

RESOLUTION 2020-089

RESOLUTION RELATED TO COVID-19 PREVENTION AND CONTROL IN THE CITY OF БЕЛОIT

WHEREAS, on December, 2019, a novel strain of the coronavirus was detected, now named COVID-19, and it has spread throughout the world. COVID-19 was declared a Public Health Emergency of International Concern on January 30, 2020 and was ultimately declared a pandemic on March 11, 2020; and

WHEREAS, in Wisconsin, Governor Tony Evers declared a public health emergency on March 12, 2020 and directed all agencies to support efforts to respond to and contain COVID-19 in Wisconsin. At a national level, President Donald Trump proclaimed a National Emergency concerning COVID-19 on March 13, 2020. At a local level, the Beloit City Council declared a state of emergency in the City of Beloit on March 16, 2020; and

WHEREAS, as of Saturday, May 16, 2020 millions of people around the world have tested positive for COVID-19, including 1,467,884 people in the United States, 12,187 people in Wisconsin; 422 people in Rock County; and that the City of Beloit has the highest concentration of confirmed positive cases in Rock County; and

WHEREAS, as a novel disease with uncertain immunity and no vaccination currently available all of the population is at risk; and

WHEREAS, we are guided by the federal Guidelines for "*Opening Up America Again*" plan and the "*Wisconsin Badger Bounce Back*" plan that both provide guidance and metrics that are designed to slowly and cautiously reopen businesses and activities in our communities. This Order is based on the foundations of federal and state guidance to slow the spread of COVID-19 and bring back our economy. The foundation for most public health and executive guidance has been based on "flattening the curve" to ensure healthcare capacity is not severely strained; and

WHEREAS, the prior Wisconsin *Safer at Home* Order worked to flatten the curve of infections of COVID-19 in Wisconsin, and Wisconsin saw meaningful gains from this proactive step. With increasing testing capacity, we anticipate increased detection of new COVID-19 cases in the coming weeks that will correspond with identifying significant community transmission. This is a crucial time for the City of Beloit to maintain the momentum in containing COVID-19 in our community and halt further dissemination of the disease; and

WHEREAS, we know that the fight to contain COVID-19 is dynamic and ultimately is dependent long-term on the widespread availability of a vaccine and/or treatment. When deciding what action is necessary given current law, the City of Beloit meticulously considered various criteria including: the rate of spread of COVID-19 in Wisconsin, Rock County and the City of Beloit; the health care capacity to meet the needs of the state; the testing, contact tracing, and isolation capacity in Rock County; the availability of personal protective equipment ("PPE") for healthcare workers, first responders, and other public servants that are required to perform face-to-face services; and the economic needs of the community; and

WHEREAS, we know that physical contact and close proximity to other individuals may cause the spread of COVID-19, thereby endangering the public and placing undue strain on the healthcare system; and

WHEREAS, “physical distancing”, meaning a distance of six (6) feet is maintained between all individuals, is a public health tool that may be used to limit the spread of disease and it is essential to use all available tools as is reasonable and necessary to stop the transmission of COVID-19; and

WHEREAS, community testing is currently underway in Beloit with the assistance of the Army National Guard and results will be forthcoming; and

WHEREAS, Wisconsin state law provides broad authority and power for local governments to provide for health, safety and welfare; and

WHEREAS, the Wisconsin Department of Health Services provides communicable disease prevention and control and social distancing guidelines informed by Wisconsin public health experts and consistent with recommendations by the President and the U.S. Centers for Disease Control.

NOW, THEREFORE, BE IT RESOLVED that the City Council for the City of Beloit, under its authority in Chapter 323 of the Wisconsin State Statutes and Section 1.10 of the Code of General Ordinances for the City of Beloit, hereby issues this Order to continue controlling COVID-19 disease transmission throughout the City of Beloit. This Order outlines the measures needed now in the City of Beloit based on the above-listed factors. Recognizing that the City of Beloit has made progress in flattening the curve, we focus on the importance of continuation and resumption of businesses and activities for sectors of our economy that are able to operate with Physical Distancing and Protective Measure Requirements and safe business practices in place. Future decisions will be based on the COVID-19 data for the City of Beloit and upcoming orders, if any, will necessarily remain fluid and will be based on the above factors as well as emerging data and research.

1. DEFINITION. For purposes of this Order and to the extent possible under applicable laws, including but not limited to, the Americans with Disabilities Act, “*Physical Distancing and Protective Measure Requirements*” means:

- a. Maintaining physical distancing of six (6) feet between people not residing in a single living unit or household.
- b. Washing hands with soap and water for at least 20 seconds as frequently as possible or using hand sanitizer;
- c. Covering coughs or sneezes (into the sleeve or elbow, not hands);
- d. Regularly cleaning high-touched surfaces;
- e. Not shaking hands;
- f. Use of a mask or cloth face covering; and

Note: the use of masks or cloth face coverings is strongly recommended but shall not be required due to equity concerns regarding the challenges that either may cause for individuals because of disabilities and/or shortages of Personal Protective Equipment (“PPE”)

- g. Following all other public health recommendations issued by State of Wisconsin Department of Health Services (“DHS”), Rock County Health Department and the U.S. Centers for Disease Control and Prevention (“CDC”).

