

**This order has been superseded by an order issued on June 25, 2020. Please visit our website for the most recent order.**

## ORDER OF PUBLIC HEALTH MADISON & DANE COUNTY

**DATE OF ORDER:** JUNE 12, 2020

Goes into effect at 8:00 a.m. on June 15, 2020

### EMERGENCY ORDER #5

Public Health Orders have worked to flatten the curve of infections of COVID-19 throughout Dane County. In Dane County, the average number of daily cases dropped once the physical distancing measures within the Orders went into place. This period of low case incidence was followed by a gradual increase in daily cases once community testing increased. The percent of people testing positive for COVID-19 in Dane County has, on average, remained under 2 percent since mid-April.

This is a critical time for Dane County to maintain the momentum of minimizing the spread of COVID-19, keeping people healthy, and maintaining a level of transmission that is manageable by healthcare and public health systems. Public Health Madison & Dane County (PHMDC) is using data and science to determine what actions are necessary across Dane County to slow the spread of the disease. As per the metrics indicated in Forward Dane, we are within the criteria that supports movement to Phase 2. These metrics are in the 'green' category—percent positive, tests per day, hospital staff testing capacity, hospitals operating outside of crisis care, healthcare worker positivity rate, and COVID-like syndromic monitoring.

Based upon the foregoing, I, Janel Heinrich, Public Health Officer of Madison and Dane County, by the authority vested in me by the Laws of the State, including, but not limited to, Wis. Stats. Secs. 252.03(1), (2) and (4), order the following as necessary to prevent, suppress, and control the spread of COVID-19:

- 1. Safety of individuals.** All individuals should take precautions when leaving their homes to ensure their safety, the safety of the members of their household, and the safety of the public.

- a. **All individuals.** For individual safety and the safety of the community, all individuals should:
  - i. Maintain physical distancing of six (6) feet between individuals who are not members of the same living unit or household, to the greatest extent possible.
  - ii. Wash hands with soap and water for at least twenty (20) seconds as frequently as possible or use hand sanitizer.
  - iii. Cover coughs or sneezes (into the sleeve or elbow, not hands).
  - iv. Frequently clean high touch surfaces and objects.
  - v. Not shake hands.
  - vi. Follow all PHMDC requirements.
  - vii. Consider wearing a face covering in public and where it is difficult to maintain physical distancing.
  
- b. **Vulnerable individuals.** Vulnerable individuals include people over sixty-five (65) years of age, people that are pregnant, people in long-term care facilities, people with compromised or weakened immune systems, and people with serious underlying health conditions including high blood pressure, chronic lung disease, serious heart conditions, liver disease, kidney disease requiring dialysis, diabetes, obesity, or asthma.
  
- c. **Individuals experiencing homelessness.** Individuals experiencing homelessness are strongly urged to obtain shelter.
  
- d. **Unsafe homes.** 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.
  
2. **Mass Gatherings.** A Mass Gathering is a planned event with a large number of individuals in attendance, such as a concert, festival, meeting, training, conference, performance, show, or sporting event.
  - a. **Mass Gatherings Inside.** A Mass Gathering inside is permitted with fifty (50) individuals or less not including employees. Individuals must maintain physical distancing.

- b. **Mass Gatherings Outside.** A Mass Gathering outside is permitted with one hundred (100) individuals or less not including employees. Individuals must maintain physical distancing.

3. **Child care, youth, education, libraries, and public spaces.**

a. **Child care and youth settings.**

- i. Child care settings and youth settings must continue to follow licensing and certification ratio requirements.
- ii. Child care settings and youth settings include all licensed, recreational, and educational camps, licensed and certified childcare providers, unregulated youth programs, sports activities, and licensed-exempt public school programs.
- iii. Individual groups or classrooms cannot contain more than fifteen (15) children if the children are age 12 or under.
- iv. Individual groups or classrooms cannot contain more than twenty-five (25) children if age 13 or older.
- v. There should be no interaction or contact between individual groups or classrooms.
- vi. To the greatest extent feasible, minimize amount of staff interaction between groups.

- b. **Public outdoor playgrounds and splash pads.** Public outdoor playgrounds and public splash pads are open. Physical distancing must be maintained.

c. **Public Courts, Fields, and Sports.**

- i. All public courts and fields are open.
- ii. Physical distancing between individuals not from the same household or living unit must be maintained at all times.
- iii. Games and competitions are allowed for low risk sports with physical distancing maintained at all times. Low-risk sports are sports that can be done individually, or with physical distancing, or no to minimal sharing of equipment or the ability to clean the equipment between use.
- iv. Games and competitions are not allowed between teams for medium and high-risk sports. Games and competitions within teams are allowed for medium and high-risk sports if the games and competitions are modified to ensure physical distancing is

maintained at all times. Medium risk sports are sports that involve close, sustained contact, but with protective equipment in place that may reduce the likelihood of respiratory particle transmission between participants or intermittent close contact or group sports or sports that use equipment that can't be cleaned between participants. High risk sports are sports that involve close, sustained contact between individuals, lack significant protective barriers, and have a high probability that respiratory particles will be transmitted between individuals.

