

CITY OF OMAHA

COVID-19 Prevention Order – Mask Requirement

Issued by City Health Director Dr. Lindsay Huse

WHEREAS, pursuant to City of Omaha Municipal Code §12-1, the Director of the Douglas County Health Department acts as the Health Director for the City of Omaha (“Director”) and the Director has such powers as are detailed in Chapter 12 of the Omaha Municipal Code; and,

WHEREAS, the Novel Coronavirus (COVID-19) and its variants have impacted and continue to dramatically impact the citizens of the City of Omaha, Nebraska, and under Omaha Municipal Code §12-21, the Director is obligated to take all measures necessary to prevent the introduction of malignant, contagious, and infectious diseases within the City of Omaha; and,

WHEREAS, pursuant to Omaha Municipal Code §12-22, the Director has responsibility to generally oversee and to promote the health of the City of Omaha and its citizens; and,

WHEREAS, pursuant to Omaha Municipal Code §12-24, Director has the authority to issue orders, regulations, and instructions when Director feels the City is afflicted or threatened with an epidemic of contagious or infectious diseases and when such orders, regulations, and instructions would be effective in the prevention, removal, or limiting of such disease; and,

WHEREAS, pursuant to Omaha Municipal Code §12-24, any such order, regulation, or instruction that is entered by Director remains in full force and effect until revoked by the Director; and,

WHEREAS, having reviewed information from the U.S. Department of Health and Human Services Centers for Disease Control and Prevention (“CDC”), World Health Organization (“WHO”), local public health departments, treating healthcare providers, and healthcare facilities, and other public health, security, and law enforcement authorities; having consulted with medical and communicable disease control personnel of the Douglas County Health Department; and having considered directives and guidelines issued by the CDC and other public health authorities, Director finds and orders as follows:

- 1.) Information from the WHO, the CDC, the Douglas County Health Department, local public health departments throughout Nebraska, and members of the City of Omaha and Douglas County medical community indicates that citizens of the City of Omaha have been and will continue to be exposed due to community transmissions of COVID-19.
- 2.) That exposure to COVID-19 and its Delta and Omicron variants present a risk of death or serious long-term disability; the exposure is widespread and poses significant risk of harm, including death, to people in the general population; there is a particular subset of the population that is more vulnerable to the threat and thus an increased risk; and the threat is from a novel infectious disease.

- 3.) That the imposition of an order and regulation under the authority of Omaha Municipal Code §12-23 and §12-24 is necessary due to the threat posed to members of the public by insuring that continued interaction between individuals is done in a manner to limit the transmission of COVID-19.
- 4.) The manner in which the spread of COVID-19 cases in the City of Omaha has occurred imposes an unacceptable risk to the health, safety, and welfare of the citizens of the City of Omaha and an order is necessary to continue to prevent or limit the transmission of COVID-19.
- 5.) The introduction of the Omicron variant into the City of Omaha has caused unprecedented levels of community spread, positive case counts, and represents both a current and future strain on the medical and hospital systems of the City and their staff.
- 6.) Director Dr. Rochelle Walensky of the CDC as well as the Metro Omaha Medical Society, and contagious disease experts and physicians from the University of Nebraska Medical Center have concluded that the wearing of face coverings by every individual while in public is one of the best methods to slow and stop the spread of COVID-19 and that entry of an order requiring the wearing of masks will be effective against public health threats in the City of Omaha.

THEREFORE, Dr. Lindsay Huse, as the Health Director for the City of Omaha, hereby enters the following Order which will go into effect on January 12, 2022 at 12:01 A.M. and will remain in effect until positive case counts for the City of Omaha are below 200 persons per 100,000 on a seven (7) day total and hospital capacity is maintained at or below 85% for seven (7) consecutive days, unless renewed, extended, or terminated by subsequent order. This Order will be reviewed at minimum every four (4) weeks for a determination of the Director on extension or expiration.

- 1.) Any individual or entity which maintains premises open to the general public, including but not limited to educational institutions, shall require all individuals aged five (5) and older to wear a face covering over their mouth and nose while indoors unless the individual maintains at least six (6) feet of separation at all times from anyone who is not their household member, except face coverings will not be required if the individual:
 - (a) Is seeking federal, state, city, municipal, or county Government services;
 - (b) Is seated at a bar or restaurant to eat or drink, or while immediately consuming food or beverages;
 - (c) Is engaged in exercise;
 - (d) Is engaged in an occupation preventing the wearing of a face covering;
 - (e) Is obtaining a service or purchasing goods or services that require the temporary removal of the face covering;
 - (f) Is providing a speech, lecture, or broadcast, or officiating a religious service, to an audience so long as six (6) feet of distancing from other individuals is maintained;

- (g) Cannot otherwise wear a face covering because of a medical condition, a mental health condition, or a disability that prevents the wearing of a face covering; and/or
- (h) The individual is under two (2) years of age.

2.) This Order shall not apply to courts of law, medical providers, facilities, or pharmacies; public utilities or essential federal, state, county, and city operations; continuity of business operations; logistics/distribution centers; congregate living settings; group homes and residential drug and/or mental health treatment facilities; shelters; airport travel; election offices; polling places on an election day; or to dwelling units. However, these excepted settings shall, to the extent possible, observe physical distancing practices by providing for the maintaining of at least six (6) feet of separation between individuals and all other applicable local, state, and federal guidelines for disease prevention and disinfection of surfaces.

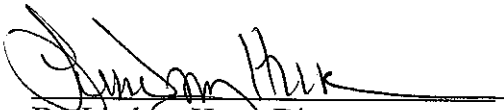
In the event of noncompliance with the terms of this Order, staff from the Douglas County Health Department will aid the Health Director in inspection and enforcement. If compliance cannot be had in this manner, law enforcement will aid the Health Director in enforcement.

Failure to comply with this Order will result in legal action for enforcement by civil and/or criminal remedies.

Pursuant to Omaha Municipal Code § 1-10, any person who is found to have violated any provisions of this Order within the City limits of the City of Omaha shall be guilty of a Misdemeanor for each offense and subjected to a fine of up to \$500.00, or by imprisonment not to exceed six months, or both such fine and imprisonment in the discretion of the court. Each instance of violation of this Order may be considered a separate offense.

In addition to any penalty sought or obtained under this Order or other applicable law, the City Attorney may institute injunctive or other appropriate civil proceedings necessary to obtain compliance or to abate any nuisance rules resulting from violations of this Order/Regulation.

On behalf of the City of Omaha:


Dr. Lindsay Huse, Director

1/11/22
Date