2. PUBLIC SPACES BOTH INDOORS AND OUTDOORS AND PUBLIC BUILDINGS.

- a. All public spaces, public buildings, and private buildings that are open to the public, shall meet the following public health and safety practices to prevent the spread of COVID-19:

1. To the greatest extent feasible, use technology to avoid meeting in person, including virtual meetings, teleconference, and remote work.
 2. Review the Wisconsin Economic Development Corporation (“WEDC”) guidelines on safe business practices, available here: <https://wedc.org/reopen-guidelines/>.
 3. Comply with Physical Distancing Requirements and Protective Measure Requirements of 6 feet between all individuals on the premises including but not limited to employees, customers, and members of the public and limit the number on the premises, both indoors and outdoors to meet this physical distance requirement, except for those contacts that are incidental and brief in nature. This shall not be construed to require physical distancing between individuals from the same living unit or household. If compliance with the Physical Distancing Requirements of 6 feet between all individuals cannot be maintained, use of PPE or alternative physical distancing precautions recommended by the WEDC, DHS or CDC is required.
 4. Allot 144 square feet¹ of space per living unit or household in a business, both inside and outside and including decks and patios, which shall not in any event exceed an occupancy limit established by building code.
 5. Restrict the number of workers present on premises to no more than is strictly necessary to perform operations.
 6. Increase standards of facility cleaning and disinfection to limit worker and patron exposure to COVID-19, as well as adopting protocols to clean and disinfect in the event of a positive COVID-19 case in the workplace.
 7. Adopt policies to actively screen and prevent workers from entering the premises if they display COVID-19-like symptoms or have had contact with a person with a confirmed diagnosis of COVID-19.
 8. Adopt policies to actively screen and prevent customers, visitors, guests from entering the premises if they display symptoms identified by the CDC as symptoms related to COVID-19 or have had contact with a person with a confirmed diagnosis of COVID-19.
 9. Consider establishing curbside pick-up to reduce in-store traffic and mitigate outdoor lines.
 10. Cease any self-service operations of any type of food or beverage.
 11. Except for grocery stores, prohibit customers from self-dispensing all unpackaged food.
 12. Establish lines to regulate entry in with markings for patrons to enable them to stand at least six feet apart from one another while waiting. Stores should also use alternatives to lines, including allowing customers to wait in their cars for a text message or phone call and scheduling pick-ups or entries to the store.
 13. Cooperate with public health investigations related to COVID-19 confirmed or suspected cases related to the business operations, including excluding employees based on public health recommendations and assisting public health with identifying and contacting contacts of cases.
- b. Where applicable, an individual shall comply with requirements and restrictions outlined in this section while present in public spaces, public buildings, and private buildings that are open to the public.

¹ This amount is based upon a calculation of the physical distancing requirements of 6 feet between individual (or living unit or household) in each direction.

- c. The above requirements shall not apply to those interactions that must occur for health and safety reasons.
3. **SHARED SPACES.** Unless otherwise provided herein, all individuals present in the City of Beloit using shared spaces, outdoor spaces or any place other than their home or residence shall, to the extent possible, comply with Physical Distancing and Protective Measure Requirements.
4. **MASS GATHERINGS.** Mass gatherings are those planned or spontaneous events with a large number of people in attendance that could strain the planning and response resources of the community hosting the event, such as a concert, festival, conference, or sporting event. Mass Gatherings of more than 25 people are strongly discouraged. Gathering size for organizations that serve individuals who are at increased risk of severe illness, as that term is defined in section 7 of this Order, is strongly encouraged to not exceed 10 people. Mass gatherings are required to comply with the provisions outlined in Section 2 and 3 of this Order as well as the following COVID-19 mitigation strategies:
 - a. Minimize sharing of frequently touched objects consistent with the community or individual's traditions and in consultation with local health officials as needed;
 - b. Food or beverage offerings should be provided in, pre-packaged boxes or bags for each attendee to avoid possible COVID-19 transmittal from sharing common dishes at a buffet or family-style meal; and
 - c. Nothing in this Order prohibits the gathering of members of a single living unit or household.
5. **FOLLOW DHS AND CDC GUIDELINES.** All individuals, organizations, government bodies, and any other group of individuals shall, to the extent possible, follow all applicable DHS or CDC guidelines that are more restrictive than this Order when taking any action permitted under this Order. DHS guidelines are located here: <https://www.dhs.wisconsin.gov/covid-19/index.htm> and here <https://www.dhs.wisconsin.gov/covid-19/employers.htm>. CDC guidelines are located here <https://www.cdc.gov/coronavirus/2019-ncov/community/reopen-guidance.html>
6. **STAY AT HOME OR PLACE OF RESIDENCE.** All individuals present within the City of Beloit are strongly encouraged to stay at home or at their place of residence, minimize travel out of Rock County, and keep the number of connections minimal to decrease the spread of disease. To the extent individuals are using shared or outdoor spaces other than their home or residence, they must at all times as reasonably possible maintain physical distancing of at least six (6) feet from any other person except that they do not need to maintain social distancing between individuals residing in a single living unit or household. If a resident travels outside their community and engages in activities that compromise physical distancing the resident should limit contact with non-household members for 14 days and monitor symptoms closely.