- v. All activities in this section for youth age 17 and under must abide by the requirements in Section 3a.
  - vi. Sports activities for individuals age 18 and older must abide by the Mass Gathering requirements in Section 2.
- d. **Schools.** Public and private K-12 schools are open for pupil instruction and extracurricular activities as of July 1, 2020. These schools must abide by the following:
- i. Develop and implement a written hygiene policy and procedure that includes:
    1. Establishing expectations that employees and students who have a fever or other symptoms of COVID-19 do not come or remain at school.
    2. Establishing hand-washing expectations and ensuring supplies are available to employees and students.
    3. Describing proper cough and sneeze etiquette.
  - ii. Develop and implement a written cleaning policy and procedure that includes:
    1. Guidelines for cleaning and disinfecting frequently touched surfaces multiple times a day.
    2. Guidelines for cleaning common areas between use.
    3. Protocols for cleaning and disinfecting in the event of a positive COVID-19 case on site.

- iii. Develop and implement a written protective measure policy and procedure that includes:
    - 1. Ensuring individuals are at least six (6) feet from others whenever possible.
    - 2. Ensuring employees are provided with and wear face coverings when unable to maintain at least six (6) feet of distance from others. If a partition or barrier is in place, a face covering is recommended, but not required.
    - 3. Ensuring that student and staff groupings are as static as possible by having the same group of children stay with the same staff as much as possible. Restrict mixing between groups as much as possible.
  - iv. Develop and implement a written action plan for a COVID-19 outbreak at the school. This plan must include a strategy to communicate school closures, return to virtual learning, or other time sensitive issues.
  - v. Document staff receipt, acknowledgement, or training on the policies in Sections 3.d.i-3.d.iv.
  - e. **Continuing education and higher education institutions.** Continuing education and higher education institutions may determine policies and practices for safe operations. However, these institutions may not open congregate living situations including dormitories without strict policies that ensure safe living conditions. These institutions must maintain physical distancing to the greatest extent possible.
  - f. **Libraries and community centers.** Libraries and community centers shall comply with the requirements in Section 4 of this Order.
4. **Businesses.** All businesses are subject to the following requirements:
- a. Limit capacity to 50% of approved capacity levels.
  - b. Develop and implement a written hygiene policy and procedure that includes:

- i. Ensuring employees who have a fever or other symptoms of COVID-19 will not be allowed to work.
  - ii. Establishing hand-washing expectations and ensuring supplies are available to employees.
  - iii. Describing proper cough and sneeze etiquette.
- c. Develop and implement a written cleaning policy and procedure that includes:
  - i. Guidelines for cleaning and disinfecting frequently touched surfaces multiple times a day.
  - ii. Guidelines for frequently wiping down any shared equipment, such as work spaces, credit card machines, lunchroom items, carts, and baskets.
  - iii. Guidelines for cleaning common areas and equipment between use or shift changes.
  - iv. Protocols for cleaning and disinfecting in the event of a positive COVID-19 case on site.
- d. Develop and implement a written protective measure policy and procedure that includes:
  - i. Ensuring individuals are at least six (6) feet from others whenever possible.
  - ii. Ensuring employees are provided with and wear face coverings when unable to maintain at least six (6) feet of distance from others. If a partition or barrier is in place, a face covering is recommended, but not required.
- e. Document staff receipt, acknowledgement, or training on the policies in Sections 4b.-4.d.
- f. **Limit staff and customers in offices, facilities, and stores.** All businesses should, to the greatest extent possible, facilitate remote work and other measures that limit the number of individuals present at an office, facility, or store. Businesses to the greatest extent feasible should:

- i. Offer online or virtual services, including for, meeting with clients, providing counsel, or other professional services.
- ii. Hold meetings and collaborate online or by phone.
- iii. Alternate work teams or stagger shifts.

**g. Safe business requirements when remote work is not possible.** All businesses are required to take the following measures to limit exposure to COVID-19 to staff, customers, and the public when remote work is not possible:

- i. Where possible, offer curbside pick-up, curbside drop-off, and delivery of goods and services.
- ii. Where possible, offer online or phone payments, appointments, and reservations.
- iii. Door-to-door solicitation is allowed with physical distancing.
- iv. Ensure spacing of chairs in waiting rooms to ensure physical distancing is maintained between individuals.

