

EXECUTIVE ORDER OF THE TOWN: 2020-04

**AN EXECUTIVE ORDER OF THE TOWN OF LONG BEACH, INDIANA
DECLARING A PUBLIC HEALTH EMERGENCY DUE TO THE CORONAVIRUS
PANDEMIC & IMPLEMENTING CERTAIN PUBLIC HEALTH AND SAFETY
MEASURES**

WHEREAS, the Centers for Disease Control (“CDC”) risk assessment indicates that the novel Coronavirus Disease (“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; and

WHEREAS, the CDC reports that COVID-19 may cause severe illness, including illness resulting in death, particularly among the elderly and those with severe underlying health conditions such as heart disease , lung disease, asthma, and diabetes; and

WHEREAS, the spread of COVID-19 throughout the United States and the State of 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; and

WHEREAS, guidance from the CDC, the World Health Organization, and other federal and international public-health authorities indicate that the prevention of public gatherings and other social-distancing measures are effective counter measures 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; and

WHEREAS, the World Health Organization declared COVID-19 a pandemic on March 11, 2020; and

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; and

WHEREAS, on March 6, 2020, Indiana Governor Holcomb issued his Executive Order No. 20-02, declaring the COVID-19 outbreak a statewide public health disaster emergency, and on April 3, 2020, the Governor Executive Order No. 20-17, Governor Holcomb extending the declaration of a statewide public health disaster emergency, which is set to expire on May 5, 2020, unless otherwise extended by further order; and

WHEREAS, on March 23, 2020, Governor Holcomb issued Executive Order No. 20-08, Governor Holcomb mandating a statewide stay at home directive for all

Hoosiers, which allowed essential businesses to remain open while ordering non-essential business operations to cease and provided for only essential travel; and

WHEREAS, on April 6, 2020, Governor Holcomb issued Executive Order No. 20-18, which replaced Executive Order No. 20-08 with Executive Order No. 20-18, and essentially incorporated all material provisions of Executive Order No. 20-08, and extended the statewide stay at home directive for all Hoosiers, until 11:59 p.m. on April 20, 2020, unless rescinded, modified, or again extended; and

WHEREAS, the number of reported positive cases of COVID-19 and related deaths in the State of Indiana, and, more specifically, continues to increase; and

WHEREAS, in addition to the State of Indiana, the State of Illinois has been identified as an emerging "hot spot" given the surge in number of confirmed cases and deaths of COVID-19; and

WHEREAS, many out-of-state residents, including many that reside in the State of Illinois have family homes or otherwise rent homes in and around the Town of Long Beach ("Town"); and

WHEREAS, within the last week, the Town has seen an increased presence of out-of-state residents returning early to their homes and/or occupying homes in and around the Town; and

WHEREAS, although the Town is mindful of the attraction to its lakeshore as well as other amenities and welcomes those who are drawn to the Town for those purposes, the Town must do all it can to protect the health and welfare of its residents and ensure that all resources are maintained and preserved to the greatest extent possible for the health and safety of its residents during this health emergency; and

WHEREAS, in addition to the increased presence of out-of-state residents returning to their summer or rental homes, the weather has and continues to improve which has and will entice individuals to make use of the lake front, parks, basketball and tennis courts, the golf course, and other recreational areas; and

WHEREAS, with the progression of Spring and the improving weather individuals are inclined to be outside of their residences in the later evening hours after essential businesses have closed and for reasons unrelated to seeking essential services; and

WHEREAS, surrounding communities have recently issued executive orders limiting activities in and around their communities in the interest of addressing and trying to limit the public-health emergency; and

WHEREAS, pursuant to IC § 36-5-2-2, the Town Council President serves as the Executive and principal executive officer of the Town; and

WHEREAS, IC § 10-14-3-1 provides that an epidemic or other public-health emergency

may constitute a disaster supporting the declaration of a disaster emergency; and

WHEREAS, pursuant to IC § 10-14-3-29, a local disaster emergency may be declared by the principal executive officer of a political subdivision and may not be continued or renewed for more than seven (7) days except by or with the consent of the governing board of the political subdivision; and

WHEREAS, in an effort to be responsible and attempt to flatten the curve, slow the spread, and/or stop the spread of COVID-19 in and around the Town, it is in the best interest of the public and our residents that the following public health and safety measures be immediately implemented:

- Establish a Town-wide curfew;
- Temporary closure of the Community Center for non-essential business and activities, and parks, including basketball and tennis courts;
- Require individuals that have travelled out of the State of Indiana as well as those traveling to the Town from outside the State of Indiana, particularly those individuals traveling from identified "hot spots," which include, but are not limited to, the states of Illinois, New York, and Florida, for the purpose of occupying a primary residence, a second home, or a rental in the Town to self-quarantine for fourteen (14) days; and
- Temporarily prohibit the use of golf carts on Town roadways.