Individuals whose homes or residences are unsafe or become unsafe, such as victims of domestic violence, are urged to leave their home and stay at a safe alternative location. For purposes of this Order, homes or residences include hotels, motels, shared rental units, dormitories, shelters, and similar facilities.
7. **VULNERABLE MEMBERS OF THE POPULATION SHOULD TAKE ADDITIONAL PRECAUTIONS.** People at increased risk of severe illness from COVID-19 and people who are sick are strongly

encouraged to stay in their home or residence to the extent possible except as necessary to seek medical care. For the purposes of this Order, the City adopts the definition of the CDC of those individuals who are at increased risk for severe illness which includes the following:

- a. People 65 years and older
- b. People who live in a nursing home or long-term care facility
- c. People of all ages with underlying medical conditions, particularly if not well-controlled, including:
 - 1) People with chronic lung disease or moderate to severe asthma
 - 2) People who have serious heart conditions
 - 3) People who are immunocompromised
Many conditions can cause a person to be immunocompromised, including cancer treatment, smoking, bone marrow or organ transplantation, immune deficiencies, poorly controlled HIV or AIDS, and prolonged use of corticosteroids and other immune weakening medications
 - 4) People with severe obesity (body mass index [BMI] of 40 or higher)
 - 5) People with diabetes
 - 6) People with chronic kidney disease undergoing dialysis
 - 7) People with liver disease

- 8. PREVENTION OF DISEASE RECOMMENDATIONS.** For purposes of this Order, all residents are strongly encouraged to follow these guidelines when in private spaces including:
 - a. Maintaining distancing of six (6) feet between people;
 - b. Washing hands with soap and water for at least 20 seconds as frequently as possible or using hand sanitizer;
 - c. Covering coughs or sneezes (into the sleeve or elbow, not hands);
 - d. Regularly cleaning of frequently-touched surfaces;
 - e. Not shaking hands; and
 - f. Following all other public health recommendations issued by DHS and the U.S. Centers for Disease Control
- 9. CITY FACILITIES AND SERVICES.** The City may impose restrictions for city facilities, city property or services based upon on the needs of a particular facility, property or service for protection of the public health, visitors, and city employees. Such restrictions shall be posted prominently at the facility, property or location of the service to advise the public of the restrictions.
- 10. ENFORCEMENT.** This Order is enforceable by any local law enforcement official. A violation may result in the issuance of a citation.
- 11. LOCAL ORDERS.** This Order does not preclude local health officer from addressing localized outbreaks with a localized order. Such order may include instituting tailored restrictions based on the needs of a particular location. If there is a conflict between this Order and an order from a local health officer, the more restrictive order shall control. Further, nothing in this Order prevents DHS and local health officials from issuing and enforcing isolation and quarantine orders pursuant to Wis. Stat. ch. 252 and local ordinances.
- 12. PRIVATE BUSINESS OR ORGANIZATION POLICIES.** In addition to the responsibilities to adopt and implement policies related to addressing patron and employee safety outlined in Section 2 of this Order, private businesses or other organizations are strongly encouraged to develop plans or policies to address how to best combat the spread of COVID-19. A private business or

organization may implement policies or plans that are more restrictive than this Order for the protection of the public health in its discretion. Any such policies implemented shall be clearly communicated to patrons and the public.

13. **SEVERABILITY.** If any provision of this Order or its application to any person or circumstance is held to be invalid, then the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.
14. **DURATION.** This Order shall become effective immediately. This Order shall remain in effect until 12:01 a.m. on Tuesday June 2, 2020. Any superseding or subsequent order shall be based upon public health best practices, review of all available data, and may include the following indicia: availability of personal protective equipment; intensive care unit bed capacity; downward trajectory of positive tests as a percent of total tests within a 14-day period; treatment of all patients without crisis care; community testing of all symptomatic individuals, individuals involved in an outbreak, and individuals living and working in congregate settings.

Adopted this 18th day of May, 2020.

CITY COUNCIL OF THE CITY OF БЕLOIT

Regina Dunkin, President

ATTEST:

Lorena Rae Stottler, City Clerk-Treasurer