

JUL 16 2020

GALE A. NEULIEB  
CITY CLERK  
CITY OF MICHIGAN CITYEXECUTIVE ORDER: 08-2020**DECLARATION OF A PUBLIC HEALTH EMERGENCY DUE TO THE  
CORONAVIRUS PANDEMIC & ORDERING THE TEMPORARY CLOSURE OF  
WASHINGTON PARK**

**WHEREAS**, on March 6, 2020, by virtue of Executive Order No. 20-02<sup>1</sup>, Indiana Governor Eric Holcomb first declared the coronavirus (COVID-19) outbreak a statewide public health disaster emergency; and

**WHEREAS**, on March 11, 2020, the World Health Organization declared COVID-19 to be a global pandemic, and on March 13, 2020 the President of the United States declared a national emergency with respect to COVID-19; and

**WHEREAS**, to reduce and slow the spread of COVID-19, the Centers for Disease Control and Prevention (CDC) and Indiana State Department of Health (ISDH) recommended implementation of mitigation strategies to contain the virus including limitations on large gatherings and social distancing measures; and

**WHEREAS**, on April 7, 2020, by virtue of Executive Order No. 04-2020, I first declared a public health emergency because of COVID-19 and implemented public health and safety measures, which included the temporary closure of Washington Park; and

**WHEREAS**, as of July 14, 2020<sup>2</sup>, the Indiana Health Department reported that there were 53,370 positive cases of COVID-19 and 2,592 deaths resulting from COVID-19 in the State of Indiana, and in particular, LaPorte County had a total of 648 positive cases of COVID-19 and 28 deaths resulting from COVID-19; and

**WHEREAS**, the statistical data on LaPorte County, as provided by the Indiana Health Department, is still showing an increase in the number of COVID-19 cases; and

**WHEREAS**, in addition to the growing COVID-19 cases in LaPorte County, and on a national level, numerous states across the U.S. are reporting record number of outbreaks of the virus; and

**WHEREAS**, despite the increase in COVID-19 cases in our county, state, and throughout the nation, Michigan City's Washington Park has experienced unusually large attendance levels, which include numerous out-of-county visitors and out-of-state visitors, over the recent weeks causing difficulty for patrons to comply with COVID-19 social distancing requirements and CDC guidelines; and

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<sup>1</sup> Governor Holcomb has issued numerous executive orders since Executive Order No. 20-02 extending the statewide public health disaster emergency. Yesterday, during his press conference, Governor Holcomb advised that he was going to again extend his prior Executive Orders (see Governor Holcomb's Executive Order No. 20-35 and No. 20-34, which are the most recent orders as of the issuance of this Executive Order).

<sup>2</sup> When I issued Executive Order No. 04-2020, on April 7, 2020, the Indiana Health Department reported that there were 5,507 positive cases of COVID-19 and 173 deaths resulting from COVID-19 in the State of Indiana, and in particular, LaPorte County, Indiana had 25 positive cases of COVID-19 and 3 deaths resulting from COVID-19

**WHEREAS**, Chicago Mayor, Lori Lightfoot, ordered the closure of all Chicago beaches and to date has not reopened the beaches due to COVID-19; and

**WHEREAS**, in addition, the Mayor of Whiting, Indiana recently closed Whihala Beach due to public safety concerns because of the unusually large crowds also exceeding normal summer attendance; and

**WHEREAS**, in an effort to try to combat COVID-19, at last night LaPorte County Commissioner's meeting, the LaPorte County Health Department issued a Public Health Order mandating facial coverings in LaPorte County as follows:

**"A. Face Covering Mandate**

Every individual must properly wear a face covering over their nose and mouth when they are at:

1. An indoor area open to the public, including public transportation;
2. An outdoor public area where a distance of 6 feet from individuals outside of their household cannot be maintained; or
3. A private indoor or outdoor area where a distance of 6 feet from individuals outside of their household cannot be maintained....," and

**WHEREAS**, it is anticipated that weather temperatures will again exceed 90 degrees this week and the heat index may exceed 100 degrees by this weekend; and

**WHEREAS**, given the extreme heat temperatures, compliance with the LaPorte County Health Department mask mandate orders would be difficult, if not impossible to achieve, while patrons are sunbathing, swimming on the lakefront, and engaging in outdoor activities; and

**WHEREAS**, because of the unprecedented large numbers of visitors to Washington Park, social distancing, compliance with CDC guidelines, and compliance with the mask mandate from the LaPorte County Health Department cannot be effectively maintained to prevent the spread of COVID-19; and

**WHEREAS**, pursuant to I.C. § 36-4-5-2, I, as the Mayor of Michigan City, Indiana, serve as the Executive of the City; 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; and

**WHEREAS**, pursuant to I.C. § 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

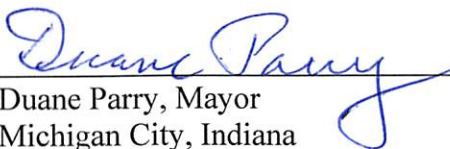
**WHEREAS**, in addition to I.C. § 10-14-3-29, Michigan City Municipal Code Sec. 34-1 provides the Mayor with the ability to declare an emergency; and

**WHEREAS**, in an effort to attempt to flatten the curve, slow the spread, and/or stop the spread of COVID-19 in our community, it is in the best interest of the public and our residents that I declare an emergency in our community caused by COVID-19 and order the temporary closure of Washington Park, the Senior Center, Fedder's Alley, the Zoo, and all parking areas within said vicinities, with the exception of weddings previously scheduled with the Michigan City Park Department.

**NOW, THEREFORE, BE IT ORDAINED, I, Duane Parry, Mayor of Michigan City, Indiana, do hereby issue the following Executive Order:**

1. The local disaster emergency in the City of Michigan City, Indiana shall be effective at 12:01 a.m. CST on Friday, July 17, 2020. This emergency is attributable to the coronavirus (COVID-19) pandemic.
2. This declaration shall continue through 11:59 p.m. on July 23, 2020, unless the Common Council consents to an extension. Should the Common Council decline to extend, this declaration will expire at 11:59 p.m. on July 23, 2020, unless the Michigan City Park Department orders the closure of any facilities and property under its' jurisdiction.
3. With the exception of weddings previously scheduled with the Michigan City Park Department, I hereby order the temporary closure of Washington Park, which shall include but not be limited to the Senior Center, Fedder's Alley, the Zoo, and all parking areas within said vicinities. The closure of Washington Park shall include the closure of the beachfront from Washington Park through Stop 13. There shall be no traffic, (vehicular, pedestrian, motorcyclist, and bicyclist traffic, or otherwise) through Washington Park and the closed parking facilities.
4. Violations of this emergency order are punishable under I.C. § 10-14-3-24 and I.C. § 10-14-3-34.
5. I have considered the scope of my authority under Indiana state law and City of Michigan City Sec. 34-1, *et seq.*, social and economic impacts, anticipated effectiveness, and current epidemiology of this pandemic.
6. This Order will be filed with the City Clerk of the City of Michigan City in conformity with I.C. § 10-14-3-29(a).

Dated this 16<sup>th</sup> day of July, 2020.

  
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Duane Parry, Mayor  
Michigan City, Indiana