

ORDER OF THE COMMISSIONER OF HEALTH OF THE CITY OF CHICAGO

No. 2020-9

(PHASE III: CAUTIOUSLY REOPEN)

Issued and Effective: June 3, 2020

WHEREAS, The City of Chicago, like cities around the world, has been severely affected by COVID-19, with approximately 45,000 confirmed cases in the City as of early June; and

WHEREAS, At the same time that the City has experienced a major health crisis, the necessary restrictions have also resulted in business closures, which generated a major economic crisis; and

WHEREAS, In Executive Order No. 2020-38 (COVID-19 Executive Order No. 36), filed on May 29, 2020, the Governor of Illinois affirmed that a local government body may enact provisions that are stricter than those in the Executive Order; and

WHEREAS, As the Governor of Illinois has affirmed, each region of the State faces different challenges from the COVID-19 pandemic and accordingly faces different timelines for reopening; and

WHEREAS, The City of Chicago shall not proceed into reopening until the Mayor of the City of Chicago and the Commissioner of Health of the City of Chicago, guided by public health data, are satisfied that such reopening shall be safe; and

WHEREAS, The Municipal Code of Chicago ("Code") authorizes the Commissioner of Health of the City of Chicago to implement emergency measures to stop the spread of communicable diseases, and to protect the health, safety, and welfare of the City's residents, including but not limited to authority granted in Sections 2-112-080, 2-112-160(a)(4), and 2-112-170 of the Code, in addition to 77 Ill. Adm. Code Sections 690.1305(a) and 690.1310(c); now, therefore,

The Commissioner of Health of the City of Chicago hereby orders as follows:

Pursuant to Executive Order No. 2020-38, which allows a local government body to enact stricter provisions where appropriate, this Order identifies those aspects of Chicago's reopening that differ from those of the State of Illinois, as necessitated by an analysis of public health data.

SECTION 1. Definitions. For purposes of this Order, the following definitions apply:

"COVID-19" means coronavirus disease 2019 caused by severe acute respiratory coronavirus 2 (SARS-CoV-2).

"Emergency functions" means any person employed in one of the following areas: first responder, emergency management, emergency dispatcher, judiciary, law enforcement and corrections, hazardous materials, child protection and child welfare, housing and shelter, military, and other governmental employees working for or to support the emergency response. These persons are exempt from this Order, but are encouraged to practice social distancing and take recommended health measures.

"Gathering" means a group of individuals outside a single household who are part of a spontaneous or planned event that are interacting within close proximity of one another for an extended period of time. The Commissioner of Health shall issue guidance establishing the number of individuals who comprise a gathering and the spatial and temporal requirements applicable to such groups, set forth in detail on Attachment A, which shall be updated as appropriate.

"Governmental functions" means any person employed by, or any service on behalf of, the government of the United States, Cook County, the City of Chicago, or any other agency of government needed to ensure the continuing operation of the government agencies or to provide for or support the health, safety, and welfare of the public.

"Handwashing" means the act of thoroughly cleaning one's hands with soap and clean, running water for at least 20 seconds or using an alcohol-based hand sanitizer that contains at least 60 percent alcohol.

"Mask" means a paper, fabric or cloth filter that fully and effectively covers the mouth and nose.

"Self-screening" means a protocol by which an employee answers questions related to COVID-19 symptoms at the start of a work shift.

"Social distancing" means the physical spacing of at least six feet between individuals or gatherings.

SECTION 2. In addition to the health steps required by Executive Order No. 2020-38, individuals must take the following additional public health steps to protect their own and their neighbors' health and lives:

- (a) Individuals must, at all times and as much as reasonably possible, maintain social distancing;
- (b) Any individual who is over age two and able to medically tolerate a mask shall be required to wear a mask when in a public place, unless otherwise provided for in the Phase III: Cautiously Reopen guidelines promulgated by the Office of the Mayor ("Cautiously Reopen Guidelines");
- (c) Individuals must otherwise avoid any gathering, unless exempted by this Order;
- (d) Individuals with a high risk of severe illness from COVID-19, including people who are elderly and those with a health condition that increases risk of such illness, are urged to stay in their residence and minimize in-person contact with others to the extent possible; and
- (e) Individuals must stay home when demonstrating symptoms of or experiencing COVID-19 illness, pursuant to Order No. 2020-01.

SECTION 3. For purposes of this Order, businesses covered by this Order include any for-profit, non-profit, or educational entity, regardless of the nature of the service, the function it performs, or its corporate or entity structure.

