

**TOWN OF MERRILLVILLE
COUNTY OF LAKE
STATE OF INDIANA
EXECUTIVE ORDER NO. 4**

WHEREAS, under I.C. § 36-5-2-2, the Town Council President of a Town serves as the executive of Town government;

WHEREAS, Governor Holcomb declared the COVID-19 outbreak a statewide disaster emergency starting on March 6, 2020;

WHEREAS, on multiple occasions, Governor Holcomb issued revised and updated statewide "Stay-At-Home" Orders and modified same Orders to create the "Back on Track Indiana" Plan;

WHEREAS, I.C. § 10-14-3-29 grants the Town Council President authority to declare a local disaster emergency;

WHEREAS, I.C. § 10-14-3-29 provides that a declaration of a local disaster emergency activates the response-and-recovery portions of all local or interjurisdictional disaster emergency plans;

WHEREAS, I.C. § 36-1-3 *et seq.*, also known as the "Home Rule" Statutes, authorize a Municipality to adopt an Ordinance/Order prescribing a specific manner of operating a city or town; and

WHEREAS, Merrillville Town Code Section 4-53 grants the Town Council with recommendation from the Fire Chief for the Town of Merrillville Fire Department, upon declaration of a local disaster emergency, overall authority to take such actions as are appropriate to assure the public well-being, safety of public and private property, and the environment including, but not limited to, the imposition of travel bans on streets and highways; the imposition of curfews; the alteration of normal business working hours; and other steps necessary to effect emergency response and recovery; and

WHEREAS, I.C. § 10-14-3-1 provides that an epidemic or other public-health emergency may constitute a disaster supporting the declaration of a disaster emergency.

THEREFORE, under the authority vested in me, the Town Council President for the Town of Merrillville, Indiana, by state law and Town Ordinance, **IT IS HEREBY ORDERED THAT:**

1. That I declare that a local disaster emergency continues to exist in the Town of Merrillville and in Lake County, Indiana. The emergency is attributable to COVID-19. On March 23, 2020, this disaster declaration was declared by Governor Holcomb. On multiple occasions, the Indiana State Governor has extended this "Stay-At-Home" Order and modified said Order to be entitled the "Back-On-Track Indiana" Plan, which we are currently in Stage 4.5.

2. That unless an exception below applies, all individuals must wear a mask or face covering over their nose and mouth when in an indoor place other than their own home, or when outdoors in a situation where adequate social distancing of at least 6 feet is not possible (including outdoor public gatherings). This requirement does not apply to:

- Children who are two (2) years of age or younger.
- Individuals who are hearing or speaking impaired and for whom a mask or face covering is an obstacle to communication.
- Individuals who are unable to wear a mask or face covering for a physical, medical, or health-related reason.
- Individuals in a hospital, doctor's office, dentist's office, or other health care facility, in circumstances where wearing a mask or face covering would be an impediment to receiving proper care.
- Individuals experiencing homelessness.
- Individuals who are alone in a room in a public building, such as in an office.
- Individuals who are traveling in their own vehicles.
- Individuals for whom wearing a face mask or covering would present a risk to their safety while at work, as determined by local, state, or federal workplace safety regulations.
- Individuals who are incarcerated.
- Individuals who are engaged in a form of indoor exercise that is incompatible with wearing a mask or face covering, including swimming.
- Individuals who are seated at a restaurant, bar, or other establishment that serves food and/or drink, while they are eating or drinking. However, individuals entering and exiting restaurants or bars, or congregating in waiting areas or common areas of restaurants or bars, must wear masks or face coverings.
- Individuals who are engaged in outdoor physical exercise, including running, jogging, walking, bicycling, or swimming, if in groups of less than 25.
- Bona fide emergency situations in which a person lacks the time or the means to put on a mask or face covering before entering an indoor or outdoor public space.
- Individuals who are outdoors and are maintaining at least 6 feet of distance from others who are not part of their household.

3. That all businesses and public accommodations that are open to the public must ensure that all customers and/or visitors are complying with the requirements of Paragraph 2 above. Businesses or public accommodations that fail to enforce compliance with Paragraph 2 are subject to enforcement action.

4. That when individuals must interact with one another outside their own home, including at work, at essential businesses, and at non-essential businesses, they should observe the following precautions:

- Maintain a distance of at least six (6) feet from other individuals who are not part of their own household;
- Wash their hands with soap and water for at least 20 seconds as frequently as possible, or use hand sanitizer with at least 60% alcohol when soap and water are not available;
- Cover all coughs and sneezes with a tissue that can then be disposed;
- Disinfect frequently used surfaces;
- Avoid sharing food, drinks, and utensils;
- Refrain from sharing office supplies and equipment (such as pens, staplers, and computer keyboards);
- Frequently clean communal office equipment (such as printers and copiers);
- Increase ventilation of indoor spaces, by opening windows or adjusting air conditioning, as much as possible; and
- Refrain from shaking hands or engaging in other physical contact with the hands or face of another person.

5. That violations of the Indiana State Governor's Executive Orders or this Executive Order are punishable under I.C. §§ 10-14-3-24 and 10-14-3-29.5(a)(3)(D).

6. That I have considered the scope of my authority under state law and Merrillville Town Code Section 4-53, social and economic impacts, anticipated effectiveness, and current epidemiology of this pandemic.

7. That this Executive Order will remain in effect through August 31, 2020 unless: (1) consent to its further extension is given by the Town Council; and (2) it is in fact extended by further Executive Order or by a Resolution of the Town Council.

8. That this Executive Order is being filed with the Clerk-Treasurer of the Town of Merrillville in conformity with I.C. § 10-14-3-29(a).

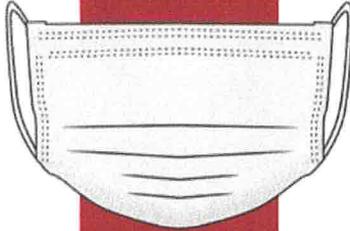


Rick Bella, Town Council President

ATTEST:



Kelly White Gibson, Clerk-Treasurer



**Face Coverings Mandated
in The Town of Merrillville
beginning Monday, July 20
11:00 a.m. by Order of
The Town Council**

Details at: [facebook.com/TheTownofMerrillville/](https://www.facebook.com/TheTownofMerrillville/)