-5 authorize a political subdivision, such as Henry County, to regulate conduct that would endanger the public health, safety or welfare and to impose restrictions upon persons to prevent the spread of communicable disease; and,

WHEREAS, Indiana Code §16-41-9-1.6 provides that a local public health authority may, in an effort to reduce the spread of communicable disease, impose restrictions on “non-essential situations in which people gather”; and,

WHEREAS, the Board of Commissioners of Henry County, Indiana believe that it is necessary to impose restrictions on gatherings of ten (10) or more persons during the continuation of the public health emergency.

NOW THEREFORE, BE IT ORDAINED by the Board of Commissioners of Henry County as follows:

1. The Board of Commissioners of Henry County hereby declares that a local disaster emergency exists.
2. Effective at 1:00 p.m. on March 22, 2020, there shall be no public or private gatherings of more than ten (10) persons, excluding any place of business or workplace, which is otherwise permitted to lawfully remain open.
3. Effective at 5:00 p.m. on March 22, 2020, all businesses, except for those on the list enumerated below, shall close:
  - a. Essential County and local government offices and services, as determined by the respective County and local government offices;
  - b. Grocery stores;
  - c. Funeral homes, provided that no more than ten (10) persons are present during services;
  - d. Health care service providers;
  - e. Pharmacies;
  - f. Banks and lending institutions;
  - g. Gas stations;
  - h. Motor vehicle repair service;

- i. Restaurants and bars, provided that service is limited only to carry out or delivery;
- j. “Dollar” stores and convenience stores;
- k. Utility and garbage removal services;
- l. Laundromats and dry cleaning;
- m. Janitorial services;
- n. Veterinary services;
- o. Legal services;
- p. Media;
- q. Home improvement businesses and hardware stores;
- r. Postal services, trucking and delivery services;
- s. Agricultural operations and businesses engaged in the manufacturing of food products;
- t. Energy delivery businesses and related services, such as propane delivery;
- u. Telecommunications and cellular services;
- v. Information technology services;
- w. Utility and infrastructure maintenance and repair;
- x. Daycare services for businesses that are permitted to remain open;
- y. Public parks and outdoor recreational facilities, provided that groups of no more than ten (10) persons gather and patrons utilize appropriate social distancing;
- z. Golf courses, provided that no motorized golf carts may be utilized; and
- aa. Other businesses as requested in writing by the Henry County Health Department, Henry County Board of Commissioners, or Mayor of New Castle after being determined to be necessary to support critical and necessary services and functions.

4. The Recommendations of Local Public Health Authority, adopted in Resolution 2020-03-16, shall continue in effect until May 22, 2020, provided that any provision of that Resolution that conflicts with this Ordinance shall be deemed omitted and this Ordinance shall be controlling.

5. This Ordinance shall be effective upon passage and shall remain in effect until May 23, 2020, unless earlier rescinded. This Ordinance shall be deemed an Order entered pursuant to Indiana Code § 10-14-3-22 and shall be filed in the Office of the Auditor of Henry County and the Office of the Clerk of Henry County.

6. Any person violating this Ordinance shall be fined in the sum of \$ 200.00 upon the first violation and the sum of \$ 2,000.00 for each subsequent violation. Each day a violation occurs shall be a separate offense. In addition, Henry County, the Henry County Health Department and the State of Indiana may utilize any other method permitted by law to enforce this Ordinance.

**SEVERABILITY:** Any provision contained in this ordinance, which is found by a court of competent jurisdiction to be unlawful, or by operation of law, including subsequent legislative enactment, is rendered inapplicable, shall be omitted and the rest and remainder of this ordinance shall remain in full force and effect.

REPEALER: All ordinances that are in conflict with the terms of this Ordinance are hereby repealed as of the effective date of this Ordinance.

ADOPTED by the Board of Commissioners of Henry County, Indiana this \_\_\_\_ day of \_\_\_\_\_, 2020, by a vote of \_\_\_\_\_ to \_\_\_\_\_.

BOARD OF COMMISSIONERS OF HENRY COUNTY

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\_\_\_\_\_  
\_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Debra G. Walker

ALL OF WHICH IS SO ORDERED BY THE HEALTH DEPARTMENT OF HENRY  
COUNTY, INDIANA

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Dr. John Miller, M.D.

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Angela Cox, Administrator

The City of New Castle joins the Government of Henry County and the Henry County Health Department in support of the necessary precautions to prevent the spread of the COVID-19 virus. We will continue to work closely with employers and service providers to keep a unified front against the outbreak. I ask that citizens adhere to these restrictions to keep New Castle and Henry County safe and healthy.

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Greg York, Mayor