(a) In addition to the health steps required by Executive Order No. 2020-38, businesses must take the following additional public health measures to protect their employees, their customers, and all others who come into physical contact with their operations:

- (1) Maintain social distancing on the premises;
- (2) Observe the gathering restrictions of Section 2;
- (3) Ensure that every employee who interacts with customers and is able to medically tolerate a mask is wearing a mask for the duration of a shift;
- (4) Provide supplies and accommodations that allow employees to follow handwashing and other sanitation procedures and require employees to follow such procedures at reasonably regular intervals;
- (5) Request that employees undergo self-screening for COVID-19 symptoms in a manner prescribed by the Commissioner of Health for each day the employee reports to the workplace at the start of every work shift, as set forth in detail on Attachment A;
- (6) In businesses requiring a maximum capacity sign under Chapter 14A-8 of the Code, the owner or owner's designated agent shall limit the total number of people allowed on the premises to the number or capacity percentage set by the Cautiously Reopen Guidelines;

(b) In addition to the health steps required by Executive Order No. 2020-38, every business shall review and, to the extent possible, adopt the Cautiously Reopen Guidelines. The following restrictions are required of all businesses:

- (1) No establishment whose sole business is the sale of liquor for on-premises consumption may reopen for on-premises consumption during this Order. Only "consumption on premises-incidental activity" and "tavern" liquor licensees who hold valid retail food licenses can open to allow consumption of liquor on premises; and
- (2) Any retail establishment that was not previously deemed an Essential Business and Operation under Order No. 2020-03 (Second Amended and Reissued) may only reopen at 25 percent capacity, as such capacity may be measured by Chapter 14A-8.

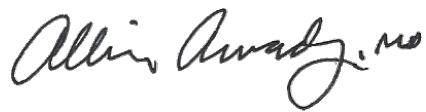
SECTION 4. This order exempts emergency functions and governmental functions.

SECTION 5. As set forth in detail on Attachment B hereto: (i) all Chicago parks, beaches, walking, running and cycling paths, trails and other recreational facilities on and adjacent to the Lakefront, including those on the west side of Lakeshore Drive, and (ii) the Chicago Riverwalk and the Bloomingdale Trail, remain closed. No person shall be present at any time on any property described in this Section 5 or Attachment B, except for: (i) emergency access by first responders, and (ii) Essential Travel, as defined in Section 2 of Order No. 2020-03 (Second Amended and Reissued), on any public way intended for motor vehicles that runs through or abuts such property.

SECTION 6. In addition to any other penalty provided by law, any person who violates this Order shall be subject to arrest, and to the fines set forth in Section 2-112-340 of the Code.

SECTION 7. This Order shall remain in effect until the Commissioner of Health makes a written determination that the threat to public health posed by COVID-19 has diminished to the point that this Order can be safely repealed.

SECTION 8. If any provision of this Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Order are declared to be severable. This Order is meant to be read consistently with any Court order regarding this Order.

A handwritten signature in black ink, appearing to read "Allison Arwady, M.D."

Allison Arwady, M.D.,
Commissioner of Health of the City of Chicago

Dated: June 3, 2020

Attachment "A"
June 3, 2020 version

For purposes of this Order, "gathering" means a group of *ten or more* people interacting *within six feet* of other people in that group for *more than ten minutes*.

For purposes of this Order, an employer may ask employees the following questions to serve as a self-screening protocol:

- (1) *Have you had a body temperature over 100 degrees Fahrenheit or have you used a fever reducer in the previous 24 hours to treat a body temperature over 100 degrees Fahrenheit?*
- (2) *Do you have a new cough that you cannot attribute to another health condition?*
- (3) *Do you have a new sore throat that you cannot attribute to another health condition?*
- (4) *Do you have new shortness of breath that you cannot attribute to another health condition?*

Attachment "B"

Juneway Terrace, Rogers Beach, Howard Beach, Fargo, Griffin, Leone, Loyola, Prinz, Doria, North Shore, Hartigan, Berger, Park 559, Lane, Lincoln, Lake Shore, Harold Washington, Addams, Olive, DuSable, Millennium, Grant, Northerly Island/Museum Campus, Burnham, Jackson, Midway Plaisance, Washington, South Shore, Ashe, Rainbow Beach Park 566, Steelworkers, Calumet, Bloomingdale Trail, Riverwalk.