**h.** Meetings, trainings, and conferences are considered Mass Gatherings and must comply with Section 2.

- i. Adhere to PHMDC requirements and strongly consider implementing the PHMDC recommendations and guidelines.
- j. Businesses must establish lines outside to regulate entry, with markings indicating where customers should stand to remain six (6) feet apart from one another while waiting to enter. Businesses should also offer 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 stores.

**5. Industry-specific requirements.** In addition to complying with Section 4, the following businesses have additional requirements:

- a. Stores that sell food or groceries,** including grocery stores, bakeries, farm and produce stands, supermarkets, food banks and food pantries, convenience stores, and other establishments engaged in the retail sale

of groceries, prepared food, alcoholic and non-alcoholic beverages. Such establishments shall:

- i. Encourage pickup and delivery options.
- ii. Prohibit customer self-dispensing of bulk food items and condiments. Beverage stations are exempt from this requirement.
- iii. Except for produce areas, cease any customer self-service operations of all unpackaged food, such as salad bars, and buffets.
- iv. Indoor dine-in capacity to 50% of approved seating capacity levels. Space tables at least six (6) feet apart. Limit each table to a customers who are members of the same household or living unit.
- v. Outdoor seating is allowed. Space tables at least six (6) feet apart. Limit each table to a customers who are members of the same household or living unit.
- vi. Sampling of food is prohibited.

**b. Restaurants and bars. Restaurants and bars shall:**

- i. Encourage pick-up and delivery options.
- ii. Cease any customer self-service operations of all unpackaged food, such as salad bars and buffets. Beverage stations are exempt from this requirement.
- iii. Prohibit customer self-dispensing of condiments.
- iv. Indoor dine-in capacity to 50% of approved seating capacity levels. Space tables at least six (6) feet apart. Limit each table to a customers who are members of the same household or living unit.
- v. Outdoor seating is allowed. Space tables at least six (6) feet apart. Limit each table to a customers who are members of the same household or living unit.
- vi. At bar areas, maintain at least six (6) feet between each stool for customers that are not members of the same household or living unit.
- vii. When customers are not seated, physical distancing must be maintained between customers who are not part of the same household or living unit.
- viii. Sampling of food is prohibited.

**c. Retail stores. Retail stores shall:**

- i. Limit the number of individuals in the business (excluding employees) up to 50% of approved capacity levels.







- associates for proper handling of linens and cleaning/disinfecting supplies and provide appropriate personal protective equipment.
    - iii. Follow all requirements in Section 5 of this Order.
  - h. **Drive-in Activities.** Drive-in movie theaters and other drive-in activities may occur, with the following restrictions:
    - i. Drive-in activities may not offer outdoor seating.
    - ii. Individuals may leave their vehicles to purchase or pick up food or drink or to use the restroom. Individuals must remain in their vehicles at all other times.
    - iii. Any food or drink sales must comply with Sections 5.b.i, ii., iii, and viii.
    - iv. Food may be delivered to individuals patrons waiting in their vehicles.
    - v. To the extent possible, reservations and payments should be made in advance online or over the phone.
    - vi. Drive-in activities are exempt from Section 2.
- 6. **Health care operations, public health operations, human services operations, infrastructure operations, manufacturing and government functions.** These operations, as defined in Emergency Health Order #2, are required to only follow Sections 4.b thru 4.e. and 4.i. and 4.j. of this Order. Long-term care and assisted living facilities must follow all applicable Wisconsin Department of Health Services recommendations, all applicable U.S. Centers for Disease Control and Prevention recommendations, and all applicable Centers for Medicare and Medicaid Services recommendations for prevention of COVID-19 in these facilities.
- 7. **Religious Entities.** Religious entities are entities that are organized and operated for a religious purpose. Examples include, but are not limited to mosques, synagogues, temples, churches and nondenominational ministries. Religious entities shall comply with Section 4 of this Order.
- 8. **Leased Premises.** Landlords or rental property managers may enter leased residential premises and show properties if all individuals are wearing face coverings and maintaining physical distancing.

9. Businesses must follow all regulatory and licensing requirements. If this Order contains provisions that are more restrictive than otherwise permitted in any regulatory or licensing requirement, the provisions of this Order shall control.

#### **ENFORCEMENT AND APPLICABILITY**

10. **Enforcement.** This Order is enforceable by any local law enforcement official. Violation or obstruction of this Order is a violation of Madison Municipal Ordinance Sec. 7.05(6), Dane County Ordinance Sec. 46.40(2) and any subsequent or similar ordinance adopted by a local municipality in conformity therein.
11. **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.
12. **Duration.** This Order shall become effective Monday, June 15 at 8:00 a.m. This Order shall remain in effect until PHMDC determines that the criteria to implement Phase Three has been achieved.

IT IS SO ORDERED.



Janel Heinrich  
Health Officer, Public Health Madison & Dane County