NOW, THEREFORE, BE IT ORDAINED THAT, Robert LeMay, as the principal executive officer by virtue of his selection as President of the Town Council of the Town of Long Beach, Indiana, now issues the following Executive Order:

1. As of 11:59 pm on Monday, April 13, 2020, I declare a local disaster emergency in the Town of Long Beach, Indiana, which is attributable to the coronavirus (COVID-19) pandemic, which shall remain in effect until and expire on Tuesday, April 20, 2020 at 11:59 pm unless continued or renewed by or with the consent of the Town Council as the governing board of the Town.
2. A Town-wide curfew is enacted pursuant to which no person shall be or remain upon any street or remain or loiter in any motor vehicle or public place between the hours of 10:00 p.m. and 5:00 a.m. Per Governor Holcomb's Executive Order No. 20-18, the following are exempt from this curfew:
 - a. Individuals traveling to and from work whose employer or business is deemed an Essential Business and patrons of Essential Businesses;
 - b. Individuals employed by government or municipal unit identified as an Essential Government Function;
 - c. Individuals employed by or seeking the services of Healthcare and Public Health Operation;

- d. Individuals employed by or seeking the services of a Human Service Operation;
 - e. Individuals providing Essential Infrastructure; and
 - f. Individuals engaging in Essential Travel.
3. I hereby order the temporary closure of the Community Center for all non-essential business or activities, parks including, but not limited to, basketball and tennis courts.
 4. All individuals who have travelled outside the State of Indiana for any reason, including, but not limited to, those engaged in essential employment and/or travel and otherwise exempted from the restrictions as outlined in Paragraph 2, above, as well as those traveling to the Town from outside the State of Indiana, particularly those individuals traveling from identified "hot spots," which include, but are not limited to, the states of Illinois, New York, and Florida, for the purpose of occupying a primary residence, a second home, or a rental in the Town shall self-quarantine for fourteen (14) days regardless of whether any such individual is exhibiting signs or symptoms of COVID-19.
 5. Operation of golf carts on Town roadways is strictly prohibited.
 6. Violations of this emergency Executive Order are punishable under IC § 10-14-3-24 and IC § 10-14-3-34.
 7. Anyone engaging in activities permitted under this Executive Order or the Governor's Executive Order 20-18 should observe CDC guidance on appropriate social distancing (maintaining six (6) feet of separation from others) and observe responsible practices to help limit the spread of disease (frequent hand washing for at least twenty (20) seconds, covering all coughs and sneezes, appropriate use of masks in public places, and disinfecting frequently used surfaces).
 8. All individuals in high-risk members of the community, including the elderly and those with chronic medical conditions like heart disease, diabetes, asthma, or lung disease, are strongly encouraged to avoid all public gatherings and to minimize all travel to the maximum extent possible.
 9. In issuing this Executive Order, the undersigned has/have considered the scope of applicable authority under state and local law as well as the social and economic impacts, anticipated effectiveness, and current epidemiology of this pandemic.
 10. A request has or will be made of the Town Council to consent to an extension and renewal of this Executive Order through 11:59 pm on May 11, 2020.
 11. This declaration shall continue through 11:59 pm on Tuesday, April 20, 2020, unless the Common Council consents to the requested extension through 11:59 pm on Monday, May 11, 2020.
 12. This Executive Order will be filed with the Town Clerk's Office in conformity with IC

§ 10-14-3-29(a)(2).

ORDERED this 13th day of April, 2020.

Robert LeMay, President of Long Beach
Town Council and Town Executive

**CONSENT OF THE TOWN COUNCIL OF THE TOWN OF LONG BEACH, INDIANA TO
THE EXTENSION OF EXECUTIVE ORDER 2020-04**

At a regular meeting of the Town Council of the Town of Long Beach, Indiana held at 7:00 pm on Monday, April 13, 2020, and after due regard and consideration of the foregoing Executive Order as well as the Town Council President's request for an extension of the Executive Order through 11:59 pm on Monday, May 11, 2020, the Town Council now consents to the requested extension and agrees that the Executive Order shall be and is duly extended through 11:59 pm on Monday, May 11, 2020, unless otherwise ordered or extended in writing by the Town Executive and/or the Town Council in compliance with applicable Indiana law.

ORDERED and EFFECTIVE this 13th day of April, 2020.

Town Council of Long Beach, Indiana

Robert LeMay, President

Nick Meyer, Vice-President

John Kocher, Member

Mary Lou McFadden, Member

John Wall, Member

Attest:

William S. DeFuniak, Clerk-Treasurer